

Liberty

January 1994

Vol. 7, No. 2

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How Clinton's
Plan Will Ruin
Your Health

First They Came for the Fascists . . .

Attorney *Gerry Spence* tells why he defended white separatist *Randy Weaver* against the charge of murdering federal agents.

Freedom at Midnight in Moscow

by Ross Overbeek

Feminists Against Choice

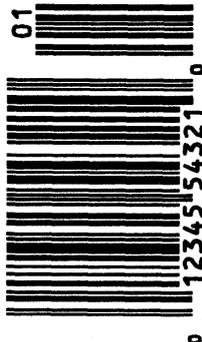
by Wendy McElroy

My Dinner with Slick Willie

by Douglas Casey

Also: *Jesse Walker* dissects right-wing welfarists; *Scott Reid* forecasts the collapse of Canada; *Clark Stooksbury* contrasts cowboys and gun control; plus other Articles, Reviews, and Humor.

"Give me again my hollow tree, a crust of bread and Liberty!" —Alexander Pope



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The initial mintage of the 1964 Kennedy half dollar was quite large, but in the silver boom of 1980, many of these high purity silver coins were melted. No one knows exactly how many 1964 Kennedy half dollars were melted down, but some experts estimate that millions were melted for their silver value.

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R. W. Bradford
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Stephen Cox
Karl Hess

John Hospers
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senior editors

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contributing editors

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assistant editor

Kathleen Bradford
copy editor

Clark Stooksbury
editorial assistant

John Bergstrom
James Gill
Rex F. May
cartoonists

Timothy Virkkala
assistant publisher

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Letters

You Grow Up, Robert

What is happening to an otherwise intelligent publication? Robert Tinney ("Putting Away Childish Things," October 1993) doesn't have to embrace my Christian beliefs. However, I don't expect to have them ridiculed in a forum that I've generally considered to be one of the final bastions of right thinking.

And what is this business printing the likes of "the f--king IRS"? If you want to be that cut above, then maintain at least normal literary standards. There is still room for decency and the notion of polite company among thinking people.

As an anti-abortion Christian individual — a "child of God," if you must — I already feel under enough attack from the present power clique. Would the Libertarians also crucify me if given the chance? I'd like to ask Mr Tinney to grow up a bit himself. His points could be properly made without stooping to the same level of the non-thinkers that presently rule the world.

Dale H. Howard
Westminster, Md.

Author of Liberty

Robert Tinney places all who think of themselves as "children of God" on the lower end of his growth-spectrum chart. Goodness, Robert! Didn't you know that "God" is another name for the inventor of freedom, that the word "God" derives from the Anglo-Saxon "good," and that God is the proto-libertarian?

Sure, loads of people don't understand this and use religion to oppress others — often quite unintentionally. They need enlightenment, not condemnation. Everyone is capable of learning, given good teachers.

Libertarianism is about individual rights. If individual rights do not come from an unimpeachable authority, then any government can feel free to trash every last freedom of every one of us.

Letters Policy

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

"God" is simply the name we give to this unimpeachable authority. If some people mistakenly think of God as Santa Claus or as a tyrant with a long whip, don't be angry with them. Weep for them. They're missing out.

Joanna Parker
Ocean Shores, Wash.

The Party's Line

Chester Alan Arthur's article about the Libertarian Party national convention in Salt Lake City ("The Oldest Established Permanent Floating Anarchy in Salt Lake," October 1993) contained a few errors I would like to correct.

The LP National Committee adopted a resolution calling for abolishing its membership pledge and current platform at its December 1992 meeting in Las Vegas — not in Atlanta, as Mr Arthur states.

Mr Arthur's description of Bill Evers as leader of the pro-pledge, pro-platform forces before and during the convention is almost completely inaccurate. It was Steve Alexander who was the leader of this group, not Mr Evers.

Mr Arthur portrays LP leaders as worried during the vote count that Natalie Lloyd would be elected national chair. He is mistaken about what those leaders' actual views and statements were at the time.

Karen Allard
Tacoma, Wash.

Arthur replies: Thanks for correcting my error regarding the location of the December 1992 NatCom meeting. My characterization of Williamson Evers as leader of the "faction" that supported the oath and platform came from reliable sources within the pro-oath, pro-platform campaign, my own observations of Mr Evers' behavior during the convention, and his conversations with me. Given his preference for working behind the scenes, he was not, of course, head of the formal "group." My reporting of the worries of Mr Evers and other party leaders that 14-year-old Natalie Lloyd might be elected party chairperson came from my direct observation of Mr Evers and the other leaders; unless they engaged in an elaborate charade designed to fool me, my report is accurate.

Self-Abusing Libertarian Adolescents

As an LP-oath refusenik who long ago realized the LP was trapped in ado-

lescence, I found it fitting to read that an adolescent almost became party chair. Walter Williams noted the LP's immaturity when he told the LP convention, a few years back, that he would not run on the LP ticket unless the party stopped masturbating in public.

The LP's juvenile traits include an insolent groupthink conformity intolerant of dissent; an initiatory ritual to prove oneself hipper-than-thou; an uncompromising, one-size-fits-all solution to each and every complex problem of the human condition; and the if-it-feels-good-say-it self-indulgence that denies responsibility beyond the self.

Symptomatic of the LP's problems is the simplistic, insulting oath — in reality, an anti-takeover shark repellent. The oath institutionalizes ideological intolerance. It legitimizes the "gospel gestapo" to pursue the perpetual purification inquisition. It works to minimize membership, cartelize debate, and marginalize influence. It is an internal contradiction casting a split personality — coercing members who join a party dedicated to creating a non-coercive society.

At the great worldwide historical cataclysm of imploding socialism, when domestically an eccentric billionaire can garner millions of votes as nothing more than a protest vehicle against corrupt Washingtonian rule, the LP shrivels. Even being on the winning side of history cannot overcome puerility.

James A. Winter
Waterville, Ohio

The Ill-Tempered Sowell

Dan Riga certainly got it right in "The Well-Tempered Libertarian" (October 1993). May I add an example of libertarian intolerance? I think Dr Thomas Sowell is just terrible in his intolerance of statist. His "Observations" column in *Forbes* is chock full of intellectual elitism. It is sad because Sowell used to be a Marxist. He should have more understanding. Not everyone is born a libertarian!

David Herman
Old Bethpage, N.Y.

Bradford and the Beast

R.W. Bradford's response ("There's No Kill Like Overkill") to Prof. Lomasky's article ("In 'Defense' of Janet Reno," August 1993) about the Waco slaughter was one of his best. It should be mentioned that the primary reason for the original assault was to intimidate the rest of us with a demonstration of the government's willingness to use massive force against

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Reflections

Northern explosion — I've never much admired Canada, but I do like the idea of a political system that allows the voters virtually to eliminate the governing party in one fell swoop. Two such elections would solve a lot of *my* country's problems. —DB

Catch-22 — U.S. Troops can't leave Somalia, because that would "destroy our credibility as a superpower." But we couldn't land troops in Haiti because a few people were standing on the beach with weapons saying they didn't want us there. Anyone who can satisfactorily explain this should get Gergen's job. —CS

A real tax reform — The recent Clinton tax increases were made effective retroactive to the beginning of the year, touching off protests that such *ex post facto* taxation is unfair, unconstitutional, or both. I disagree. In fact, I believe that it would be good public policy to *require* that all tax increases be made retroactive.

Not for normal people, though. Be you a wage-slave or a filthy-rich capitalist pig, it's only fair that the taxes you pay on any given activity be the taxes in effect when you engaged in the act. But there is one class of people who have an unfair advantage over both wage-slaves and capitalist pigs. I refer, of course, to politicians. For politicians are in a position to know in advance that a tax increase is coming, and are therefore in a position to shift taxable income from the future to the present.

Consider the case of Hillary Rodham Clinton. As soon as her hubby was elected, she shifted her law practice income from 1993 (when the marginal federal income tax rate would be 39.6%) into 1992 (when the marginal rate was only 31%). Further, she elected to take substantial income in 1992 that she knew would disappear in 1993. I refer here to her sale of her health care stocks, whose value has plummeted under her own onslaught against the medical care industry.

Clearly, because of her position as quasi-president, Ms Rodham Clinton had an unfair advantage over us. Every member of the administration and Congress, as well as their staff and family, shares this advantage. They plainly have a privilege denied to ordinary citizens.

To remedy this inequity, I propose the following constitutional amendment:

Sec 1. Any tax increase enacted during the term of office of any president or member of Congress shall apply retroactively to himself or herself, any member of his or her staff, or any government official or employee whom he or she appoints, for a period equal to the term of office of the president or member of Congress.

Sec 2. Section 1 shall not apply to any president, member of his or her staff, or any government official whom he or she appoints if the president vetoes the tax increase in question.

Sec. 3. Section 1 shall not apply to any member of Congress, member of his or her staff, or any government official whom he or she appoints if the member of Congress votes against the tax increase in question.

Sec. 4. There shall be no other exceptions to Section 1. None. Not even one.

I am sure there are those who will say that the president might have to raise taxes against his will, or against the will of some members of his staff, or that a Congress might enact taxes against their will. It seems to me, however, that this is a small price to pay for service to one's country. —RWB

Educated hypothesis — Joycelyn Elders is at it again. She told a congressional hearing on youth violence that "it is often easier for our children to obtain a gun than it is to find . . . a good school." Maybe that's because guns are sold for a profit, while schools are provided by the government. —DB

Denny's disease — First came the insanity defense: you could kill someone and get out of jail free if you could prove yourself not guilty "for reasons of insanity." Now Damian Williams and his cohorts can almost kill a man — truck driver Reginald Denny — and escape felony charges because they were simply following "mob psychology." That is to say, they have been found not guilty for reasons of *everyone else's* insanity. As Paul Robinson wrote in *The Wall Street Journal*, "Rioting used to be an offense. Now it's a defense."

Some feminists blame pornography for rape, and wish to see this dubious causal principle set into law. I wonder how many of them have thought out the likely consequences of such legislation. One day, if Catharine MacKinnon and Andrea Dworkin get their way, a rapist will admit his crime but be released nonetheless, pronounced not guilty "for reasons of pornography." And, as Hugh Hefner is dragged from his home and put in irons, a gang of female rioters will assault and nearly kill someone. With any luck, it will be a psychobabbling legal theorist, and not an innocent male truck driver. —JW

Rambo altruism — Philip Johnson, executive director of Project CARE in Somalia, has come out in favor of U.S. intervention, including assassination. "Remove [Aidid] from the country or neutralize him in the country, but get him out of there," Johnson said on *Nightline*. "The humanitarian program will go ahead as soon as this glitch is out of the way. It has to be removed." Instead of sending out the Rangers to kill this "glitch," perhaps our military can arm Project CARE workers and see if Johnson's bite is as big as his bark. —JSR

Public Choice, 301 — I used to think of Yassir Arafat merely as a terrorist, though perhaps in a not-completely-unjust cause. Now he can be seen for what he is: a brilliant politician. Ever since Arafat sided with Saddam

Hussein during the allied war against Iraq, he and his Palestinian Liberation Organization have been on hard times. Facing world opprobrium, his leadership became increasingly precarious, and the preeminence of the PLO in Palestinian affairs began rapidly to sink. So what does Arafat do? He signs a treaty with Israel that places the PLO as the official political organization of the Palestinian peoples, with himself as head. In effect, he got the Israeli government, his sworn enemy for thirty-some-odd years, to secure his job!

Well, it sure beats running for office.

—TWW

The butcher from Independence — Recently declassified World War II diplomatic communiqués indicate that three months before the United States dropped atomic bombs on Hiroshima and Nagasaki, the U.S. government knew that top Japanese commanders were willing to surrender. According to an intercepted report from a German diplomat who had spoken on May 5, 1945, with a ranking Japanese naval officer, "Since the situation is clearly recognized to be hopeless, large sections of the Japanese armed forces would not regard with disfavor an American request for capitulation even if the terms were hard." But Truman went and dropped his load anyway.

—SR

Is nothing sacred? — Say a prayer for Iowa City. This Halloween, the politically correct sensitivity-mavens spirited its children away.

The Iowa City Community District Equity/Affirmative Action Advisory Committee, which probably has more words in its name than actual members, sent a letter to public-school parents this year, asking them to have their children avoid certain costumes this Halloween. Don't be a Gypsy or an American Indian — that's insensitive to members of those ethnic groups. Don't be a hobo — that's insensitive to homeless people. Don't be an old man or woman, or a "differently abled person," or a witch. Hold on — why not a witch?

"Many of the younger children are frightened by witches," an administrator explained. (Frightened! On Halloween!) Plus, another added, witch costumes have "religious connotations."

Goddess forbid. Well, let's not wear any witch costumes this Halloween. And don't sing any songs about Jesus this Christmas, either. And when Passover rolls around, skip the ceremonies and stick to the food.

Yes, you say, this is all very stupid, but it isn't doing any actual *harm* — right? Alas, no. Listen to the testimony of nine-year-old Chandra Wolfe: "I was going to be a Gypsy," she says, "but I changed my mind because of the letter. Now I'm going to be a cheerleader."

A *cheerleader*! Is this where P.C. leads? Someone is devouring your children's souls this Halloween, Mr and Mrs Iowa City, and it ain't witches.

—JW

How you gonna come? — The latest Bright Idea in the war on crime issues from the dome of New Jersey Senator Bill Bradley, once described to me by a Democratic Finance Committee staffer as "the dumbest Rhodes Scholar in history." Bradley

cultivates a reputation as one of the chamber's intellects by reading ghost-written speeches on recondite subjects (international finance, the tax code) in a halting, hesitant voice, rather like Daryl Hannah or Justine Bateman discoursing on, you know, the ozone and all that.

The senator wants to raise the annual fee for a federal firearms dealer's license to an astronomical \$3,500. This would force out of business tens of thousands of honest and decent men and women, but no matter: Bradley and the Beltway gun controllers, who know Middle America only through movies and television, have seen *Falling Down* and they're going to put an end to *that*.

The prohibitionists detest an America they do not understand, and they deal in cant. Most live in cities or suburbs and consume what they believe is the nutritious commodity "culture." Their greatest fear is that on the way home from, say, *M. Butterfly* or *Short Cuts*, a young black man wielding a handgun will rob or kill them. This is not unreasonable, but it gnaws at the Corporate Liberal: "am I a racist?" he wonders, and before he can answer he has created an entirely new — and white! — villain: the National Rifle Association.

The NRA is the only organization in Washington that speaks for working and rural Americans. Its members are law-abiding folk who commit a negligible percentage of the nation's violent crimes. They believe in the second amendment and the old verities, which makes them dangerous to the likes of Clinton and Kemp and Bennett and Bush and Bradley and the other hall monitors of the American Empire.

The Clash once asked:

When they kick at your front door
How you gonna come?
With your hands on your head
Or on the trigger of your gun?

The NRA knows.

—BK

Mother Superior jumped the gun — The feminist Left doesn't know quite how to handle the National Rifle Association's recent series of woman-oriented ads. On the one hand, the progressively correct's favorite organizational whipping-boy is sounding most of the right notes. The ad's theme is "Refuse to Be a Victim." Women are told they live in a dangerous world ("He's followed you for two weeks, he'll rape you in two minutes") and have every right to defend themselves. In the words of an NRA spokeswoman, "This provides women with empowerment. They can take their lives into their own hands."

Leaving aside the reflexive hostility most leftists feel toward the NRA, the campaign promotes the idea of actual individual women protecting their lives; which means, protecting their right to get on with their careers, lifestyles, choices, values. It invokes liberty, not "liberation." No particular view of women, let alone Woman, is postulated. The assumption, rather, is that women have the same rights as men, though they may have some special needs and circumstances that render protection more urgent, more difficult, or perhaps merely different.

Liberty's Editors Reflect

CAA	Chester Alan Arthur
DB	David Boaz
RWB	R.W. Bradford
DC	Douglas Casey
SC	Stephen Cox
BD	Brian Doherty
BK	Bill Kauffman
WPM	William P. Moulton
RR	Ralph Raico
SR	Sheldon Richman
JSR	James S. Robbins
JSS	Jane S. Shaw
SS	Sandy Shaw
CS	Clark Stooksbury
TWW	Timothy Virkkala
JW	Jesse Walker

So what has been the feminist mainstream's ultimate reaction to all this? Relentless opposition. Proclamations, joint statements, and fiery columns, all bristling with non-sequiturs. "The NRA is trying to exploit tragedies by saying . . . guns will protect women. In fact, guns are killing women," thunders Rosa DeLauro (D-Conn.). "These ads are exploiting fear to sell a product," her colleague from Pennsylvania concurs. (The same thing could be said of ads for medical insurance, condoms, or extra-grip tires. Or feminist activists' direct-mail efforts, for that matter.)

Think about the attitude underlying the attacks on the NRA's campaign. The correct response of women to a hostile world is, apparently, supposed to be one of innocence and passivity. In the words of District of Columbia official Eleanor Holmes Norton, "Women are virgins when it comes to guns. The safest course is to remain that way."

What is going on here? Whatever it is, it's ugly. I hereby set forth a hypothesis — fully understanding that not every feminist thinks this way — to explain this reaction: The feminist movement is part of a larger "progressive" coalition, with which it shares a broad (yuk, yuk) agenda. This agenda involves, *inter alia*, a massive transfer of power to the political classes, a process which in turn depends largely on fostering a cult of victimization among its constituencies. To be successful, this strategy requires an amorphous, silent, collective mass, whose members place their trust in a leadership cadre which represents and speaks for them. It requires, in addition, that the members hew to a correct political line, vote as ordered, and generally defer to their betters.

Within the context of radical feminism, females who resort to the petty-bourgeois stratagem of individual self-protection are analogous to blacks who succeed on their own merits in the larger society. Each group stands as a subtle rebuke to their supposed leaders. They upset the dialectic in which these leaders say to the system's power-brokers, "Help my people, and they will remain loyal forever."

Worst of all, the very need for "leadership" is called into question. Self-reliant people do not need to be led. Who "leads" Irish-Americans or Middle American WASPs?

Ladies, if you need guns, get 'em. Keep your powder dry, and shoot straight.
—WPM

Why did the skies not darken? —

Secretary of Defense Les Aspin, in an appearance on *Face the Nation*, admitted that U.S. troops should reduce their presence in Somalia — but carefully. "The trick is going to be to be able to withdraw those forces in a way in which at least some security remains behind so that the famine does not return," he said. It's good to know that, on top of everything else, our military is committed to rebuilding Somali weather conditions. Do they do floods too?
—JW

My dinner with Bill — A quarter century has passed since I graduated from Georgetown University, so, naturally, some of my classmates organized a class reunion. One of my fellow students had risen to a position of prominence, and invited the reunion into his spacious home. That student's name is Bill Clinton. The reunion had the highest percentage turnout in Georgetown's history, and was also the largest sit-down dinner in the history of the White

House.

The invitation to the soiree instructed us to R.S.V.P. with our social security numbers. It seems the White House didn't want any of Bill's old classmates around unless they had run security checks on them. Oh well, if you want dinner with Bill, you gotta pay the price.

For entertainment, the program had panel discussions on health care, the economy, foreign relations, and social trends. I sat on the social trends panel and was suitably outrageous, much to the apparent delight of the audience.

It was apparent that, although she made a show of listening, a cold plastic veneer of a smile covering her face, the young velociraptor absolutely knew best and was being polite for the sake of show.

But the health care panel was more interesting to me. Reading *Doonesbury*, I've come to learn that the White House is populated by a bunch of kids in their 20s and early 30s who all want to control the fate of the nation while they grow up. The Billary person on the health care panel was a prim, athletic-looking, short-haired young lady of 27 years, identified as Hillary's chief assistant in this area. She reminded me of nothing so much as a small velociraptor — alert, eyes darting everywhere.

What she said were forgettable party-line generalities. But it was apparent that, although she made a show of listening, a cold plastic veneer of a smile covering her face, the young velociraptor absolutely knew best and was being polite for the sake of show. Scary.

That night, at the White House, I had a photo op with Bill. I offered him a friendly "Hi, Bill, how you doin'?" He responded with a sincere "Hello, Doug, how are you?" I don't recall ever having met him in school, so he must have gotten my name by unobtrusively looking at my nametag. I was impressed.



"I got immunity for testifying against Stalin."

The other entertainment that evening was Chuck Berry. Which meant that another old friend of mine, Bob Baldari, would be at the party. Bob is a civil rights attorney in real life, but he plays keyboards with Chuck whenever he gets the chance. I had learned that Bob was invited a few weeks earlier, when an FBI agent showed up at my house to ask questions about him. The agent was decked out in a bomber jacket and Ray-Bans, just like the G-men in *Midnight Run* — the ones Robert DeNiro asks, "Did your mothers dress you all alike? Fashions by Foster Grant?" It seems Bob once had a problem with the law, something about possessing some of the herb that Bill Clinton smoked but didn't inhale. The FBI guy asked me some questions about Bob, but I wasn't much help to him. There was only one G-Man, and I figured I couldn't be in trouble unless there were at least two of them, and as a matter of principle I don't talk to the authorities about my friends.

Well, Bob was allowed to perform, no thanks to me. It turns out that Chuck Berry threatened to skip the party if he couldn't have his keyboard man there. But they weren't taking any chances: Bob was shadowed by a suit that night, at very close range. Like two feet.

Of course, the place was crawling with grim-looking thugs dressed in cheap suits with bulges under the arms and little earphones sticking out of their heads. Only their dark glasses were missing; I suppose they are dispensable indoors at night. I'm sure they did a good job of keeping the president alive, though they didn't stop any of my classmates from pocketing a bunch of presidential silverware as souvenirs.

Bill gave a short speech, with everyone clapping and cheering uproariously at every opportunity — except the two times Bill made policy references. Then, the applause was subdued and polite. Everyone who knew Bill liked him well enough, but few supported his policies; Georgetown was a politically and socially conservative school in the '60s. It's only natural, though, that everyone felt better about him after the party than they did before. Just being there made you feel like a privileged insider, one of his team. And nobody, including myself, likes to speak ill of someone who's hosted you in his home, even if you're the one who bought it for him. A good time was had by all, perhaps even Hillary, who sat near Bill but was surrounded by three or four pert velociraptors at all times.

The next day, I ran into Tim Chorba, another classmate from Georgetown Class of '68. These days he's a partner with powerful Washington lobbyist/law firm Patton, Boggs & Blow and a real insider in the Clinton administration, so I figured I'd ask him about the cheap-suited guy who stuck to

Bob Baldari like glue during the entire evening. He went into his bureaucratic mumbo-jumbo mode, giving me a lengthy explanation of the importance of protecting the president from people who had actually inhaled and are thereby risks to the Free World.

Then he paused a moment, and looked puzzled. "The way I understood it," he finally said, "there was supposed to be a security guy on you, too." —DC

Role-model — Colin Powell no longer chairs the NSC, so I suppose it won't threaten national security for me to be-smirch his reputation a bit. According to David Corn in the March 8 and October 4 editions of *The Nation*, Powell, while testifying about Iran-contra in 1987, claimed not to know whether Casper Weinberger kept a diary. Last year, once the document was known to exist, Powell delivered a sworn statement in which he described his former boss's diaries "in great detail." It is unusual for recollection to grow *more* clear with time, so, unless the general has been recovering "repressed" memories under hypnosis, he would appear to be a perjurer.

Which makes me wonder why the man is leaving the Clinton administration. In one area at least, he and the president seem to have a lot in common. —JW

Ingrates — A *Washington Post* headline reports: "One City Aide Tries to Meet Needs of District's 15,000 Asians." Actually, tens of thousands of businesspeople and their employees work to "meet the needs" of Asian-Americans in Washington. And really, as we know from Leonard Read's "I, Pencil" and Milton and Rose Friedman's *Free To Choose*, millions of people all over the world, most of whom have never met an Asian-American from Washington, D.C., work to serve their needs through the (seeming) magic of the free market.

As it happens, the "need" referred to in the headline, and the one that the "mayor's assistant on Asian and Pacific Islander affairs" spends most of her time on, is murder. Ten Asian-American shopkeepers have been shot so far in 1993. The mayor might do well to dismiss her ethnic liaison and hire another police officer. Meanwhile, the poor assistant's job is being made more difficult because, she complains, "There is this intense privacy among Asians. They find it natural to accept personal responsibility, so they don't . . . ask for help from my office." Yes, as conservatives and pseudo-libertarians keep reminding us, these foreigners just don't share our values. —DB

Uncivil and illiberal — ACLU Executive Director Ira Glasser just wrote a gloating column in *Civil Liberties*, celebrating the end of the dark ages and the dawn of a new renaissance for civil liberties: the election of Bill Clinton and the end of the Reagan-Bush years. He may be throwing his hat into the air too soon.

Yes, the Reagan-Bush record on personal freedom is not good. Reagan's Drug War was a long catalog of civil wrongs: "zero tolerance," civil forfeiture, mandatory urine testing, cops breaking down doors in the middle of the night. The Supreme Court in the '80s eroded protections of the rights of the accused. There was a misguided campaign against insider trading which amounted to a war against free speech and free association. FCC regulation of "indecentcy" increased, as did



"Do these hallucinations take place at any particular time, or do they gleep schnoodle florb fnord wazzle?"

governmental attacks on porn. And I won't even go into Bush's egregious campaign theme of forcing every school-child in the country to recite a loyalty oath (the Pledge of Allegiance) or his attempt to gut the first amendment in the name of "stopping flag-burning."

But the record is not unmixed. Some good things *did* happen on the civil liberties front during the dark ages. In 1987, the Reagan FCC abolished the odious "Fairness" Doctrine. The Supreme Court unanimously upheld strong protection for satirical speech in the *Falwell v Flynt* case. That same court has upheld first amendment protection for flag burning, despite Bush's hyperventilating rhetoric, and struck down politically correct "hate speech" ordinances. One particularly impressive Supreme Court decision was the *Nollan v California Coastal Commission* case. There, the Court decided that when the California Coastal Commission took a strip of beach-front property from its owner, the fifth amendment's "takings" clause required the state to pay for it.

This precedent may prove very useful in the fight against onerous land-use controls. But the ruling may not be as remarkable as the position the ACLU took. They intervened *on the side of the state*. They wanted to *weaken* the fifth amendment. Which may be why Glasser's so far off target. Rumors of a libertarian renaissance to the side, the Democrats in Congress and the White House are not really any better than the Republicans when it comes to civil liberties. As I write this, Congressional Democrats are preparing to reimpose the Fairness Doctrine, primarily to gag Rush Limbaugh and other conservative radio talk-show hosts. And there's been much huffing and puffing from Senator Paul Simon (D-Ill.) and Congressman Ed Markey (D-Mass.) about the "need" to regulate the content of television, since the people themselves don't have enough sense to decide what they want to watch.

Now Clinton, like Bush before him, wants to go after crime by gutting the Constitution's *habeas corpus* protections. And the administration's outrageous assault on religious freedom and the right to bear arms in Waco has already been well-catalogued in these pages.

And Ira Glasser is happy. Well, I'm in mourning — mourning the glory days of that once-great defender of our civil rights and liberties, the ACLU. —CS

Getting apocalyptic — For some reason, when I try to make sense of the Clinton administration, I reach for my Bible. Indeed, I have even found myself breaking a long-standing habit by turning to the Book of the Revelation.

Confronted with Bill Clinton, most turn to scatology, not eschatology. But remember: scatology may be about scat, but eschatology is the scat that goes down in the future. And with Bill Clinton's statist proposals, we are not only up to our knees in scat, but the scat is pouring down, from Washington. I no longer worry about Gog and Magog, but about all the people agog with the Clintocracy. Though their numbers decrease, still . . . it astounds me that anyone could be dancing in the streets, singing in *this* rain.

But it is Bill Clinton's *character* that sends me to the Revelation. A friend has observed that our last really thorough-going and effective statist president was Lyndon Baines Johnson, and that, whatever else may be said for this particular liar, murderer, and cheat, at least he cut a larger-than-life

figure. But Clinton — well, Clinton just fibs his way through like some pathetic co-dependent to a power-monger. (By the way, is there a twelve-step program for Hillary? Can we send her to it? Would she recognize "a power greater than herself"?)

And so I turn to chapter three, the letter to the church at Laodicea: "I know thy works, that thou art neither cold nor hot; I would that thou wert cold or hot. So, then, because thou art lukewarm, and neither cold nor hot, I will spew thee out of my mouth."

I think that I, too, will be spewing a lot for the next few years. Forgive me. But as Jennifer Flowers used to say in another context, Bill Clinton leaves a bad taste in the mouth. Think of the church of Laodicea, and hurl that loogie. —TWV

Hammurabi or Proudhon? — Durk Pearson and I have been thinking about putting together an essay called "The Book of 1,000 Laws." It would start with the principle that there are only a few acts nearly all people would agree should be crimes — murder, rape, theft, a few others. After that, you start getting more and more opposition and indifference.

This would lead up to an exercise: readers would be asked to make up their own lists of 1,000 laws. We know we couldn't write such a list. We probably couldn't even get to 100 laws. If most readers are like us, they might start to get an idea for what it means that there are hundreds of *millions* of laws, rules, and regulations in the U.S. for which people can be imprisoned or fined. To be governed . . . —SS

Gay health — Dozens of large corporations have begun to grant health benefits to the partners of gay employees. During 1993, Apple Computer, Microsoft, Microsystems, Home Box Office, Warner Brothers, and the New York law firm Milbank, Tweed, Hadley & McCoy joined the ranks of companies that treat partners of gay and lesbian employees as if they were legal spouses and pay a substantial portion of their medical bills. Interestingly, in most cases the benefits are denied to unmarried partners of heterosexual employees on the grounds that they, unlike gays, have the option of getting spousal benefits by marrying. In contrast, city governments that have established "domestic partner" benefits have made them available to both gay and straight employees.

Once again, businesses get it right and governments get it wrong. Businesses are taking the appropriate position: "if you want the benefits of marriage, get married; but if the state won't let you get married, we'll be more progressive." Governments just see domestic partnership as one more goodie to hand out; businesses see it as a way of remedying an unfairness, not to mention retaining valued employees. —DB

Sucker bet — Wanna bet the Somalia imbroglio ends with the U.S. footing the bill to the tune of many billions to prop up a Somali government headed by fugitive-warlord-turned-statesman Aidid? —BD

John Stuart Saint-Simon? — Discussing libertarian support for the California school-voucher initiative — slain at the polls on November 2, the victim of an enormous advertising assault from the teachers' unions — the Los Angeles *Times* referred to the "utopian philosophy that people should be able to do as they please as long as they do not harm others."

The word "utopian" used to be associated with preposterous schemes for constructing a planned society that would control all human activities. Now, apparently, it's associated with the preposterous schemes of America's founding fathers — and the preposterous notions of those kindly relatives who told us, as children, that we could go out and do what we wanted as long as nobody else got hurt. —SC

The myth of drug abuse — As Thomas Szasz has noted, it is impossible for government to "control" drugs. It can only (seek to) control *people*. Similarly, it is impossible to "abuse" drugs. One can only abuse people — either oneself or others. When someone hits himself or someone else with a baseball bat, we don't say he abused the bat.

This illustrates the ethical issue inherent in drug prohibition. If one abuses oneself, it is no business of the state's. If one abuses others, one is subject to the criminal law, and there are (or ought to be) procedures for compensating the victims. If force is not used, the whole matter is within the realm of peaceful interpersonal relations, and the state should have nothing to say. —SR

Smoking lamps lit — One of the good things about having a Democrat in the White House is that they have more regard for privacy rights than those nasty Republicans, right? Wrong! Testifying before Congress, EPA chief Carol Browner "suggested" that people no longer smoke *in their own homes* or allow their guests to do so. The key word here is *suggested*. People are still free to light up at will behind closed doors, but how long will that last? Perhaps the most pressing threat to freedom in this country right now is the insidious encroachment of irritating do-gooders who plague our civilization. Remember when you could get into a new car without being strangled by the automatic belts, or not be harassed by a bunch of idiotic warnings on a can of beer?

Browner's anti-smoking fanaticism is not new. She is only continuing the work of Reagan's odious surgeon general, C. Everett Koop, and a legion of others across the political spectrum. (Koop, you may remember, is the boob who liked to dress up like an admiral in the Freedomian navy.)

I am at a loss about the fuss over tobacco. I understand that it is bad for your health, is habit-forming, and that the smoke annoys a lot of people. I don't encourage using it, al-

though I do occasionally light up a good cigar. But isn't the level of concern just a *little* extreme? There are supposedly about 350,000 "premature" smoking-related deaths a year. But when is any death *not* "premature"?

The only thing that differentiates cigarettes from other unhealthy habits is that the smoke is an unavoidable externality. So why did anti-smoking fanatics throw a fit when R.J. Reynolds test-marketed a smokeless cigarette? Maybe because the issue isn't really health or safety, but control.

When bureaucrats start *suggesting* what citizens can do with a legal product at home, I get concerned. A man's home is his castle, and if Browner and her enforcers ever attempt to breach my defenses, I plan to raise the drawbridge, close the gates, and pour hot oil on the bastards. —CS

Best of 1993 — The snow flies, bells jingle, and every idiot compiles his Best of '93 list.

If the American Civil Liberties Union still stood for anything other than the accumulated prejudices of upper-middle-class white people who think PBS is riveting, it would make Patrick J. Buchanan its Man — er, Person — of the Year, for his courageous defense of John Demjanjuk, the apparently innocent Cleveland Ukrainian who was railroaded into an Israeli prison due to the incompetence (or malice) of the wittily named U.S. Department of Justice. A special citation would go to Ohio Democrat Jim Traficant, the flamboyant leisure-suited congressman who stood by Demjanjuk, even to the point of making the not-Ivan look like a fashion plate.

The estimable Traficant would finish a close second in the Legislator of the Year category to Senator Robert Byrd, the West Virginia Democrat first elected in 1958. The former majority leader is a grim and grumpy sort, a fiddle-playing snake-oil salesman who looks like Conway Twitty's mean older brother. Before relinquishing his leadership post he used to bore colleagues silly with his interminable disquisitions upon Senate history. Byrd is comfortable with the past; Calhoun and Clay and Benton are obviously very real to him. He is regularly ridiculed by the Official Conservatives for his tireless efforts to move various D.C.-based operations to West Virginia, which strikes me as a selfish but laudable effort to disperse Leviathan.

In a chamber of cowards, Byrd has emerged as a rare man of courage, taking the lead in calling for a complete withdrawal of U.S. forces from occupied Somalia. In the sweet and glorious tones of the Old Right, he told his fellow senators, "I do not see in front of this chamber the U.N. flag. I never saluted the U.N. flag. I saluted Old Glory, the American flag."

Byrd's former West Virginia Senate mate, Jennings Randolph, was cut from the same cloth. Elderly Senator Randolph, who came to Congress in 1933 and was the devoutest New Dealer this side of Hyde Park, was a kind and courtly man who had two charming causes: requiring Senators to cast votes while at their desks, and celebrating holidays on the actual date of their occurrence, not merely the nearest Monday. Senator Randolph was a staunch foe of foreign aid, calling it "wasted money"; after all, "we have so much to do for our own people." Senator Randolph retired and was replaced by Jay Rockefeller, which doesn't say much for you Mountaineers.



"I hate to do this, guys, but my kid wants bunny slippers."

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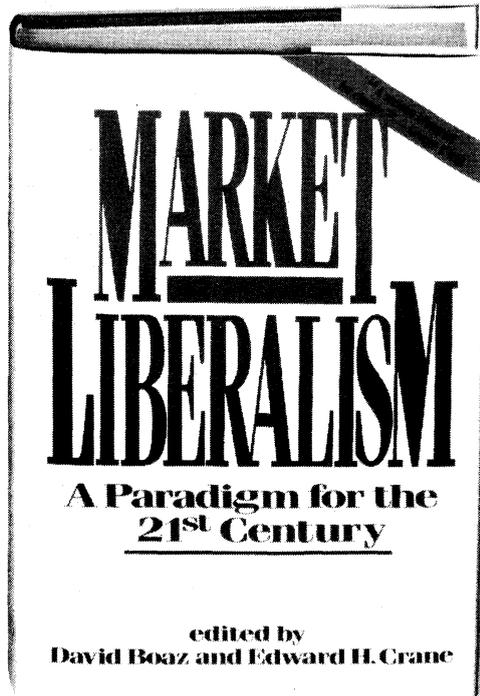
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I have often wondered why libertarians are blind to the virtues of men such as Byrd and Randolph: patriots, lovers of our history, defenders (in the most general sense) of America First. Senator Byrd, unlike almost every Republican member of Congress, at least stands for some semblance of republican government. I do not know, nor do I care about, his position on the capital gains tax: he is, in the fall of 1993, an eloquent and principled foe of the Wilsonian imperialism whose premises our two parties share. Yes, a couple of Republicans — notably, the praiseworthy Senator Hank Brown of Colorado and my favorite Keating Fiver, Arizona's John McCain — have criticized our blundering in Somalia, but where were they when Reagan and Bush were spilling blood and money around the globe? The only Republican senators who opposed the shameful Gulf War were Oregon's pacifist Hatfield and Iowa's agrarian Grassley. They deserved our thanks and prayers then, as Byrd does now. —BK

Guilt and sympathy — The AIDS epidemic has spawned a bevy of support groups — for people with AIDS, for those who have or had friends or lovers or family members with AIDS, and now, in Michigan, for men who *don't* have AIDS and feel guilty about it. According to founder Craig Covey, HIV-negative gay men "are affected differently, but just as much" as those who test positive. "A lot of them who have survived can almost feel like they are missing out on something," he adds. "What's happening to the gay community is what is happening to people who survived the Holocaust," another spokesperson asserts.

I suppose there are *some* gay people who feel guilty about not having AIDS, and *some* Jews who feel guilty about not having been gassed. In that spirit, I think I'll start a support group for people unlucky enough not to be gay or Jewish at all. In fact, I think I'll limit membership to guilty well-off HIV-negative heterosexual white Anglo-Saxon males without disabilities.

But alas! America's universities have beaten me to the punch. Is there a support group available for people who fail in their attempts to start support groups? —WPM

Funny money — There's some funny language on the money in England. The five-pound note contains the statement, "Bank of England: I promise to pay the bearer on demand the sum of five pounds." Five pounds of *what*? If you

ask anybody on the street, the note *is* five pounds, and they obviously aren't talking about units of weight — so what could that statement possibly mean? I decided to visit the Bank of England in downtown London to make them make good their promise. What would they do — hand me back another five-pound note in exchange for the one I offered?

I was stopped at the door by a security guard. I explained that my note said that the Bank would give me five pounds upon demand for it, and that I was hereby demanding they fulfill their obligation. He explained I couldn't get past the front desk without wearing a three-piece suit and having "official business." The man behind the front desk had little patience, telling me that perhaps I'd find some information if I went to the Bank of England Museum around the corner.

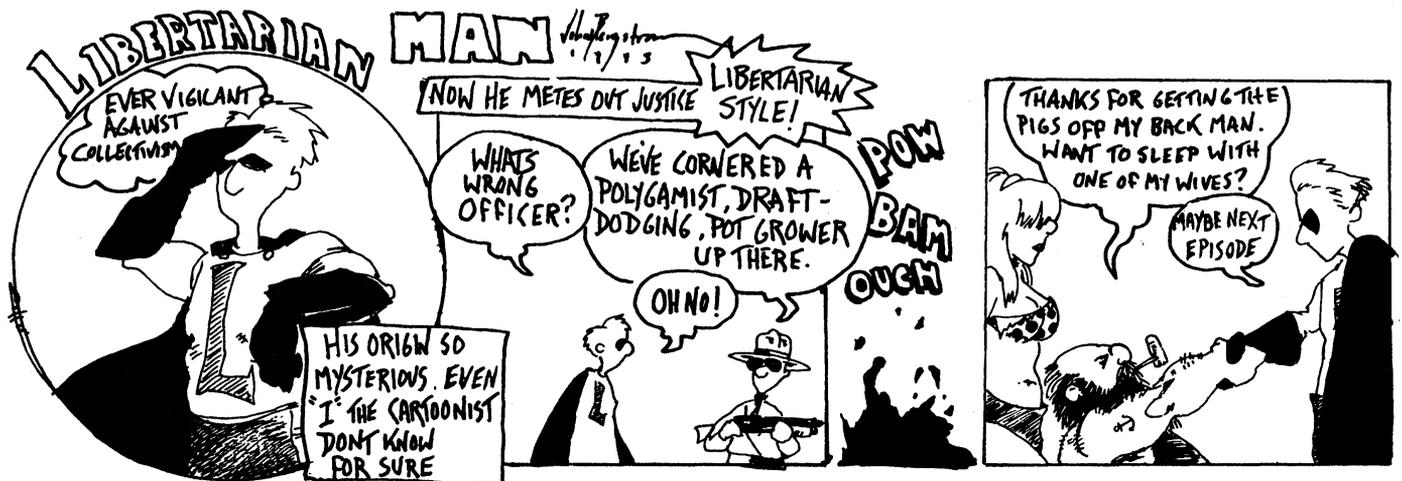
So I left and went to the museum, which is quite nice, actually. I explained to a curator what had happened, and that I was interested in finding out what exactly the language could mean. It obviously didn't function as a promise to pay me five pounds — the bank wouldn't even let me through the door! She disappeared into a back room and, finally, dug up an old photocopy from God-alone-knows-where, which attempts to explain the meaning and evolution of the "I promise to pay the bearer" language. I took the pages home and tried to understand them. Apparently, the Bank is now contending that the language only means, and only ever meant, that it has an obligation to replace old, out-of-circulation pound notes with new, in-circulation ones.

Right. That's what "I promise to pay the bearer on demand the sum of five pounds" means.

—guest reflection by N. Stephan Kinsella

Free at last — For some reason, in the late summer of 1985, I was suddenly filled with a desire to join the military. I didn't want to interrupt my schooling for three or four years, so the reserves seemed to be the way to go. Although I went through the formality of talking to an Army recruiter, there was never any question about which branch I would join. I had seen John Wayne's *The Sands of Iwo Jima* when I was a kid; I had watched *Baa Baa Blacksheep* in junior high school; and I was working for an ex-Marine who had served in Vietnam, who had regaled me with stories about boot camp. I would not have been able to face him after joining the Army or Navy.

My Marine odyssey began in the early morning hours of



"Dear Michael, Your Persuasion Tapes Saved My Marriage..."

"We've been married almost 6 years. My husband is a member of the LP. He subscribes to all the libertarian magazines and journals. He reads 10 or 12 books every month.

"He talks to everyone about politics and economics, but he stopped talking to me and with me about what matters to us and our relationship. I felt taken for granted. I felt like he didn't really love me anymore.

"I talked with him. I read a few books on relationships and communication. I went to a counselor. (He wouldn't come.) I tried everything. Nothing worked.

"I was ready to give up. One night, while he was at a libertarian meeting, I saw your *Essence of Political Persuasion* Tapes on top of his book shelf.

"Maybe I could persuade him to talk to me...I listened to side 1 of the first tape. Your recipes for quickly creating rapport made sense to me. So did your keys to powerful communication...

"When my husband got home, I told him I had listened to side 1 of your first tape and asked him to practice your rapport recipes with me. We practiced for about 30 minutes. The next thing I knew we were talking about us, our relationship, our marriage and our life together. We talked 3 hours. It seemed like minutes.

"We have listened to your tape set 8 or 9 times. We practiced all the skills you teach. We started listening to and talking with each other. Now we really communicate.

"I finally understand why my husband is a libertarian. I've read 8 libertarian books in 6 weeks and discussed them with my husband. Now I'm a real libertarian, too.

"Michael, your *Essence of Political Persuasion* Tapes saved my marriage. P.S. "We are expecting our first baby late this year."

Name withheld by request

"I'm a Christian Libertarian. While I've always felt uncomfortable discussing my Christian beliefs with libertarians, I've felt even more uncomfortable discussing my libertarian beliefs with my fellow Christians.

"Your *Essence of Political Persuasion* Tapes gave me the confidence and skills I needed to bring libertarianism to my church. Your story on 'the Judas Bargain' hit me deep. I'm getting powerful results with your 'Political Cross-Dressing' and 'Words Are Weapons' techniques.

"Liberty cannot triumph in America without the support of millions of my fellow Christians. Reaching them will be my special libertarian 'ministry'."

"God Bless you, Michael."

B.L., New York, New York

"...Michael, your Persuasion Tapes earned me \$12,000. I was 1 of 4 candidates for a promotion in my company. I was the least qualified. I don't socialize with the boss. Nobody figured I had a real chance.

"When I went in for the interview, I started off with your Rapport building methods, then I used your 'Intellectual Judo' to turn objections to promoting me into reasons why I was the best candidate. I used your 'Isolate the Concern' tactic to handle the final issue.

"After 35 minutes, my boss said, 'Communication is very important to this job and so is poise under fire: Congratulations, you've got the promotion.' Your *Essence of Political Persuasion* Tapes earned me a \$12,000 a year promotion in 35 minutes."

R.S., Los Angeles, CA

"My letters-to-the-editor used to make people angry. Since I started using your Political Persuasion methods, people started sending in letters agreeing with me."

T.L., Toronto, CANADA

"...anyway, I got fed up listening to my sociology professor praise welfare statism. One day, after class, I got him alone and used your 'Welfare Junkies' argument on him. It stopped him cold! He asked if I could recommend any books on the subject. I told him I'd bring one by later.

"Michael, that's when I called you. I followed your advice to the letter. I bought a copy of Charles Murray's *LOSING GROUND* - and sold it to my professor. You're right, if I'd given it to him I'd be practicing intellectual welfare, encouraging him to believe in something for nothing and he'd have had no financial investment in reading the book.

"Well, he read the book and asked for more. I gave him a *Laissez Faire* Books catalog (he bought several books over the phone while I was there) and a CATO catalog.

"My professor is on his way to becoming a libertarian. Think of how many thousands of students he will influence with libertarian ideas - thanks to your *Essence of Political Persuasion* Tapes."

R.J., Madison, WI

"...I'm a competent, trained Psychiatrist, but I was stuck. He was the most resistant depressive I've ever treated.

"In frustration, I tried your 'Intellectual Judo' method on him. I agreed with his depression. I embraced his position. I added to it, accelerated it and re-directed it.

"He started laughing. We talked. Then we started making progress..."

"Michael, your persuasion techniques are powerful. I regularly use them with clients, colleagues, friends and family. Your methods have improved all my relationships."

Name withheld by request

"...I was one of the thousands of aerospace workers laid off. Not only was I out of work but I was competing against these thousands for a shrinking number of jobs here in California.

"For 3 months I got nowhere. One afternoon, I listened to your *Essence of Political Persuasion* tapes again. (I bought them a year ago.)

"I started using the Rapport building steps, the Onus of Criterion and Political Cross-Dressing during every interview. In 2 weeks, I got 4 job offers. I'm now back at work. Michael, tell libertarians that your Persuasion tapes aren't just for politics...they got me a job."

B.N., Orange County, CA

"I'm a 74 year old retiree. I call in to several radio talk shows. People used to tell me that my libertarian ideas were crazy...Now they ask me to tell them more - thanks to your *Essence of Political Persuasion* Tapes."

A.J., Denver, CO

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Christmas Eve, 1985, when my bus passed through Port Royal, South Carolina, and made a left into the gate at Marine Corps Recruit Depot at Parris Island. My active involvement as a Marine reservist ended on Dec. 15, 1991 when I exited the Navy base at Millington, Tennessee for the last time.

The experiences I had between those two dates were educational, if often infuriating and frustrating. They included three months of boot camp, five months of training at Camp Lejeune, North Carolina, and four months of service during the Gulf War at the Marine Corps Air Station in Beaufort, South Carolina. They had a significant impact on my views. In 1985, I was a conventional Reaganite conservative. It only took about two years of monthly drills to turn me off to the jingoism to which I was constantly exposed. I also became much more cautious about supporting a belligerent foreign policy when I became one of that policy's potential instruments. Eventually I did become an instrument of Bush's foreign policy, but that is not an unpleasant memory. As it turns out, the Gulf War was something of a paid vacation for me, an interlude from an experience more horrible than war: law school.

More than any other factor, my military experiences led me down the path towards individualism. Some are influenced by *Human Action* or *Atlas Shrugged*; I was converted by the *Essential Subjects for the Marine*. Anybody who has ever lived on a military base has a good idea of what it is like to live under socialism:

- Everyone waits in long lines for food, and you have a limited choice about what and how much you may have when you get there.
- Privacy is nonexistent. Your quarters are subject to inspection on a weekly basis and can be entered at any time without your knowledge.
- Big Brother is *always* watching. You can be stopped for any transgression, even a bad haircut, by almost anyone.
- The buildings are so nondescript that they must be numbered to make them distinguishable.

In spite of all of the annoyances of my Marine career, if I could go back in time, I would probably do it all over again, bitching and complaining about how much I hated it all the while. There were a lot of good times amongst the bad. But I'm glad it's finally over.

At midnight on August 25th, I became a free man. The

contract that I signed eight years ago with the United States Marine Corps finally expired.

But I am still a part of the fold. The Marine Corps, like motherhood, is a lifetime commitment; "Once a Marine, Always a Marine." So I remain a part of the tradition that includes great Americans that I admire, such as Thomas Sowell and Joe Foss; as well as some not-so-great Americans, such as Oliver North and Pat Robertson; and assorted odd characters like Lee Harvey Oswald, and a dozen lesser-known snipers who had the misfortune to shoot at mere mortals instead of a president. But since August 25, I no longer have to worry about getting an unpleasant phone call should Clinton decide to widen the war in Somalia. —CS

The moral equivalent — After I heard Thomas Szasz speak at the Libertarian Party convention about how President Clinton's medical reforms will expand the power of the federal government, it occurred to me that we might have to revise Randolph Bourne's classic maxim to "Health is the health of the state." —SR

Diagnosis confirmed — Eight months after Bill Clinton took office, I had dinner with friends, one of whom is a fairly well-known Washington insider. Eventually, the talk turned to politics, and my insider friend began a rambling discourse on Clinton. It's hard to get a handle on the man, he said. Sometimes he seems like a liberal, sometimes he acts like a conservative, sometimes he sounds libertarian, sometimes left-wing, sometimes right-wing . . . the monologue went on for a while. "I've been a friend of Bill Clinton for more than ten years," he concluded. "But I still don't know what his political beliefs are."

I took advantage of this break in the action, and offered the thesis of the essay I had written in these pages ten months earlier. "What do you think of the proposition that Bill Clinton has only a single political conviction — that the world would be a better place if only he were running things?"

"You know," he said. "That's a very interesting theory." He thought for a few minutes. Then he said, "Yes, I think you're right." —CAA

Emily Litella redux — Here's some good news for everyone who's tired of double-talking politicians and their linguistic obfuscations: I just heard on the radio that, in order to pass his health care plan, Bill Clinton is going to embrace *syntax*. If this is so, we just might start to hear some clear, well-formulated—

Oh, wait a minute. He didn't say *syntax*, he said *sin taxes*. Never mind. —JW

Aaron Wildavsky, R.I.P. — Aaron Wildavsky was a maverick conservative political scientist, but that doesn't begin to encompass his interests and accomplishments. The author of more than thirty books and founder of the Graduate School of Public Policy at the University of California at Berkeley, he was a restless seeker of truth. He delved into traditional political science topics, but more and more as time went on he addressed complicated issues of social policy such as risk assessment, the push for egalitarianism, and even the question of species extinction. Amazingly,



he had the respect of his peers in a profession dominated by the Left; he was president of the American Political Science Association in 1985–86.

I first got interested in his work through his 1987 book, *Searching for Safety*, which pointed out that the pursuit of zero risk can increase risk and weaken our ability to withstand dangers. This book also laid the foundation for a concept we call “wealth and health”: economic growth and the wealth it provides leads to a healthier, safer, and more environmentally attractive society.

As he studied risk, Wildavsky came to feel that non-scientists needed to understand technical issues such as global warming and ozone depletion, because environmentalists were using scare science to bludgeon people into accepting draconian policies. So he developed techniques for reading scientific literature outside one’s own expertise. Other down-

to-earth advice about writing, reading, and time management can be found in his engaging book *Craftways*. He made a point of sending short notes praising articles he admired, especially those written by people in obscure or small institutions. “They seldom get fan mail,” he explained.

Wildavsky twice addressed the Political Economy Research Center’s annual conference for journalists. The second time I drove him to the airport, and he asked me to stop at Bozeman’s Salvation Army store. He had a standing bet with a friend that he could stop in a thrift store in any town in America and within twenty minutes find a better version of something he already owned. That day, he found a good-quality windbreaker. He never rested in his quest to obtain facts, hypothesize, and test out his understanding of American society.

Death, via cancer, caught up with him at age 63. —JSS

Medianotes

Good signals — Once in a great while I pick up the *Washington Post* and find evidence that the world is slowly, grudgingly moving in the right direction. Take the issue of Saturday, September 18. There were four stories above the fold on the front page: “U.S. Foreign Aid Overhaul Urged”; “Competition Prescribed for the VA [Hospitals]”; “Rebirth in New York/Neighborhoods Growing Again in the City Where New Immigrants Are Planting Roots”; and, most delightfully, “Russia’s Irrelevant Chaos/A Splintered Government Spins Its Wheels — But Does It Matter?” —DB

Being there — In the slow news period after last year’s elections, news organizations sent camera crews to Somalia, who then sent back video images of starving children. It was good television: powerful images that evoked strong reactions from viewers. The images pulled American heartstrings, the newsmen reported (accurately) that relief of starvation was made difficult if not impossible by the civil war in which Somalia was engulfed, and it seemed only natural that the U.S. would send in the Marines to distribute food.

Nine months later, another video image reversed public sentiment: the image of an American soldier’s corpse being dragged through the streets of Mogadishu and treated disrespectfully by local citizens. Suddenly, the cry was heard from coast to coast: Why are we in Somalia anyway? Senators who had supported the invasion and occupation suddenly favored exit, and even the president was forced by public opinion to promise a pullout of all forces within six months.

It was television that got the U.S. into Somalia, and it is television that is getting us out. The state of public discussion has got to the point where thinking and analysis are irrelevant. The image beamed from a camera to a satellite to a transmitter to our living room establishes policy, moves armies across borders, and brings periods of peace. Thirty years ago, Marshall

McLuhan was proclaimed a profound guru for declaring that television is a “cool” medium, in contrast to “hot” radio. I never knew what he meant by this, but one thing seems plain: television does not stimulate cool reasoning.

How will the world fare with the boob tube in power? Don’t touch that dial. —RWB

Restoring hope — On August 8, 1993, Belgium’s Radio 1 aired an interview with troops returning from active duty in Somalia. Although their comments say a lot about the U.N.’s operation, so far the only remotely prominent American journalist to report on the program is leftist writer Alexander Cockburn.

The troops reported throwing food to Somalis — “At the beginning we did it because we wanted to give them something to eat. But towards the end, we threw it to them to be able to hit them as well. It was, like, you want to give, but they must also suffer if they want to get something.” Sometimes troops would punch Somalis, knock them down, even start kicking their heads. “There were guys who were just so stressed out, that they just had to hit to get it out of their system. . . . It’s possible that [some Somalis] were beaten to death, they’re not talking about it. You know, if someone had been killed, you just left them there. All you thought about was all the red tape it would cause.”

Somalis were shot to death, too. “If you saw someone with a weapon, or you went into a home and they had a weapon, or if they were shooting at each other and you were caught in the crossfire, these were all situations that we experienced, then we just decided to shoot, even if it wasn’t strictly self-defense.”

But the soldiers still showed some caution. “At the beginning, the guy who shot at the first Somali, that night, on the roof, he had to spend the whole afternoon filling in forms. And they had to be signed by this one and that one

and the army auditor was there. So we learned a lot from that first lesson. When you kill one, it's better to keep it quiet." —JW

Economics on the air — National Public Radio reports that the Yugoslav government, whoever that is, has just issued a 500 million dinar note "in an attempt to deal with the country's roaring inflation." Apparently, no matter how much money they print, prices just keep rising.

Meanwhile, NPR also tells us that inflation is now "1,896 percent a month." I'd like to see the complex econometric model that came up with that number in a scarcity-ravaged, still-communist war economy. Maybe it's about 2,000 percent — who knows? But accurate to the fourth significant digit? Give me a break. —DB

Tea and stupidity — Larry King has stated that it is "technically" unpatriotic for the wealthy to use deductions and loopholes to lower their taxes. This strikes me as the most irrational pronouncement by a Washington journalist since a reporter for NPR compared Simi Valley, California, where a mixed race jury acquitted the L.A. police officers to Selma, Alabama in the 1960s. Resistance to taxes by the use of deductions and loopholes or even outright cheating is as American as pickup trucks and college football on a Saturday afternoon. It is as patriotic as saluting the flag — maybe more. This country desperately needs more people spending more of their money as they see fit and sending less of it to Washington.

King, last seen drooling over Ross Perot, is one of the most inane voices coming from the capital. To paraphrase Mary McCarthy, everything he says is stupid, even "and" and "the." —CS

The revolution of everyday life — The Washington Post reports that, during the internecine squabbles amongst Russian governing class of late, a few blocks away from the fighting at the parliament building, life for Muscovites was going on as normal. This seemed unusual enough for our government-obsessed mavens at the Post to be

worthy of a front-page story. But what do these state-besotted jokers expect? That during these squabbles, no one would leave their house, eat, go to work, entertain themselves, go for walks, or do those myriad other activities that make up life as people actually live it — just because they didn't know "who was in charge"?

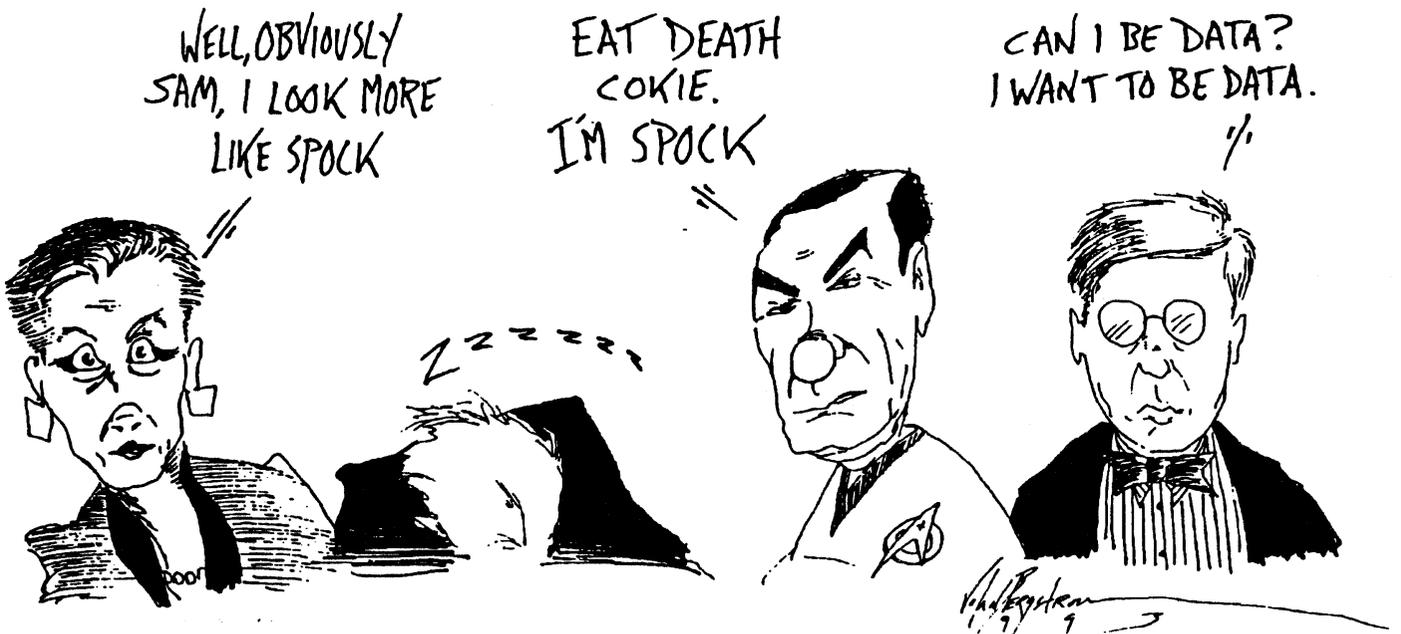
The media — particularly the Post — try to inculcate a false sense that what goes on among the professional bandit classes is somehow all that is news, all that defines what is happening in the world. My friend Shawn found herself in Guatemala this summer during their coup contretemps. I was following the story in the Post, and of course they made it seem as though the country was plunged into chaos because of the confusion over "who was in charge." I got a letter from Shawn and was delighted to discover that, were it not for the censored blocks in the newspapers she read, she would have had no idea from the texture and activities of day-to-day life that anything unusual was happening in Guatemala. And if she hadn't been a newspaper reader, she would have had no idea at all.

When papers wonder why they steadily lose circulation and reader interest, perhaps they should contemplate that the great bulk of what they report has to do with what government officials say and — occasionally — do. Government and politics, thank God, are not life.

This simple fact is news to the Washington Post. —BD

Blame it on Reno — Within hours of Janet Reno's preposterous threat to television producers that they had better get the violence out of their programming, else she will impose further regulation, three of Liberty's editors had written Reflections observing the absurdity of such moral indignation coming from the person who had ordered the assault near Waco that killed 85 Americans, including 15 innocent children. Happily, I was saved from the dilemma of choosing which to run when Conan O'Brien made substantially the same observation on his later-night television show. I mean, we can't rerun jokes from television, can we?

The most remarkable aspect of Janet Reno's unveiled threat



to broadcasters' first amendment rights was the entertainment industry's reaction. Barely more than a year ago, when J. Danforth Quayle suggested that perhaps part of the explanation for the explosion of illegitimate births was the example of Murphy Brown, an articulate, intelligent, mature, very successful role-model on a television program, the Hollywood establishment responded as if he (a) had gone nuts, i.e., was not able to comprehend that Murphy Brown is a fictional character; and (b) was opening a new round of censorship.

But when Janet Reno makes an explicit threat to institute

censorship, how does Hollywood respond? Not so much as a peep. —RWB

Right at the Post — It was good news in early October that publishing tycoon Rupert Murdoch succeeded in breaking the unions and salvaging the New York *Post*. Not that the *Post* is or is likely ever to become a quality paper, but at least a few free-market columnists will have an outlet in what is still the country's biggest market. Particularly welcome is

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Elections '93 Roundup

Election Day 1993 has come and gone, and the votes have been tabulated and announced. On the positive side, voters in Washington enacted spending limits, voters in Maine and New York enacted term limits, voters in Montana prohibited flouridation of public water supplies, and voters in Texas passed a constitutional amendment requiring ballot approval of any income tax and limited any future income tax to property tax relief.

On the negative side, voters in Washington rejected the repeal of several new taxes, voters in California rejected school choice, and voters in several states approved new borrowing or new taxes to build more prisons or parks.

American voters were in an angry mood, turning out an incumbent mayor in New York and an incumbent governor in New Jersey, and choosing a Republican in Virginia. And, as usual, there were some very significant ballot measures.

Probably the most significant partisan election was Christine Whitman's victory in New Jersey. After his election in 1989, Governor James Florio was widely celebrated as a "new" kind of Democrat, one who could articulate and implement the left-liberal agenda of higher taxes and more spending without everyone hating him. In 1990, Florio rammed a huge tax increase through the state legislature. Almost immediately, his popularity plummeted, and in 1990 he was so widely hated that New Jersey voters nearly unseated popular airhead Senator Bill Bradley, and in 1991 elected huge majorities of Republicans to both houses of the legislature.

Though voters were beginning to forget how much they hated Florio as the campaign began, Florio looked like a sure loser. But thanks to a highly skilled campaign orchestrated by Clinton campaign manager James Carville, Florio did the impossible: he pulled ahead in the polls. Carville chose a strategy of misdirection. Like a magician who maneuvers your attention to the wand in his right hand while he is palming the coin in his left, Carville focused on the issue of gun control, trying to exploit the fact that Christine Whitman had once said a few kind words about the second amendment. Having gotten the voters' attention off taxes, he began personal attacks on Christine Whitman.

For a while, Florio pulled ahead in the polls and it looked like this legerdemain might work. But in the last few days be-

fore the election, people began to remember the \$2,800,000,000 in tax increases with which Florio had blessed them, and the consequent job losses. Whitman began to gain in the polls a few days before the election, and won by a modest margin of 3%.

In Virginia, Democratic candidate Mary Sue Terry began the race with a huge lead, which she managed to fritter away in perhaps the most idiotically managed political campaign in memory. She shifted quickly from one campaign theme to another, leaving voters convinced that she had no beliefs at all. In a vain attempt to gain votes by raising the gun issue that had helped Florio rise in the polls, she came out strongly in favor of a mandatory five-day waiting period for handgun purchases and attacked her opponent George Allen's support for the right to own guns. Unfortunately, for years prior to this she had been a consistent opponent of waiting periods, had denounced mandatory waiting periods as recently as January, and had long enjoyed the support of the National Rifle Association. Instead of gaining support, this flip-flop left voters more convinced than ever that she was a political prostitute.

Her campaign blundered again when it urged voters to reject Republican Allen because Michael Farris, the Republican candidate for lieutenant governor, was a born-again Christian, who thus might try to impose Pat Robertson's or Jerry Falwell's social agenda. In fact, Allen had avoided injecting his religious beliefs into the campaign, instead advocating a more-or-less conventional conservatism. What's more, Terry's charges offended many Virginia voters, particularly those who found it just as pernicious to attack a candidate for being a born-again Christian in 1993 as it was in 1960 to attack a candidate for being a Catholic or a Jew — not to mention the substantial number (34%) of Virginia voters who are themselves born-again Christians.

Those who value individual liberty could find little attractive in either major candidate for mayor of New York. David Dinkins is a typical big-city Democrat, i.e., one whose immediate response to any problem is to raise taxes, increase spending on favorite constituencies, and regulate the hell out of any enterprise foolish enough to try to stay in business. His Republican opponent, also endorsed by the Liberal Party, was Rudolph Giuliani, whose major qualification for the position was his record as a crime-fighting federal prosecutor.

Unhappily, his idea of prosecution is to trample the Bill of Rights, suborn perjury, and get a conviction at any price. His stated beliefs were hardly different from Dinkins' on most other issues. Happily, there was a Libertarian candidate on the ballot. Unhappily, his campaign was underfunded and never really got off the ground.

Long before election day, it was apparent that big spending by teachers' unions in California had succeeded in undermining support for school choice, and the final tally was an absolute rout, with over 70% of voters turning thumbs down.

In Washington, there were two complicated tax limitation initiatives were on the ballot. Proposition 601 limited future

It appears that the highest official elected solely on a Libertarian Party ticket is still polygamist cult leader Alex Joseph, mayor of Big Water, Utah (pop. 328).

state government spending increases to inflation and population growth and Proposition 602 repealed the tax increases imposed by the state legislature this year. These measures were perceived as serious threats to customary tax-and-spend politicians and state employees. The campaign against them included some really humorous moments, including a promise from free-spending left-liberal governor Mike Lowry that he would cut spending to the bone if the voters would only reject the measures on the ballot. State employees coughed up more than a million dollars to finance an extraordinary barrage of radio and television commercials, distinguished by their absolute mendacity. The focus of the ads was 602, presumably since it was a more immediate threat. Time and time again, voters were told that passing 602 would "give our money to the tobacco and alcohol companies." (What it would actually do is eliminate the increased taxes extracted from people who purchase alcohol or tobacco.)

The campaign managed to get Washington's traditionally sonnambulant voters to reject 602, but 601 passed by a small margin. Which suggests a strategy for those who campaign for ballot initiatives that patently offend government employees. Put two measures on the ballot, on the theory that the special interests focus on the more draconian and the more moderate one will slip in. Perhaps the advocates of school choice in California should have put an "end-funding-for-schools" measure on the ballot this time.

The California school voucher measure and the Washington tax-rollback were not the only disappointments for libertarians. Ohio and Pennsylvania voters authorized borrowing \$200 million and \$50 million respectively to buy parks and "preserve natural resources." Texas voters authorized borrowing \$1 billion to build prisons and mental health and mental retardation facilities. Whether this illustrates cultural difference between Texans and Midwesterners or simply that people prefer prisons to parks, I am not sure. California voted an increase in sales tax to pay for more law enforcement, and voters in Washington voted to mandate life imprisonment with no parole for those convicted three times of such serious

felonies as getting in barroom fights. And in San Francisco, voters narrowly passed the resolution, "it shall be the policy of the people of San Francisco to allow Police Officer Bob Geary to decide when he may use his puppet Brendan O'Smarty while on duty."

The Libertarian Party could list five victories in the elections. In Birmingham, Dr Jimmy Blake, chairperson of the Alabama LP, was elected to City Council with 55.5% of the vote. In Woodstock, N.Y., Rebecca Wilber was elected to Town Council, and two Libertarians were elected as Inspector of Elections and one Judge of Election in Pennsylvania.

Blake's victory came in a nonpartisan election, but the main issue in the campaign was his membership in the LP. He was repeatedly forced to defend the more fragrant portions of the LP platform (e.g., explain that he supported legalizing prostitution, not favor prostitution itself). Happily, Jimmy Blake is an extraordinarily personable man, well-known and liked in the community, so the attempt to paint him a prostitute-loving, child-molesting drug user failed to work.

Wilber was actually a candidate on the LP ticket, but got most of her votes as a Republican. It appears that the highest official elected solely on an LP ticket is still polygamist cult leader Alex Joseph, mayor of Big Water, Utah (pop. 328).

Probably the best showing by a candidate in a three-way race solely on the LP ticket was the 12% showing by Richard Sincere, who ran an aggressive campaign for the Virginia House of Delegates. In New York City, Joseph Brennan got 2,425 (about 0.14%) votes to show for his active but underfinanced campaign for mayor, an improvement of about 1/3 over the LP nominee in 1989. Vicki Kirkland and Bob Faulk each got over 5,000 votes in their races for the less-hotly-contested positions of Comptroller and Public Advocate.

In Canada's national election on October 25, the Libertarian Party fielded candidates in 52 ridings, garnering a total of 13,487 votes, down from 88 candidates and over 33,000 votes in the 1988 federal elections, leaving them only two seats behind the Progressive Conservatives in their struggle to become Canada's fifth party. This was the first election contested under "C-114," the infamous amendment to the Federal Elections Act which requires that all parties field at least 50 candidates or else be legally disbanded and have their assets seized by the government. The measure also quintupled filing fees to \$1,000 and quadrupled signature requirements on petitions to 100. Eleven national political parties were outlawed and their assets seized under the measure. Among them were the Social Credit Party, which had seats in Parliament from 1935 to 1980 and was the majority party in British Columbia for all but 4 of the past 40 years; the Confederation of Regions, the official opposition party in New Brunswick; and the Communist Party. (Ironically, the CP, which advocates government expropriation, is suing to prevent the expropriation of its assets.)

George Dance, head of the CLP, attributed the decline in the party's vote totals to the spectacular rise of the quasi-libertarian Reform Party and the presence on the ballot of so many other fringe parties, which generally fielded more candidates than before, thanks to C-114, thereby splitting the protest vote. The Canadian LP has some 3,000 members, giving it about triple the per capita membership of the U.S. Libertarian Party.

—CAA

Correspondence

First They Came for the Fascists ...

by Gerry Spence

When the government murders a man's wife and son, then puts him on trial, an injustice has occurred. If no one speaks up for the man's rights because of the man's unpopular political beliefs, injustice is compounded.

Randy Weaver's wife was dead, shot through the head while she clutched her child to her breast. His son was shot, twice. First they shot the child's arm — probably destroyed the arm. The child cried out. Then, as the boy was running, they shot him in the back. Randy Weaver himself had been shot and wounded, and Kevin Harris, a kid the Weavers had all but adopted, was dying of a chest wound. The blood hadn't cooled on Ruby Hill before the national media announced that I had taken the defense of Randy Weaver. Then all hell broke loose. My sister wrote me decrying my defense of this "racist." There were letters to the editors in several papers that expressed their disappointment that I would lend my services to a person with Weaver's beliefs. And I received a letter from my close friend, Alan Hirschfield, the former chairman and chief executive officer of Columbia Pictures and Twentieth Century Fox, imploring me to withdraw. He wrote:

After much thought I decided to write this letter to you. It represents a very profound concern on my part regarding your decision to represent Randy Weaver. While I applaud and fully understand your motives in taking such a case, I nonetheless find this individual defense troubling. It is so because of the respectability and credibility your involvement imparts to a cause which I find despicable.

The Aryan Nation, The Brotherhood, and the Order are all groups dedicated to only one premise — hatred of the unlike by the like. They deny the Holocaust and preach the gospel of ethnic debasement and racist supremacy. They are societal malcontents and misfits who espouse nothing worthwhile. It is the beliefs of these groups that Mr Weaver represents.

Mr Hirschfield went on to argue that my involvement would lend dignity to an illicit and repugnant movement:

This is not Huey Newton and the Black Panthers fighting 200 years of prejudice and second-class citizenship nor even the PLO seeking a homeland by terrorist method. While I abhor terrorism of any kind I do understand its politics. Not so with the philosophy of the groups Mr Weaver stands for.

The issues involved are reminiscent of the recent national uproar over the Warner Brothers recording made by the rap singer Ice T which advocated killing cops. Other tracks on the CD were virulently anti-Semitic and homophobic. The right of Ice T to publicly record these songs was not the issue. What was troublesome to myself and others was the role of Warner Bros. in disseminating his message in the name of preserving their "creative integrity." I gave an interview on this subject and suggested that at least in business there was a line to be drawn between unbridled creative freedom and corporate responsibility. In Warner's case they could have cho-

sen not to distribute this record (it still would have found a distributor); instead they trumpeted the creative freedom argument and by lending their world-renowned prestige to the issue they imparted to Ice T and his message a legitimacy wholly undeserved and in doing so made the recording a national hit in contrast to his previous mediocre results.

My premise, therefore, is not the right of Weaver or anyone else to the best possible defense but rather the message sent when the finest trial lawyer in America undertakes that defense, simply to make that point. The message, I believe, will embolden those espousing the cause Weaver represents and encourage other mindless haters to join up. The resultant media attention will provide a platform previously never enjoyed by those people.

I clearly know this is not your intent in defending Mr Weaver but I believe . . . there is a time when a person of your extraordinary talent and commitment, and knowing full well the notoriety that comes with your representation, perhaps demurs, rather than allow legitimacy and notoriety to a sick and twisted philosophy.

As you know, I am not a religious person . . . but I am keenly conscious of my heritage and the endless persecution Jews throughout the world have suffered. There is in my mind no worse group of people than those involved here who espouse both hatred and violence against blacks and other minorities without purpose other than hatred itself. They don't need a homeland, they don't propose

There are no worse people than those who espouse both hatred and violence against blacks and other minorities without purpose other than hatred itself. As a result of your involvement these same people will be given a greatly expanded voice at this trial.

alternatives, and they don't want a solution other than the one Hitler sought. As a result of your involvement these same people will be given a greatly expanded voice at this trial.

It is because of this that I write and ask you to reconsider your decision to involve yourself in this case. I do so out of total respect and personal affection for you. And, of course, whatever your decision you will always have the same respect and that same affection from me.

Your friend,
Alan J. Hirschfield

The next day I delivered the following by carrier to Mr Hirschfield:

I cherish your letter. It reminds me once again of our friendship, for only friends can speak and hear each other in matters so deeply a part of the soul. And your letter reminds me as well, as we all must be reminded, of the unspeakable pain every Jew has suffered from the horrors of the Holocaust. No better evidence of our friendship could be shown than your intense caring concerning what I do and what I stand for.

I met Randy Weaver in jail on the evening of his surrender. His eyes had no light in them. He was unshaven and dirty. He was naked except for yellow plastic prison coveralls,

and he was cold. His small feet were clad in rubber prison sandals. In the stark setting of the prison conference room he seemed diminutive and fragile. He had spent eleven days in a standoff against the government, and he had lost. His wife was dead. His son was dead. His friend was near death. Weaver himself had been wounded. He had lost his freedom. He had lost it all. And now he stood face to face with a stranger who towered over him and whose words were not words of comfort. When I spoke, you, Alan, were on my mind.

"My name is Gerry Spence," I began. "I'm the lawyer you've been told about. Before we begin to talk I want you to understand that I do not share any of your political or religious beliefs. Many of my dearest friends are Jews. My daughter is married to a Jew. My sister is married to a black man. She has adopted a black child. I deplore what the Nazis stood for. If I defend you I will not defend your political beliefs or your religious beliefs, but your rights as an American citizen to a fair trial." His quiet answer was, "That is all I ask." Then I motioned him to a red plastic chair and I took a similar one. And as the guards marched by and from time to time peered in, he told his story.

Alan, you are a good and fair man. That I know. Were it otherwise we would not be such good friends. Yet it is your pain I hear most clearly — exacerbated, I know, by the fact that your friend should represent your enemy. Yet what drew me to this case was my own pain. Let me tell you the facts.

Randy Weaver's principal crime against the government had been his failure to appear in court on a charge of possessing illegal firearms. The first crime was not his. He had been entrapped — intentionally, systematically, patiently, purposefully entrapped — by a federal agent who solicited him to cut off, contrary to federal law, the barrels of a couple of shotguns. Randy Weaver never owned an illegal weapon in his life. He was not engaged in the manufacture of illegal weapons. The idea of selling illegal weapons had never entered his mind until the government agent suggested it and encouraged him to act illegally. The government knew he needed the money. He is as poor as an empty cupboard. He had three daughters, a son, and a wife to support. He lived in a small house in the woods without electricity or running water. Although he is a small, frail man, with tiny, delicate hands who probably weighs no more than a hundred twenty pounds, he made an honest living by chopping firewood and by seasonal work as a logger.

This man is wrong. His beliefs are wrong. His relationship to mankind is wrong. He was perhaps legally wrong when he failed to appear and defend himself in court. But the first wrong was not his. Nor was the first wrong the government's. The first wrong was ours.

In this country we embrace the myth that we are still a democracy when we know that we are not a democracy, that we are not free, that the government does not serve us but subjugates us. Although we give lip service to the notion of freedom, we know the government is no longer the servant of the people but, at last, has become the people's master. We have stood by like timid sheep while the wolf killed — first the weak, then the strays, then those on the outer edges of the flock, until at last the whole flock belonged to the wolf. We did not care much about the weak or about the strays. They were not a part of the flock. We did not care much about

those on the edges. They had chosen to be there. But as the wolf worked its way toward the center of the flock we discovered that we were now on the outer edges. Now we must look the wolf squarely in the eye. That we did not do so when the first of us was ripped and torn and eaten was the first wrong. It was our wrong.

That none of us have felt responsible for having lost our freedom has been a part of an insidious progression. In the beginning the attention of the flock was directed not to the marauding wolf but to our own deviant members within the flock. We rejoiced when the wolf destroyed them, for they were our enemies. We were told that the weak lay under the rocks while we faced the blizzards to rustle our food, and we did not care when the wolf took them. We argued that they deserved it. When one of our flock faced the wolf alone it was always eaten. Each of us was afraid of the wolf, but as a flock we were not afraid. Indeed, the wolf helped us by destroying the weak and dismembering the aberrant element within. As time went by, strangely the herd felt more secure under the rule of the wolf. It believed that by belonging to this wolf it would remain safe from all the other wolves. But we were eaten just the same.

No one knows better than the children of the Holocaust how the lessons of history must never be forgotten. Yet Americans, whose battle cry was once "Give me liberty or give me death," have sat placidly by as a new king was crowned. In America a new king was crowned by the shrug of our shoulders when our neighbors were wrongfully seized. A new king was crowned when we capitulated to a régime that was no longer sensitive to people but to non-people — to corporations, to money, and to power. The new king was crowned when we turned our heads as the poor and the forgotten and

The government agents shot the child in the arm. He turned and ran, the arm flopping, and when he did the officers, still unidentified as such, shot the child in the back and killed him.

the damned were rendered mute and defenseless, not because they were evil but because in the scheme of our lives, they seemed unimportant, not because they were essentially dangerous but because they were essentially powerless. The new king was crowned when we cheered the government on as it prosecuted the progeny of our ghettos and filled our prisons with black men whose first crime was that they were born in the ghettos. We cheered the new king on as it diluted our right to be secure in our homes against unlawful searches and secure in the courts against unlawful evidence. We cheered the new king on because we were told that our sacred rights were but "loopholes" by which our enemies, the murderers and rapists and thieves and drug dealers, escaped. We were told that those who fought for their rights, the lawyers, were worse than the thieves who stole from us in the night, that our juries were irresponsible and ignorant and ought not be trusted. We watched with barely more than a mumble as the legal system that once protected us became

populated with judges who were appointed by the new king. At last the new king was crowned when we forgot the lessons of history, that *when the rights of our enemies have been wrested from them, our own rights have been lost as well, for the same rights serve both citizen and criminal.*

When Randy Weaver failed to appear in court because he had lost his trust in the government, we witnessed the fruits of our crime. The government, indeed, had no intent to pro-

Vicki was shot and slowly fell to her knees, her head resting on the floor like one kneeling in prayer. Randy ran up and took the baby that she clutched, and then he lifted his wife's head. Half of her face was blown away.

tect his rights. The government had but one purpose as it remains today, the disengagement of this citizen from society. Those who suffered and died in the Holocaust must have exquisitely understood such illicit motivations of power.

I have said that I was attracted to the case out of my own pain. Let me tell you the facts: A crack team of trained government marksmen sneaked onto Randy Weaver's small isolated acreage on a reconnaissance mission preparatory to a contemplated arrest. They gave Randy no warning of their coming. They came without a warrant. They never identified themselves.

The Weavers owned three dogs, two small crossbred collie mutts and a yellow lab, a big pup a little over a year old whose most potent weapon was his tail with which he could beat a full-grown man to death. The dog, Striker, was a close member of the Weaver family. Not only was he a companion for the children, but in the winter he pulled the family sled to haul their water supply from the spring below. When the dogs discovered the intruders, they raised a ruckus, and Randy, his friend Kevin, and Randy's 14-year-old son Sam grabbed their guns and followed the dogs to investigate.

When the government agents were confronted with the barking dog, they did what men who have been taught to kill do. They shot Striker. The boy, barely larger than a ten-year-old child, heard his dog's yelp, saw the dog fall, and, as a 14-year-old might, he returned the fire. Then the government agents shot the child in the arm. He turned and ran, the arm flopping, and when he did the officers, still unidentified as such, shot the child in the back and killed him.

Kevin Harris witnessed the shooting of the dog. Then he saw Sam being shot as he turned around and ran. To Kevin there was no alternative. He knew if he ran these three intruders, whoever they were, would kill him as well. In defense of himself, he raised his rifle and shot in the direction of the officer who had killed the boy. Then, while the officers were in disarray, Kevin retreated to the Weaver cabin.

In the meantime, Randy Weaver had been off in another direction and only heard the shooting, the dog's yelp, and the gunfire that followed. Randy hollered for his son and shot his shotgun in the air to attract the boy.

"Come on home, Sam. Come home."

Over and over he called.

Finally he heard the boy call back: "I'm comin', Dad." Those were the last words he ever heard from his son.

Later that same day Randy, Kevin, and Vicki Weaver, Randy's wife, went down to where the boy lay and carried his body back to an outbuilding near their cabin. There they removed the child's clothing and bathed his wounds and prepared the body. The next evening, Weaver's oldest daughter, Sarah, 16, Kevin and Randy went back to the shed to have a last look at Sam. When they did, the government snipers opened fire. Randy was hit in the shoulder. The three turned and ran for the house where Vicki, with her ten-month-old baby in her arms, stood holding the door open. As the three entered the house Vicki was shot and slowly fell to her knees, her head resting on the floor like one kneeling in prayer. Randy ran up and took the baby that she clutched, and then he lifted his wife's head. Half of her face was blown away.

Kevin was also hit. Huge areas of muscle in his arm had been blown out, and his lung was punctured in several places. Randy and his 16-year-old daughter stretched the dead mother on the floor of the cabin and covered her with a blanket where she remained for over eight days as the siege progressed.

By this time there were officers by the score, troops, armored personnel carriers, helicopters, radios, televisions, robots, and untold armaments surrounding the house. I will not burden you with the misery and the horror the family

My defense of Randy Weaver is a defense of every Jew and every gentile, for every black and every gay who loves freedom and deplores tyranny.

suffered in the standoff. I will tell you that finally Bo Gritz, Randy's former commander in the Special Forces, came to help in the negotiations. Gritz told Randy that if he would surrender, Gritz would guarantee him a fair trial, and before the negotiations came to an end, Randy came to the belief that I would represent him. Although Gritz had contacted me before he spoke to Randy, I had only agreed to talk to Randy. But the accuracy of what was said between Gritz and me and what was heard by Randy somehow got lost in the horror, and Randy's belief that I would represent him if he surrendered was, in part, his motivation for finally submitting to arrest.

And so my friend, Alan, you can now understand the pain I feel in this case. It is the pain that comes from the realization that we have permitted a government to act in our name and on our behalf in a criminal fashion. It is the pain of watching the government as it now attempts to lie about its complicity in this affair and to cover its crimes by charging Randy with crimes he did not commit, including murder. It is the pain of seeing an innocent woman with her child in her arms murdered and innocent children subjected to these atrocities. Indeed, as a human being, I feel Randy's irrepressible pain and horror and grief.

I also feel your pain, my friend. Yet I also know that in the end, if you were the judge at the trial of Adolph Eichmann, you would have insisted that he not have ordinary counsel, but the best counsel. In the same way, if you were the judge in Randy's case, and you had the choice, I have no doubt that despite your own pain you might well have appointed me to defend him. In the end you would know that the Holocaust must never stand for part justice, or average justice, but for that most notable of ideals — that even the enemies of the Jews themselves must receive the best justice the system can provide. If it were otherwise, the meaning of the Holocaust would be accordingly besmirched.

Alan, I agree with your arguments. They are proper and they are true. I agree that my defense of Randy Weaver may attach a legitimacy and a dignity to his politics and religion. But it may, as well, stand for the proposition that there are those who do not condone this kind of criminal action by our government. I view the defense of Randy Weaver's case as an opportunity to address a more vital issue, one that transcends a white separatist movement or notions of the supremacy of one race over another, for the ultimate enemy of any people is not the angry hate groups that fester within, but a government itself that has lost its respect for the individual. The ultimate enemy of democracy is not the drug dealer or the crooked politician or the crazed skinhead. The ultimate enemy is the New King that has become so powerful it can murder its own citizens with impunity.

To the same extent that Randy Weaver cannot find justice in this country we, too, will soon be deprived of justice. At last, my defense of Randy Weaver is a defense of every Jew and every gentile, for every black and every gay who loves freedom and deplores tyranny.

Although I understand that it will be easy for my defense of Randy Weaver to be confused with an endorsement of the politics of the Aryan Nation, my challenge will be to demonstrate that we can still be a nation where the rights of the individual, despite his race, color, or religion, remain supreme. If this be not so, it is because we have forgotten the lessons of our histories — the history of the American Revolution as well as the history of the Holocaust.

And so my friend, Alan, if I were to withdraw from the defense of Randy Weaver as you request, I would be required to abandon my belief that this system has any remaining virtue. I would be more at fault than the federal government that has murdered these people, for I have not been trained to murder but to defend. I would be less of a man than my client who had the courage of his convictions. I would lose all respect for myself. I would be unable to any longer be your friend, for friendship must always have its foundation in respect. Therefore as my friend, I ask that you not require this of me. I ask, instead, for your prayers, your understanding, and your continued love.

As ever,
Gerry Spence



Excerpted with permission from *From Freedom to Slavery: The Rebirth of Tyranny in America*, St. Martin's Press, 1993.

Report

Midnight in Moscow

by Ross Overbeek

A lot has changed in Moscow in the past year. There are supermarkets, restaurants, espresso bars, and a new entrepreneurial class. And, oh yes, people are being killed in the streets.

It was a few minutes after midnight when Maxim and I entered the coffeeshop just off Smolenskaya Park in Moscow. A year ago, it was impossible to find a coffeeshop in Moscow. Now, espresso is a dollar a cup — about what I'd pay in Naperville, Illinois.

During the six days I had been in Moscow working with Russian colleagues on a number of computer programming problems, Moscow had been gripped by a crisis. Four days before I arrived, the elected president, Boris Yeltsin, had dissolved the legislature and called for new elections. Alexander Rutskoi, the vice president, had responded by declaring himself the legitimate president of Russia. His party of mostly old-line communists had refused to leave the White House, the building in which the legislature met. There ensued a sort of standoff: Yeltsin's opposition occupied the White House, surrounded by police and soldiers, believed to be loyal to Yeltsin, along with a crowd of demonstrators opposed to Yeltsin's rule.

Maxim and I had been working on a problem in database technology all day and it was definitely time to relax. "I really don't think too much about these events," he was saying. "It's insignificant compared to what's really happening."

Earlier, he had led me into a grungy building in a nondescript part of town and taken me up a tiny,

creaky elevator. We wandered down a hallway with a huge hole in the ceiling, went through an enormous door with two large locks, and passed several armed guards before emerging into a modern office complex, where young, alert-looking people were doing state-of-the-art work on the latest computer equipment.

The associate director was running Windows/NT, a system not yet widely available in the U.S. He told me his company was seeking Internet access. I gave him the computer science books I had brought from America, expecting to have to accept some form of payment in kind, as barter had been the order of the day during my previous visit. But he opened his wallet and counted out seven \$50 bills, American money, to pay me for the books.

Back in the coffeeshop, Maxim was reminiscing. "I studied Bettelheim, back before *perestroika*. I began to understand what happened to concentration camp inmates when they were liberated. A lot of them couldn't handle freedom; they wanted to go back

to the routine of camp life. Freedom hurts too much."

The middle-aged Muscovite had grown up under Communism, but he didn't seem like an ex-inmate to me.

"It could have happened here," he said. "I thought it might. But it didn't. It isn't."

Less than ten hours later, I was at the White House. The police, heavily armed with automatic weapons, ringed the building. It was about 9:30 a.m. and the crowd of pro-parliament demonstrators consisted of only a few hundred heads; they didn't seem like the sort of people with whom I might strike up a conversation. Nothing much seemed to be happening, and I left after about 45 minutes. Less than 24 hours later, the anti-Yeltsin forces attempted a takeover of Moscow's television station, and the situation at the White House turned violent, as Russian troops expelled its occupants, and the hotel where I was staying was shut down because of sniper fire.

◆
The availability of espresso and of

dollars to pay for American computer science books weren't the only changes that had occurred since my last visit to Moscow, one year ago. Progress there has been amazing. New businesses were springing up all over Moscow — not just coffeeshops, but restaurants, supermarkets, and more.

Today, there are western-style supermarkets offering a wide variety of good quality food, much of it imported, even fresh produce. I attended a banquet held for a scientific institute at which the food was superb, equal to anything available in the West. I later learned that the banquet had been catered by a local farmer and paid for in dollars.

The hotel at which I stayed was reasonably priced, but unusually run. You don't rent rooms from the hotel, but from entrepreneurs who have leased entire floors. I got a room from a British outfit called Clambays, which

leases two floors of the Belgrade hotel, and runs them as a separate enterprise, independent of the rest of the building.

The banks, alas, are still tied up in red tape. It remains common for them to hold transferred money for weeks, even months, before releasing it. That makes even so basic a matter as paying salaries quite difficult.

Private-sector salaries were zooming upwards; the scientists I was working with were seeing increases by a factor of about 35. Price controls were gone, and with government intervention still limiting supplies, prices were going through the roof. People in the private sector were generally unhurt, but wage-controlled public employees were feeling a real squeeze. At the same time, where free markets were allowed to function, some prices were falling. IBM-PCs, a year ago 40% more in Russia than America, had dropped to the price levels that prevail in the West.

The biggest contrast is between the rouble economy and the dollar economy. There is ample food available for those with dollars — but not everyone, certainly not government workers, have dollars to spare. When subsidies are reduced to the point where rouble-users cannot afford their daily meals, something will have to give. Sooner or

The police, heavily armed with automatic weapons, ringed the White House. It was about 9:30 a.m. and the crowd of pro-parliament demonstrators consisted of only a few hundred people.

later they are going to have to produce something, have to earn their way, have to stop being dependent on a government that can no longer afford to subsidize them.

The old ruling class of Communist *apparatchiks* has been stripped of many of its powers. This transformation is continuing to this day, and is fraught with danger. Inevitably, the change has brought prosperity to a new class of criminals, though the streets of Moscow are safer than the streets of Chicago. But what is remarkable is that there is also emerging a new class of young entrepreneurs.

Two days later, I was in Pushchino, a little city about 100 kilometers from Moscow. My friend Zhenya and I were returning from a ten-mile hike. On the way into town, a man passed us and tapped Zhenya on the shoulder. "The revolution has started," he said.

The only television channel was showing an old American movie. A newscaster broke in. There was fighting at the White House, and the TV station was under attack. Gaidar appeared, asking people to take to the streets.

Outside, in Pushchino, the townspeople were doing their best to be polite to foreigners while their own futures hung in the balance.

At first, Zhenya was openly de-

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pressed at Yeltsin's failure to move earlier and more aggressively. Later that evening, he seemed to change his mind: "Yeltsin could not have moved earlier. Had he initiated the aggression, world opinion would have condemned him. As it stands, by waiting as long as he has, he can institute whatever actions he wishes — if he

He opened his wallet and counted out seven \$50 bills, American money.

can win." If he could win — that was asking a lot.

Everything would hinge on how the army reacted that night, he continued. By not responding immediately, Yeltsin had turned a threatening situation into a comedy. But in doing so, he had looked weak, and the loyalty of the army might waver.

But the army did remain loyal to Yeltsin, and within two days the president had prevailed. By not immediately responding, Yeltsin had made his opponents look like thugs and criminals. His reward was the sympathy of most Russians and of the foreign powers when he did ultimately crack down on the legislature.

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Travel restrictions were imposed after the parliamentary showdown, prevent-

ing me from returning from Puschino to Moscow. Instead, I had to go straight to the airport. The drive was weirdly fascinating. Petrol prices were still being held down, so a black market had formed. Gas trucks would just park a few minutes at turnoffs, cars would stop and refill, then everyone would move on. It created traffic problems, and I imagine the regulators didn't care much for it, but it's just people making the most of a bad situation. Russians are adapting. A market is appearing.

Consider the abstract problem of how to move an authoritarian society with a parasitical power structure in a libertarian direction. It is clear that those who hold power will let it go only gradually, and after a long and hard struggle. Once change seems inevitable, the smarter members of the *nomenklatura* will try to gain privileged positions in the freer society, stashing away as much as they can skim off during the transition.

Hence the common Muscovite comment: "If you're rich, you're probably a thief."

An American friend who manages a fairly large Moscow operation told me his approach to business survival: "Take any aid and just offer \$100,000 to each bureaucrat you have to deal with, in a prioritized order. Let the money go as far as it will. But make it a condition that, if they take it, they must leave."

There is a lot of bribery, protection

money, regulatory harassment, and the like in today's Russia. And it's probably unavoidable. Russia is far, far away from a truly free economy, but matters are improving rapidly.

Less than 24 hours later, the situation at the White House turned violent, and the hotel where I was staying was shut down because of sniper fire.

The existing power structure is breaking down.

The key problems now are avoiding civil war, developing a functioning judicial system, and establishing increased spheres for private property. That's a tall order but I think the one-time Soviets just might pull it off.

If you get the chance, go over to visit Moscow and St. Petersburg. Talk with the people — a surprisingly large number can speak English very well. You'll find new opportunities and extraordinary individuals. You'll see able leaders making unrecognized contributions. You'll discover a nation with a real hope that for all the current troubles, a better tomorrow can still be had.

It's well past midnight now. The dawn is on its way. These are the strange times, the ambiguous times — but things are getting better. □

Letters, continued from page 4

anyone who dares to challenge state authority. Those cowed by such threats usually evade obvious examples of government brutality by rationalizing the decision-making process that causes the act.

That Lomasky sympathized with Reno's suffering persuades this writer that he is rationalizing the wrong and discounting the innocent victims.

While it seems that the professor is a moral and honest person, his suggestion that those who command the "levers of power" might share these attributes can only mean that he does not understand the nature

of the beast.

Dean R. Hyatt
Ontario, Calif.

Now, a Word for Lomasky

Based on eight years in the Navy, three years work on a government contract, and nine years as a government employee, I have to agree with Mr Lomasky's analysis of the Waco disaster. But, as always, R.W. Bradford's article was also thought-provoking. He's right — ineptitude doesn't excuse murder.

Don Kosloff
Perry, Ohio

NPR, Sí!

While I share some of Glenn Garvin's criticisms of NPR, *All Things Considered*, and *Morning Edition* ("How Do I Loathe NPR? Let Me Count the Ways," August 1993), I feel compelled to point out the good in NPR.

For example, commentator Baxter Black, cowboy and former large-animal veterinarian, is closer to literature than news. Red Barber added interesting angles and background information to sports. And I'll never forget Andre Codrescu's commentary on the Clinton inauguration, which,

continued on page 44

Dispute

NAFTA and/or Free Trade

The North American Free Trade Agreement has fallen on hard times — even among advocates of free trade. Here are two *very* different perspectives.

The Greening of Trade

Fred L. Smith, Jr.

James M. Sheehan

NAFTA was once championed as a free trade agreement, and many free traders still support it, believing it a reasonable way to expand trade in a protectionist world. In fact, NAFTA is a *managed* trade agreement that threatens to further regulate three nations already suffering from excessive red tape. NAFTA is a threat to genuine free trade.

President Bush deserves much of the blame for this. It was he who accepted the environmentalists' view that NAFTA required special provisions to manage trade's environmental impact. When Clinton was elected president, the environmental lobbies demanded that these provisions be given enforcement "teeth" — hence, the treaty's infamous side agreements. Not surprisingly, NAFTA is now supported by most major environmentalist groups. They believe it grants them major new powers over global ecological issues. Are they right?

Most free traders believe they are not. Alan Reynolds of the Hudson Institute, Brink Lindsey of the Cato Institute, Ed Hudgins of the Joint Economic Committee (Republican Staff), Wesley Smith of the Heritage Foundation, and even Milton Friedman see these side agreements as mere warts on a good deal — foolish and costly, but largely irrelevant to the larger issue of expand-

ing trade with Mexico.

Yet are the changes so small? After all, economic liberty is possible only in a world of dispersed political power; without any competitive checks, regulatory bodies become ever more totalitarian. Once, federalism disciplined excessive regulation. If California imposed too many restrictions on its economy, firms would move to other states. The onslaught of nationally uniform regulations has largely eliminated this disciplinary effect, leaving industry only one escape hatch — to move overseas. The pro-NAFTA environmentalists' goal is to extend regulation across national borders.

American environmentalists have already begun to extend their transnational influence. The Basel Convention extends the American confusion over the actual risks associated with "hazardous" wastes to world trade, making it far harder for Third World countries to contribute to responsible waste management. The Marine Mammal Protection Act, a domestic U.S. law, was nonetheless used to restrict the tuna trade with Mexico. The Convention on International Trade in Endangered Species has limited Third Worlders' ability to commercialize — and thus, ironically, to preserve — their wildlife; the African elephant is a poignant example. The Rio Earth Summit triggered a flurry of international agreements along the lines of the earlier-enacted Montreal Protocol. All these laws pose serious threats to economic and technological development. But their effect is limited. Most trade re-

mains outside the ambit of environmental challenge.

Before NAFTA, nations were able to restrict trade in a specific good based on the nature of the good itself. On those grounds, environmental and economic protectionists have already created great mischief — the Chilean grape scandal, efforts to ban Latin American beef, European efforts (supported by American activists) to restrict U.S. meat imports. Still, trade law did not seek to regulate production and process methods — the environmental implications of the way goods are produced. "Social and environmental dumping" were concepts alien to traditional trade policy.

Under NAFTA, Canada, the United States, and Mexico are to harmonize their environmental laws, are obligated to enforce their domestic environmental laws, and are discouraged from rationalizing existing environmental laws when such reforms might be perceived as "environmental dumping" — sacrificing the environment for competitive purposes. NAFTA eliminates the distinction between the good and the production method used. Under NAFTA, environmentalists are allowed to scrutinize the environmental practices of Mexico, the U.S., and Canada to ensure that they are not "unfairly subsidizing" their industries with low environmental compliance costs.

How serious a threat are these new implicit powers? One indication is the fact that the Natural Resources Defense Council, the Environmental Defense Fund, the National Wildlife Federation,

the World Wildlife Fund, the National Audubon Society, and Conservation International have all endorsed NAFTA and are fighting for its passage. These organizations have been extremely adroit in the past at exploiting the complexities of ambiguous language and elaborate advisory studies and panels to gain power over the U.S. economy. As an example, consider the creative conversion of the Clean Water Act's "navigable waterways" language into the restrictive "no net loss of wetlands" policy. Note, also, that these groups negotiated and wrote these side agree-

The pro-NAFTA environmentalists' goal is to extend regulation across national borders.

ments — shouldn't we take what they wrote seriously? Finally, remember that these agreements will be implemented by an administration governed in environmental matters by Al Gore and staffed by individuals who, in the words of the *Washington Post*, are "greener than the Jolly Green Giant!"

But enough theory — let us turn to the exact language of NAFTA. The extensive commitments contained therein are enough to make any friend of liberty shudder. Among these new challenges:

- **NAFTA creates new pressures to tighten regulatory enforcement.** As Senator Baucus has pointed out: "NAFTA's side agreements obligate each country to enforce its environmental laws, and they prescribe punishment if enforcement is ineffective" (see, for example, Side Agreement Articles 5 and 24). NAFTA also mandates "appropriate governmental action" to effectively enforce laws, such as on-site inspections, searches and seizures, administrative orders, fines, imprisonment, and closure of facilities (Side Agreement Article 5). Such rules might seem reasonable until one realizes that virtually all U.S. environmental laws are selectively enforced. There are over 300 "endangered" species that have not yet been "protected," municipal sew-

age plants throughout the nation aren't meeting their cleanup goals, many urban regions are air "non-attainment" areas, and so forth. NAFTA empowers any citizen or environmental group to call for an investigation at any time. Why provide the American environmental groups and foreign trading competitors any new rationales for old protectionist policies?

- **NAFTA encourages ever more stringent environmental regulations.** NAFTA encourages "harmonization" of the three governments' environmental, food-safety, and inspection regulations (NAFTA Articles 714, 906). It also specifically allows countries to have higher (not lower) standards than their competitors, and specifically bars nations from lowering their standards to advance harmonization. The side agreements specify that the "laws and regulations provide for high levels of environmental protection" and "strive to continue to improve those laws and regulations" (Side Agreement Article 3). For such reasons, we argue that NAFTA requires *upward* harmonization of environmental rules. What else can harmonizing disparate rules with none being lowered mean?
- **NAFTA will make it more difficult to rationalize regulations.** NAFTA specifically discourages nations from relaxing environmental laws ("waive or otherwise derogate from") to attract or retain investment (NAFTA Article 1114). "Intent" is a very difficult concept to determine in practice and, clearly, many rationalizations of environmental policy might be criticized by environmental activists on these grounds. NAFTA grants them ample opportunity to oppose such reforms. All environmental rules have economic impacts; many environmental rules achieve little or no good; yet, they remain championed by important environmental organizations. Do we wish to strengthen their ability to block reform?
- **NAFTA expands the EPA's power over states and localities.** The EPA currently has no power over state and local environmental laws that are enacted independently of any federal mandate. Local recycling

mandates, for example, can be modified by the state and such changes are not subject to EPA challenge. However, if such rule changes improve the economic competitiveness of firms in the area (a probable result of any rational environmental law) the change could be seen as an attempt to "waive or derogate from" environmental standards to retain investment — a NAFTA no-no. The EPA is already the most powerful bureaucracy in the history of our nation. Is it wise to grant this agency still more power?

These complex commitments are to be backed up by a new, sprawling, tri-national bureaucracy called the Commission on Environmental Cooperation, funded by the three governments at an unspecified level. The commission will wield the authority to stigmatize as an environmental criminal any national, state, or provincial government which fails to "effectively" enforce its own environmental laws. A government so targeted can be punished with fines of up to \$20 million per offense. Punishment can also take the form of trade sanctions, with tariffs reimposed

NAFTA furnishes new levers of power to existing enemies of liberty.

and NAFTA's trade and investment benefits suspended.

The threat is not that independent Naftacrats will run roughshod over national sovereignty, but rather that NAFTA furnishes new levers of power to existing enemies of liberty. The history of state environmental agencies is instructive. Often, such agencies allied themselves with the national EPA to encourage rules far more stringent than necessary for their state. How likely are national EPAs to defend their economies against the excessive regulation NAFTA encourages, given that such pressures can only expand their power and influence?

The commission's staff is supposed to conduct studies designed to support "sustainable development" (whatever

that is), promote the use of "economic instruments" (taxes and subsidies) to efficiently achieve environmental goals, increase the use of life-cycle analyses to encourage "better" products, and whatever other matters it may decide (Side Agreement Article 10). The NAFTA secretariat will be prompted, bolstered, and bullied by the environmental lobbies, operating through non-governmental advisory committees. Here, as in so many areas of public policy, the taxpayer will pay for "public participation" grants to ensure that "progressive" groups may promote their pro-regulation agenda.

On a deeper level, free marketeers should look beyond the language of NAFTA to the larger alliance the agreement embodies. Beltway environmentalists have recognized the fundamental reality that their old alliances with Big Labor protectionists were not going to accomplish the goal of international regulation — Big Labor is a dying force in American politics. So they've shifted their strategy; now, they embrace Big Business protectionists. That alliance is logical for Big Business, which already copes with complex environmental rules. Rising environmental and safety standards offer Big Business protection from both domestic entrepreneurs and foreign competitors.

By legitimizing a new protectionist force, NAFTA turns green locusts on the already drying fields of international economic growth.

NAFTA represents a massive turning point. In many ways, the nation now faces a situation similar to late nineteenth-century America, when such new federal regulatory bodies as the Interstate Commerce Commission were created to supplant ineffective state controls over "robber baron" capitalism. International trade is forcing business to be far more competitive than it would prefer. As Dwight Lee and Richard McKenzie point out in *Quicksilver Capital*, firms quickly disinvest in nations that impose oppressive regulatory and tax burdens. NAFTA addresses that "problem" by creating a framework that might well grow, as the EC bureaucracy did, into an internationally cartelized economy.

Free marketeers should not be misled by the NAFTA debate's simplistic

"free trade or protectionism" frame. Economic liberty cannot be advanced by creating new procedures to restrict it. □

Pass it and Move On

Brian Doherty

It isn't just Ross Perot and his amen corner of yahoo protectionists who are beating the drums for stopping the North American Free Trade Agreement. Now free traders are finding the treaty fatally flawed as well. Flawed NAFTA certainly is, but defeating it would be letting the best kill the better, and would destroy the cause of free trade for at least a political generation. And so I find myself in the unenviable position of defending NAFTA.

I've raised the question of NAFTA's purity myself, in an article for the January 1993 *Reason*. The article mocked the absurd bureaucratism in which NAFTA is written and pointed out the many places where it falls far short of ideal free trade. It doesn't eliminate anti-dumping laws; its rules of origin are needlessly restrictive and require too much record-keeping paperwork from importers and exporters; it creates too many new bureaucratic boards; it contains the awful giveaway Article 801, which allows a return to old tariff rates if an import surge causes "serious injury, or a threat thereof, to a domestic industry."

When *Reason's* editor asked me to sum up whether, on balance, I still thought passing NAFTA was a good thing — not an ideal thing, but, given present political realities, a good thing — I reluctantly said yes. Tariffs will drop, and the example of largely open trade between an advanced industrial economy and a Third World one succeeding to everyone's benefit is important in the larger battle for worldwide open markets. Even after the addition of objectionable labor and environmental side agreements, I still, reluctantly but with certainty, say yes to NAFTA.

Here's why. While my ideal for my country is unilateral elimination of trade barriers, regardless of what other nations do, there is no political constituency for such a move now. Thanks to

Perot's steady, ignorant warnings of massive job loss, even the viable political constituency for NAFTA's wan, hesitant steps toward freer trade is being lost. The time to deal protectionism a crushing blow is *now* — if protectionists win this battle, free traders will have to face a juggernaut that can be halted only with the greatest effort. If NAFTA goes down, protectionism will reign supreme in America's political life. The Buchanan/Perot logic will next lead to *increased* trade barriers against other Third World nations.

It was a mistake to negotiate NAFTA in the first place, but now that it's here, its death will mean death for free trade as a viable political stance for decades. This is the reality free traders must face.

Certainly, there is not a lot to cheer about in NAFTA as it is. Fighting for it requires more defense than offense.

Let's not refuse to take any steps toward our destination just because they don't take us there immediately.

Luckily, attacks on NAFTA are usually typical protectionist nonsense from the likes of Perot, or else paranoia-mongering by those portions of the free-trade Right whose sense of proportion vanishes in the face of environmentalism — a threat magnified a thousandfold by their own fervid imaginations. Accusations are flying that NAFTA's new side agreements will allow supranational bureaucracies to overturn local or state regulations forever. These arguments are based more on a Bircher-level fear of the devilish cleverness and power of environmental lobbies to get their way against the explicit language of the treaty and the side agreements. (They even argue that leading environmental groups' public disagreement over NAFTA's merits is a premeditated good cop-bad cop routine, as if these groups jealously competing over a limited audience of supporters are going to immolate themselves in the service of International Environmentalism. The Natural Resources

Defense Council has lost more members over its pro-NAFTA stance than any other issue in its history.)

Article 3 of the side agreement recognizes "the right of each Party to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws and regulations." It goes on to exhort parties "to improve these laws," but this language bears no legal weight. The guarantee of sovereignty, however, is airtight. The Commission on Environmental Cooperation, envisioned by some of the anti-NAFTA forces as a bunch of green stormtroopers bashing down the doors of bewildered Middle American shopkeepers, is in reality merely a debating society for consideration of environmental questions relating to NAFTA's signatories. It has no direct investigatory powers.

And if a "persistent pattern of failure . . . to effectively enforce . . . environmental law" relating to trade between the NAFTA nations is found — and if that "persistent pattern" is not a "reasonable exercise of discretion" and does not come from "bona fide decisions to allocate resources to . . . other environmental measures" — then

what? Are our sovereign laws to be overturned by these global environmental cops?

No, then the disputing countries have to agree on an action plan to alleviate the pattern. If no agreement is reached, or an agreement is reached but

Flawed NAFTA certainly is, but defeating it would destroy the cause of free trade for at least a generation.

broken, a fine of up to \$20 million can be levied against the offending country. And if this isn't paid, NAFTA trade benefits can be suspended up to this \$20 million limit.

Free traders have made further specific arguments, alleging that the treaty restricts our freedom to lower environmental regulations. I don't have the space to rebut them all here. Suffice it to say, they all rely on misreading hortatory language as legally binding and ignoring language that explicitly reserves sovereign rights in setting environmental standards to the signing parties. Certainly, all of these side agreements

contain a lot of counterproductive nonsense that has no place in a *soi-disant* free trade agreement; and, contra Rothbard, I don't support NAFTA out of a knee-jerk reaction to those magic words, "free trade." I support it, warts and all, because it represents the creation of a (mostly) free trade zone between three different nations of vastly differing levels of economic development; because a defeat may strangle Mexican economic reform in the crib; because a victory for it will be a standing reproach to neanderthal protectionism; and because its flaws do not outweigh its benefits.

Yes, exclusive free trade agreements distort "natural" trade flows, as I've heard some supposedly sophisticated Misesians argue — but in a world of nation-states, all with some protectionist barriers, "natural" trade flows cannot be discerned. Let's not refuse to take any steps toward our destination just because they don't take us there immediately. NAFTA is a mess; it's filled with unnecessary bureaucratization; it's not pure free trade. Let's pass it and move on, strengthened, to fight further battles for free trade, instead of crawling off to lick our wounds, crippled by the shrill political castrati named Buchanan and Perot. □

Medianotes, continued from page 17

a new weekly feature, "Timeswatch," written by neocon pundit Hilton Kramer, editor of *The New Criterion* and himself a former arts columnist for the *New York Times*. Kramer's premise is that, in consequence of recent key staff changes, the *Times* is becoming a major organ of political correctness.

If so, this is very bad news. Papers around the country as well as the electronic media tend to take their lead from the *Times*. Unfortunately, my daily *Times* reading more and more confirms Kramer's verdict. Take two items featured as *news* in recent days.

(1) A front-page story on September 25 deals with the notorious "sex harassment" code adopted at Antioch College. This code mandates that, in any sexual encounter, the initiation of each new "level" of activity must receive the explicit *verbal* consent of the other party. The article, written with an obvious radical-feminist slant, reports the initial reaction of male students as follows: "The boys were appalled. 'If I have to ask those questions I won't get what I want,' blurted one young man." As for the "beneficiaries" of the new code: "The girls, for their part, were trying on the idea that they could have sex if they wanted and refuse it if they did not." Yes, of course — *before* this new code, girls at Antioch were *not* per-

mitted to refuse sexual advances.

(2) Another news article (September 28) dealt with the two L.A. policemen in the Rodney King case who had been railroaded in the federal double-jeopardy trial. A lower court decided that they could be set free on bail until their final pleas were heard. The *Times* writer wrote: "Although Sergeant Koon and Officer Powell have remained free through the two trials, the two [black] men accused of beating the truck driver, Reginald O. Denny, have been held in jail since being arrested in May 1992, with bail set as high as \$580,000." This "perceived inequality" has angered many in the black community, according to the *Times* reporter. Nowhere in the article does the reporter point out that the two young thugs were accused, not simply of beating Denny, but attempted murder.

The *New York Times* has never really been objective, especially when it comes to foreign affairs, and most especially whenever Israel is involved. Now bias infects every story having to do with race, sex, and their ramifications throughout our culture. America should be on the alert: "the newspaper of record" is on its way to becoming a PC rag. —RR

Analysis

After the Election, *le Déluge*

by Scott J. Reid

Canadian voters removed 98.7% of their ruling party's members of parliament and elected more than 100 new members who sympathize with succession. How long will Canada survive?

Connoisseurs of Canadian history — all three of them — are aware that 1993 marks the thirtieth anniversary of the mailbox bomb blast that announced the arrival on the political scene of Canada's very own separatist terrorist party: the Front de libération du Québec. The FLQ has long since departed the political scene, but this anniversary year's federal election has brought into parliament another separatist party, the Bloc Québécois, plus a contingent of quasi-libertarians from the Canadian West in the form of the Reform Party.

The two new parties have caused a blast of their own, in the form of the spectacular implosion of the governing Progressive Conservative Party. But the sudden death of the Conservatives, who were reduced in this election from 154 seats in the House of Commons to just two, is only half the story. The 1993 election witnessed the complete disintegration of the old Canadian party system. Under this system, the Liberals and the Conservatives alternated in building governing coalitions founded on winning all the seats in Quebec and about a third of those in English Canada. This arrangement was the informal glue that, more than any formal institution, held Canada together. One of the by-products of its collapse, therefore, will be the breakup of the country.

The extent to which things have been changed by the election of October 26 can be seen by comparing the seat count in the House of

Commons before and after the vote:

Party	Pre-election	Post-election
P.C.	154	2
Lib.	79	178
N.D.P.	43	9
B.Q.	8	54
Ref.	1	52

There are four points of interest here. The most obvious one is the complete decimation of the ruling Progressive Conservatives. The second — a bit of a side issue to the main events taking place in Ottawa — is the radical downsizing of the New Democratic Party. The last time Canada's socialist party sent a contingent this small to Parliament Hill, talking pictures were a recent innovation. What cut the NDP down to size was the fact that nobody in the party seems to be aware that the 1930s have ended. Canadian political culture has been evolving over the past few years toward a more free-enterprise-oriented outlook, but the New Democrats remain trapped in an Old Left time loop.

Surprises number three and four come with the arrival in Ottawa of over 100 untested legislators from the

two new regional parties. The Bloc Québécois will, by virtue of its two-seat lead over Reform, become Her Majesty's Loyal Opposition. Lucien Bouchard, the Bloc's leader, campaigned on a platform of leading Quebec to "real power." That means he'd prefer independence, but will settle in a pinch for substantially larger transfer payments to his province.

Writing in *Liberty* two years ago, I predicted that the Bloc would win all 65 of the Quebec seats in which French-speakers form the majority. As it turns out, Bouchard did not quite pull off this trick, but his party did win nearly three-quarters of Quebec's seats and all but one of the seats in which there is no immigrant or English-speaking component. (These two groups voted almost 100% for Jean Chrétien's Liberals.) Of the nineteen Quebec seats that did go to the Liberals, more than half will have representatives who themselves are immigrants or English-speakers.

This means that for only the second time ever in Canada's history, a majority government will come to Ottawa without any substantial representation from French Canada. Only

once (1917–21) has a party ever governed with a parliamentary majority despite having suffered a decisive defeat in Quebec. There have been several short-lived governments that included only a few MPs from the French province (1926, 1957–58, 1962–63, and 1979–80), but in each case the absence of a strong contingent of Quebec MPs was not accompanied by a massive majority of the seats of the

The 1993 election witnessed the complete disintegration of the old Canadian party system. One of the by-products of its collapse will be the breakup of the country.

English-speaking provinces. Therefore, each government was unable to garner an absolute majority of seats in the House of Commons, and was swiftly swept away.*

When the Party Ends

The idiosyncratic outcome of October's election signals the end of the electoral coalition that has dominated Canadian politics since 1867. For well over a century, Canada's parliamentary system had been dominated by an unusual party structure. As in the United States, the federal scene was dominated by two large parties: the Liberals and the Conservatives. (The NDP, known until the 1960s as the Cooperative Commonwealth Federation, emerged as a third player in the 1930s only to get perpetually stuck in third place.) What was uniquely Canadian was the two major parties' century-long struggle with one another to gain control of an electoral coalition that could only be maintained by alienating the greater share of voters in Canada's English-speaking majority.

The coalition was based on a single, simple factor. French Canadian voters

are more conscious of their minority position than English-speakers are of their majority status; hence, French-speakers tend to vote more cohesively. The result is that, in any given election, Quebec's seats all tend to go to a single party, while English Canada's are divided between the winner and the loser, with a few English seats going to the NDP as well. It thus made good political sense for both the Liberals and the Conservatives to devote most of their attention on satisfying Quebec's collective concerns, even if this meant alienating much of the rest of the country.

The loser in this struggle would wind up with about 60% of the votes in English Canada, while the winner would cobble together a coalition of almost all the seats in Quebec and only a third or so of English Canada's seats. Mackenzie King, for example, served as prime minister for over 20 years with a career average of 86% of Quebec's parliamentary seats and less than 40% of the popular vote in the rest of the country. His electoral coalition involved winning Quebec and the west while freezing out Ontario. It is said he used to pray his candidates in Toronto would be defeated, for Toronto always voted for the loser.

Similarly, Pierre Trudeau governed for 16 years from a Quebec-Ontario axis that froze out the west. With the exception of his first election in 1968, when he carried a bare majority of the seats in English Canada, Trudeau was a perpetual loser outside Quebec. In his final election in 1980, Trudeau won every seat but one in Quebec and only 73 of 207 in the rest of the country — just better than one-third. By this time, his party held only two seats west of the Ontario-Manitoba border. Brian Mulroney repeated Trudeau's feat — only this time, it was the west that was in and Ontario that was out.

Throughout this period, the system was self-maintaining. There were occasional populist revolts against the status quo — in English Canada in 1920, there again in the 1930s, and in Quebec

in 1962. These rebellions took the form of voters sending contingents of third-party MPs to Ottawa; each time, the Liberals and Conservatives were able to fight off the challenge through a combination of high-minded appeals to national unity and guttural warnings that true power lies in being represented in the governing party.

It is almost certain that the Liberals will attempt to use such tactics once again to reestablish the *status quo ante* in the next federal election. But first, Canada has to stay in one piece for the next five years. This should be quite a challenge.

The Year(s) of Living Dangerously

Two wedges seem likely to drive Canada apart in the period between this election and the next. First is the way in which the Bloc Québécois and the Reform Party will be forced by their supporters into positions of perpetual confrontation. Second is the complete lack of mutual sympathy and understanding between Canada's two nations, which has taken the form of a new nation-threatening mythology.

That French and English Canadians have never understood each other very

This year's election has brought into parliament a contingent of quasi-libertarians from the Canadian West in the form of the Reform Party.

well is illustrated by the title of the classic Canadian novel, *Two Solitudes*. In the past half decade this mutual incomprehension has given rise to two extraordinary myths that will help split the country.

French-speakers are unanimous in their belief that they were collectively stabbed in the back by the representatives of English Canada in November 1981. On the night of November 4, then-Prime Minister Pierre Trudeau and nine of Canada's ten provincial premiers cut a deal to amend the constitution. The one premier who was left out of the deal was René Lévesque of

* The government of R.B. Bennett (1930–35) constitutes a partial exception to this rule. Bennett governed with a parliamentary majority but only one third of Quebec's seats. Still, this was enough to give him a respectable level of Quebec representation in his caucus and cabinet.

Quebec, who was sleeping in his hotel as the final deal was being patched together.[†] Quebec was frozen out of the federal constitution, which is widely regarded in the province as therefore being an illegitimate document. One other key element of the story is that Jean Chrétien was Trudeau's chief constitutional negotiator at the time. Thus, it was the man who is now becoming prime minister who allegedly administered the final traitorous blow to his own province.

There isn't much truth to the myth. The reality is that René Lévesque did not take part in the constitutional negotiations in good faith, so it would have been impossible to produce any kind of consensus with his agreement. Lévesque himself knew this, and by the end of 1983, only two years after what is now called the "night of the long knives," he announced that he was no longer a separatist, and that Quebec should regard Canada as a "good bet" ("un beau risque"). Moreover, in 1981 nearly all Quebec MPs voted in favor of the constitutional amendments. Public opinion in Quebec at the time was neither wildly supportive nor dramatically opposed to the new amendments.

The myth itself sprang to life during the inconclusive "Meech Lake" constitutional negotiations of 1987-1990, when Prime Minister Brian Mulroney and Quebec Premier Robert Bourassa repeatedly emphasized how Quebec had been betrayed in 1981. They seem to have made this claim in order to make their own rather patchy last-minute compromise seem like a historic righting of terrible wrongs. In the end the Meech compromise died a well-deserved death, but the myth of the night of the long knives lingered on. Today it has the effect of making Jean Chrétien the most unpopular man in Quebec, where he is widely regarded as a sort of bastard hybrid between Marcus Brutus and Uncle Tom. One

Québécois MP even accused Chrétien of having stabbed Quebec in the face. It will be hard for a man saddled with such an image to mount a credible fight against Quebec separatism, particularly when the separatists are led by the popular Lucien Bouchard.

English Canada will be limited in its ability to deal rationally with

The real question is not so much if Canada will break up, or even when, but rather: In what manner?

Bouchard, thanks to an equally spurious piece of popular mythology. Bouchard, a former college buddy of Mulroney's, was recruited by his friend into federal politics in 1988, and was given a high-profile cabinet post. As the Meech Lake constitutional accord was unraveling in early 1990, Bouchard announced that he was resigning his cabinet post and leaving the Conservatives to set up his own separatist party. Thus was the Bloc Québécois born.

The English-Canadian view is that Bouchard knowingly deceived his best friend, accepting Mulroney's invitation to join federal politics because he planned all along to sabotage national unity. In pulling the plug on Brian Mulroney when he did, Bouchard is accused of having deliberately undermined the chances for a successful constitutional settlement. He is regularly accused by normally intelligent newspaper columnists and television pundits of being a traitor, and it is occasionally suggested that he has no right to sit in parliament as the leader of the opposition.

A more accurate telling of the events of 1988-90 shows that Bouchard was unique among Mulroney's cabinet colleagues in standing up for principle

rather than cronyism. He had never been secretive about his separatist beliefs, and when, after two years in the cabinet, it finally appeared that in order to keep his high salary and chauffeur he would be required to be silent and supportive of policies repugnant to his conscience, he chose instead to resign. Moreover, it is odd that he should be reviled for stabbing Mulroney in the back, when the Tories' disastrous October 25 defeat is mostly attributable to millions of Canadians' desire to stick their own knives into the Conservative Party, as an act of revenge against its much-despised former leader.

Of course, it should be clear that these myths have less to do with Jean Chrétien and Lucien Bouchard themselves than they do with the two men's roles as symbols of the deepest misunderstandings between Canada's two communities. Exactly how the two men are supposed to negotiate with one another when every action they undertake in the future will be interpreted as proof of one myth or another, is not clear.

The Best-Laid Plans of Mice and Federalists

Despite his formidable reputation among English-speaking Canadians, Lucien Bouchard is actually a conditional separatist, meaning that he is willing to oppose secession if he is convinced that Quebec's interests can be better-served in a united Canada. Likewise, his party gained the votes not only of the separatists, but also of the many Québécois federalists who believe that the heightened threat of independence can be used simply as a tool to force Ottawa to make conces-

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[†] Things were actually a little more complicated than this. High-pressure negotiations had been underway since November 2, and Lévesque had been gradually growing more isolated from the group of seven other premiers who together had been blocking Trudeau's efforts at an amendment. The deal reached on the night of the fourth was really just the last stage in this process of isolation. A good in-depth review of these events can be found in David Milne's book *The Canadian Constitution* (Lorimer, 1989).

sions to their province. For the Bloc's federalist supporters, this will prove to have been a disastrous miscalculation.

The reason: Bouchard is challenged in his role as leader of the official opposition by Preston Manning of the Reform Party. Just as the Bloc Québécois has no ties with the rest of the country, the Reform Party has none with Quebec; indeed, it is prohibited by its own constitution from running candidates there. This means that, unlike Chrétien, Manning has no incentive to support the kind of compromises that Quebecers will expect from Ottawa as the price of remaining in Canada.

Manning is already under tremendous political pressure to serve as the guardian of English Canada's interests, since it is widely assumed that the new Liberal government will simply throw money at Quebec. An article published just before the election, in the October 11 edition of *Alberta Report*, states this view squarely: "With the Bloc Québécois determined to wring every last concession out of the Confederation before leading its province out, separatists may well win the balance of power in a parliament dedicated to appeasement." The magazine cover features photographs of Manning and Bouchard with the headline, "Blocking the Bloc: if the BQ holds the balance of power, who'll stand up for English Canada?"

Thus, the most dramatic fireworks in the new Parliament will probably be exchanges between Bouchard and Manning. Adding to the tensions will be the fact that Preston Manning cannot speak French, while Bouchard will probably get fed up trying to explain himself in English to a perpetually unsympathetic audience. Caught in the

middle, and unable to effectively respond to either without offending one or the other of the two language groups, will be Chrétien and the Liberals.

To these short-term factors can be added the longer perspective. In a sense, Canada in crisis circa 1993 is no different from the panic-stricken nation that faced the aftermath of that first FLQ bombing 30 years ago, that bowed down under martial law in the October Crisis of 1970, that expected to be broken apart by referenda on Quebec independence in 1980 and in 1992. All these moments of high drama are really just peaks in a single, unending national unity crisis that can be traced as far back as the failed rebellion of 1837, when Louis-Joseph Papineau tried to establish an independent French-Canadian republic.

The real question, then, is not so much if Canada will break up, or even when, but rather: In what manner? There are dozens of models from the past century to inspect, and the past few years have given us dozens more.

The results of the recent election give us good reason to believe that in its early stages, Canada's breakup will closely resemble that of Czechoslovakia.

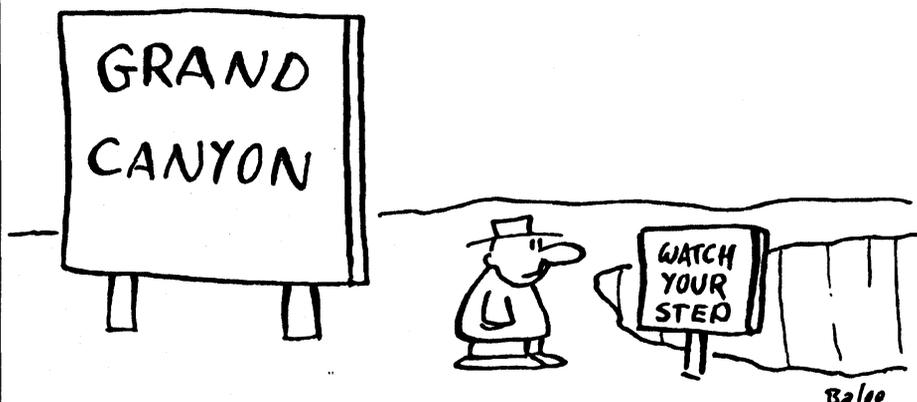
Here's how the parallel works. Prior to its dissolution in January of this year, Czechoslovakia was a federation of two linguistically distinct territories. In June of 1992, parliamentary elections were held, and the Slovaks voted in a nationalist party led by current Slovak president Vladimir Meciar. The nationalists were, like Lucien Bouchard, conditional separatists, willing either to lead their country to independence or be bribed not to go. Slovakia, like Quebec, was a long-time recipient of federal transfer payments.

Like Bouchard, Meciar maintained that this flow of wealth was too stingy, and would have to be greatly increased if it was to become acceptable. Like Bouchard, he offered nothing in return for this money, save the promise to hold off on independence for another year or so, at which time even more extravagant demands would be placed.

The Czechs reacted to these demands precisely the way I expect English Canada will react to Bouchard: they refused. Czech public opinion — led by a Preston Manning-like figure, Vaclav Klaus, who like Manning led a party with strong roots in the Czech Republic and no base at all in Slovakia — turned in favor of expelling Slovakia. Suddenly Meciar found himself negotiating secession rather than extended transfers. I'm not sure he was particularly unhappy about this change of events. At any rate, by autumn of last year it was clear to all that the federation could not be saved, and on January 1, Slovakia became independent.

The key elements are all there for a repeat performance in Canada. Besides the close Slovakia/Quebec, Meciar/Bouchard, and Klaus/Manning parallels, there is the matter of public opinion in English Canada. Two years ago, a federal investigation (the "Citizens' Forum on Canada's Future") discovered that less than 30% of English Canadians were willing to maintain national unity "at any cost" and that 5-10% favored tossing Quebec out on its ear. Last year, most of English Canada refused to be intimidated into voting "Yes" to a series of radical constitutional reforms designed to propitiate Quebec public opinion, even though the country's entire elite class warned that a "No" vote would drive Quebec to separate. Faced with the alternatives of offending Quebec or saddling themselves with the constitutional mish-mash dreamed up by their politicians, English-speaking Canadians realized that there really do exist fates worse than the breakup of the country.

The next few years will provide endless opportunities to ponder once again this bit of wisdom. This means that, for the first time, there is a realistic possibility that English Canada will simply fold its arms and wait for Quebec to leave. □



Presidential Malpractice

by R. W. Bradford

After ten months of hype, the Clintons finally reveal the details of their plan for health care. The diagnosis? You better hope you don't get sick. And you can expect to be poorer, in spirit, in finances, and in health.

President Clinton has finally unveiled his long-awaited health care program. Like a megalomaniacal Santa Claus, stymied by a Congress that seems able to recognize pork when it sees it, Bill Clinton had decided to focus his attention on the medical care crisis after his "economic stim-

ulus" package was eviscerated by Congress. "The only thing we'll really have to give the American people is health care," he confided to one government official. And so it came to pass that Clinton chose to make his health care plan the central achievement of his presidency, the crowning glory that would buy him a place in history and popularity sufficient for re-election, perhaps this time with a majority of the popular vote.

But the "reforms" Clinton is offering us are worse than the problem itself. The very way in which his health plan was devised should be a tip-off. Remember the health care task force — that panel of 511 "experts," all but one an employee of the government? Remember all its debate and discussions, all the different ideas paraded before it, the careful weighing of different options?

Well, it turns out that was all a sham for public consumption. In fact, Mr and Mrs Clinton had devised their health care plan even before they took office in January. Indeed, by February 1992 — almost a year before his inauguration — Clinton agreed to put Ira Magaziner in charge of medical care reform because he knew that

Magaziner's plans for mandatory universal "insurance" managed by government-organized cartels was "in sync" with his own. "By the time [President Clinton] talked to me about the job," said HHS Secretary Donna Shalala, "he was already clear on what he wanted to do and how. . . . It was pretty much ruffles and flourishes after that."

While the task force was leaking proposals that it was pretending to consider and the press was full of speculation about the secret membership of the task force, Magaziner was given power to control virtually everything the task force did. "Mr Magaziner alone decided what numbers to crunch and when," *The Wall Street Journal* reported, "and only he was allowed to see everything." Not surprisingly, the task force ended up recommending exactly what Clinton and Magaziner had decided on more than a year earlier. Under the plan, employers will be required to buy comprehensive health care packages for their employees from huge health care cartels, called "regional alliances." These cartels will spend money in

compliance with budgets set by the National Health Board, which will be appointed by the president. By controlling how every dollar is spent, the cartels will determine what doctors and medical researchers will do. They will control also what medical care each American will receive and from whom each of us will receive it.

The only issues the task force was left to wrestle with were public relations and funding. The first task was easy — after all, the panel itself was a PR stunt. Funding, on the other hand, was rather tricky. Every time a new tax was suggested to pay for the reforms, support for the entire program receded. Only in August did the task force come up with a solution: simply tell the American public that the system won't require *anyone* to pay for it, except for cigarette smokers and profiteering price-gougers.

In short, the high-profile task force appointed to investigate the health care crisis and develop solutions was a fraud. It was not engaged in investigation and the only thing it proposed was a plan that had already been decided upon by the president and his

wife. At a cost to taxpayers of millions of dollars, the task force engaged in an elaborate charade for the sole purpose of selling the Clintons' program to the public.

What's Being Proposed

The Clintons' plan calls for expanded benefits at virtually no cost. Everyone will be covered, even if they are unemployed or work for a firm that cannot afford to pay for the mandated

Most Americans figured that after saving only-God-knows-how-many billions of dollars each year, the cost of health care would go down for virtually everyone. Now it turns out that for more than 100 million Americans the cost will increase.

program. And the benefits to those already insured by the government will be greatly expanded. At present, those covered by government medical care programs are no longer covered if they retire early. Nor are their prescription drugs paid for. Nor is long-term hospitalization. Under the Clintons' proposal, medical care during early retirement, prescription drugs, and long-term hospitalization are guaranteed to all Americans. These are all very popular — and extremely expensive.

How will all this be paid for?

According to the Clintons, extending insurance to 37 million uninsured Americans and expanding the coverage of the insurance of the other 220 million Americans can be paid for by increasing cigarette taxes and squeezing \$285 billion of waste out of the medical care programs the government already runs. The bottom line for most Americans, Clinton asserts, is that they will get more and pay less.

But one group of Americans is destined to get much less and pay a lot more: employees of major companies. Under the present system, many major firms have agreed to pay virtually all

the costs of medical care for their employees and their employees' families. The uncontrollably rising cost of this "fringe benefit" threatens the profitability and even the viability of many large businesses. By legislating an end to these contractual obligations, the Clintons have provided a powerful incentive for big business to support their plan to nationalize medical care. Indeed, *The Wall Street Journal* figures that big businesses will be able to pocket 20% to 30% of the funds they have set aside to provide future medical care for employees.

So far, most opposition has come from smaller businesses, who generally do not provide medical care as a fringe benefit. Paying 7.9% of wages for health care may seem like a bargain for a big corporation that currently pays 15%, but it's pretty expensive for small businesses that currently provide no health care benefits at all. In order to reduce small-business opposition, the Clintons propose an outright subsidy that provides coverage to their employees for a tiny fraction of the price big businesses will pay. Whether small businesses will buy into the proposal remains to be seen. There is a strong possibility that the new subsidy will prove to be ephemeral: as expenses for the program rise and the public clamors for cutting costs and closing loopholes, the subsidy will be a likely early target for elimination.

And even if it survives, it will not make up for another blow to small business embedded in the Clinton plan. I refer to its provisions for enterprises which try to reclassify employees as "independent contractors" in order to avoid the tax liability for their medical care. To prevent this form of tax minimization, the Clintons' legislation grants the IRS broad powers to define who is and who is not an independent contractor. At first inspection, this may sound like a pretty minor change in the law. But it's not.

Like most definitional issues, the question of whether a person is an employee or an independent contractor has long been a confusing and convoluted matter. After years of expensive argument and litigation, Congress simplified the matter by enacting "safe harbor" provisions in the Revenue Act of

1978. Under this law, if the common practice of an industry is to treat workers as independent contractors, the IRS is to treat them as independent contractors. If the Clintons' medical care legislation is enacted, that "safe harbor" will be abolished, the IRS will be able to reclassify virtually any independent contractor as an employee, and businesses will have no alternative but to negotiate, appeal, and litigate.

That hasn't gotten much play in the press, of course. But then, with a plan this big, it's almost impossible for most busy reporters to keep up with all that's in it, or to reason out all the implications of what they do know. This has made the media unhappily susceptible to even more government manipulation than usual, with White House players setting the agenda for most coverage of the debate.

It is worth noting that it was not until October 28, some 281 days after formally promising Americans "health care reform," that Bill Clinton confessed that his plan will increase the cost of medical care for some 40% of all Americans, and that he released this information, not in one of his nationally telecast addresses to the American peo-

The president acknowledges that current Medicare and Medicaid programs waste more than \$40 billion per year, yet he proposes to help finance his much larger program by eliminating this waste!

ple, or an appearance on *Larry King Live*, or any of his wife's high-profile appearances, but in the obscure Congressional testimony of one of his minions.

How many times during those 281 days did Bill Clinton, Hillary Rodham Clinton, or one of their subordinates explain how much money the program will "save"? how much "wasteful red tape" will be "eliminated"? how it would eliminate "duplication of services"? and "bureaucracy and paperwork"?

Not surprisingly, most Americans made the logical inference that after savings of only-God-knows-how-many billions of dollars each year, the cost of health care would go down for virtually everyone. Now it turns out that for more than 100,000,000 Americans the cost will increase, if the administration's quietly admitted estimate of October 28 is accurate. But then why should this figure have any credibility, coming as it does after 281 days of intensive public relations efforts (i.e. lies) designed to convince people that virtually everyone's medical costs will go down?

Harsh Reality

The president's proposal empowers his National Health Board to control costs. This will be a tall order. All human experience suggests that government control raises costs, thanks to its inherent inflexibility, inefficiency, and waste. Consider the historical record. When Medicare was proposed in 1965, President Lyndon Johnson estimated that in 1990 the program would cost a total of \$8 billion. The actual cost in 1990 was \$98 billion — more than twelve times higher than LBJ's projection.

Most people are at least vaguely aware of the government's well-established record of waste and inefficiency. What other organization buys \$1200 hammers or allows a significant number of its employees to work half days at full pay? Its record in the administration of medical care is abysmal, a fact admitted even by the administration, which acknowledges that current Medicare and Medicaid programs waste more than \$40 billion per year. (And the president proposes to help finance his much larger program by eliminating this waste!) The task force itself flushed away millions of dollars in its charade of investigating various solutions to the crisis, when it had in fact long ago predetermined its conclusion.

In the end, there are only two ways that a centralized medical bureaucracy can control costs: by limiting medical research and by limiting what diseases and injuries will be treated and which patients will get care.

Faced with a choice between triage

and research cuts, the National Health Board will almost certainly cut research. Triage has very visible victims, people who can appear on television and tell their sad tale of how they were denied medical care. People who die because research was discontinued or

The Clintons' plan amounts to a gigantic scheme to oligopolize and ration medical care, made palatable by underestimating costs, glossing over controls, and convincing people that they can get something for nothing.

mismanaged by the government are not nearly as visible. And medical progress will continue for a while, thanks to research already well underway or completed but not yet available to consumers. The time lapse while progress slows down will obscure the fact that the slowdown is a result of the Clinton program.

But triage is inevitable, for costs will rise inexorably under a system offering universal health care at no direct cost to the consumer — even after research is eliminated. And it will come gradually, as it has in other countries with similar systems. In Britain, for example, people over 65 are frequently denied treatment; in general, in nations with socialized medicine, the elderly are the first to be denied care when resources become too scarce. British citizens are regularly denied life-saving treatment: every year, around 9,000 British kidney patients are refused renal dialysis or a needed transplant, and as many as 15,000 people with cancer and 17,000 heart patients cannot get the treatment they need. Canadian patients often have to wait months for treatment that would be available within days in the relatively freer medical markets of the United States.

Sometimes the rationing falls along racial lines. In Canada, beneath the surface shimmer of political correctness, minorities regularly find themselves on the losing end of medical rationing:

studies of Inuit and Cree natives in northern Quebec demonstrate lower access to health care, lower life expectancy, and higher infant mortality rates for those groups.

The *reductio ad absurdum* of centralized triage administration was reached when Canadians discovered that dogs were getting CAT scans faster than people were. It is illegal in Canada to pay extra money for more immediate treatment, but there was no law prohibiting pet owners for paying extra to get quick CAT scans for their dogs, and hospitals could see no reason why their equipment should not be used during off-hours to raise funds for needed improvements. As a result, rich canines could get medical services for which people had to queue up for months.

Did the Canadian authorities, when this story was reported, allow people the same right dogs had? Of course not. They simply extended human restrictions to cover dogs as well. Now no one gets after-hours CAT scans, and the hospitals must get by without the additional funding.

This is not to say the widespread denial of needed medical care will begin as soon as the Clinton program is enacted. There is always a gap between implementation of a policy and its consequences. The implementation of Medicare and Medicaid in the mid-1960s made government the biggest force in the medical care industry and led inevitably to massive waste. But it took a quarter century for the mounting waste and costs to become evident to most people. During much of that period, it seemed like the laws of economics had been repealed. Americans enjoyed what they always liked to call "the best health care system in the world": extensive care available at practically no cost to practically everyone.

Though not immediate, the results were indeed inevitable. Now that the consequences of the first major government incursion into health care are finally becoming evident, the advocates of government intervention propose yet another incursion as the solution. This Clinton program will ultimately make the situation worse. But, as in the '60s, it will buy time. Once again, it

will appear — for a while — that the program is working. Eventually, medical research will come to a virtual halt and triage will become widespread. By the time this next "crisis" hits, advocates of government expansion will no doubt propose yet another statist "solution."

The Clintons' plan amounts to a gigantic scheme to oligopolize and ration medical care, made palatable by underestimating costs, glossing over controls, and convincing people that they can get something for nothing. It is plain that this is no solution to the medical care crisis. More government spending, higher taxes, mandatory insurance, cartelized buying groups, greater regulation — these can only

intensify the problem.

Big Brother Is Watching You

There is one more way in which the government will attempt to control costs in a socialized or cartelized system. Every American's leisure activities, eating habits, sleep patterns, entertainment preferences — ultimately, every activity a person engages in — has an effect on one's health. If the cost of medical care is paid by the government, the government will have a legitimate interest in regulating or prohibiting activities that harm one's health — all in the name of "controlling costs."

Do you ski? Well, if the government is going to pay to haul you to the hospi-

tal, set your broken bones, and provide you with physical rehabilitation, then it has a vital interest in minimizing the risk of injury while you ski. Indeed, an activity as dangerous as skiing might best be made illegal altogether.

Do you eat French food? C'mon, everyone knows that stuff is high in cholesterol. Should you be allowed to eat it if I have to pick up the tab for your open heart surgery?

Do you get a full eight hours of sleep every night? No? Well, you're inviting all sorts of health problems, and it isn't fair to make me and others (who all get *our* full eight hours) pay for your refusal to have good personal habits.

Do you engage in sex? Everyone knows that diseases are sometimes

Taking our medicine . . .

Dole Invictus — "The emperor Constantine," wrote Jasper Ridley in *Statesman and Saint*, "with the best intentions, had issued a decree which provided that no one could be convicted unless he admitted his offence; but the result was to introduce the practice of interrogating the defendant under torture."

The world is full of Constantines, people with good intentions who somehow neglect to ask themselves the most obvious questions about the effects of their optimistic plans.

There are people in this world who believe that government can take money away from productive activities and give it to unproductive activities without causing any loss in production.

There are people in this world who believe that government can make drug use criminal, without increasing crime.

There are people in this world who believe that government can take guns away from law-abiding citizens, without increasing their vulnerability to the use of guns by citizens who are not law-abiding.

For Constantine's people, good intentions extend only to beliefs; they do not extend to thought. Would you rely on the good intentions of a doctor who believed that he could cure your persistent headaches by administering a strong dose of strychnine? Well, it

would stop those headaches, all right.

It is in this light that we should consider Republican politicians' well-intentioned attempts to assuage public anxieties about "the health care crisis" by prescribing their own programs of socialized medicine. These programs would have their benefits, of course. They would benefit the small (but, on television, constantly growing) segment of the American population that is too poor or lazy to avail itself of private insurance and is somehow unreached by current multi-billion-dollar government programs. They would also provide a psychic benefit to every middle-class imbecile who believes that the government has a moral duty to procure health "security" for everyone. The incidental effects of these well-intentioned programs would consist only of vastly increased expenditures, uncontrollable entitlements, rationing of vitally needed care, and an enormous increase in the power of the federal government.

I'm not picking on Democrats now; they're beyond hope on this issue, and always have been. I'm picking on the Republicans, the self-anointed party of small government, private enterprise, individual responsibility, and free-market economics, who now cannot imagine that their Just a Little Bit Less of Clintonism (or, Socialism with a Kansas

Face) will have any bad effects whatsoever on their own political goals.

The funny thing is that, about one minute after the most influential Republicans decided to go along with the principle of health-care-as-a-right, some of the ugliest of its chickens started hopping home to roost. The Republicans' archenemies — people like Ted Kennedy — started using that newly enshrined national principle to turn every left-liberal program you can think of, from gun removal to kindergarten "sex-harassment" education, into a "health care" imperative.

The interesting question is, How many of the Republicans are too dumb to know what they're doing, and how many of them are smart enough to understand the consequences but are just saying, "What the hell"?

—Stephen Cox

A Question for Hillary — Somehow, no invitations to Ms Rodham Clinton's press conferences on her plan for a government takeover of the health care industry have found their way to me. But sometimes I fantasize about the questions I would ask her:

Madame Health Care Czar, if your health care program is made law of the land, who will provide you and Mr Clinton with medical care? Will you be swept off in a helicopter to the Walter Reed Hospital or Bethesda Naval

spread by sexual intercourse. And for women, sex is a notorious way of getting pregnant, complications of which (e.g., giving birth) are very expensive.

The logic here is precisely the logic that subject all colleges and universities to federal regulation: so long as the government provides loans or aid to so much as a single student, the government has a right to regulate. The same logic justifies the requirement that building contractors doing government work follow certain business practices (e.g., pay prevailing union wages), and a million other impositions of regulations.

So anyone who supports the government takeover of medicine should think real hard about whether he or she

wants the government regulating every aspect of his or her private life.

If you think this is alarmist, think again. Even without fully socialized medicine, the same argument has often been used very effectively to diminish personal freedom. Consider the debate about mandatory helmets for motorcyclists. In virtually every state where these laws have been considered — i.e., in every state — someone raises the point that while not wearing a motorcycle helmet may indeed be dangerous, it is dangerous only to the person who does not wear the helmet, so what business is it of the government anyway? And in every case, someone points out that some of the motorcyclists who get head injuries from accidents are taken

to public hospitals for medical care and cannot pay their bills, thereby costing the taxpayer money.

Indeed, the implication that government ought to outlaw unhealthy behavior or mandate healthy behavior is included in the public discussion of the bill. It provides the logic for imposing a tax on cigarette smokers of 3.75¢ per cigarette that they purchase. Cigarette smokers should pay more, it is argued, because they willfully engage in an unhealthy habit which increases the cost of providing them medical care. (Curiously, most people seem to accept this argument at face value, without any empirical verification. Has anyone researched the cost of treating cigarette

continued on next page

...from politicians drunk on power

Hospital to be treated by the finest specialists, like previous presidents and their families? Or will you have to wait in line at your local HMO, where you will eventually get to see an overworked and undermotivated physician whose chief concern is keeping the cost of treatment he metes out under the allotments you set?
—R.W. Bradford

Faulty Clintonomics — In pitching his proposals for reforming health insurance, President Clinton has relied on the redistributionist claim that currently uninsured workers will benefit because their employers will be forced to provide coverage. Small business owners, lobbying hard against this feature of the Clinton plan, apparently agree that mandated coverage would impose a new burden on them. Hardly anyone seems to understand the basic economics of mandated employee benefits.

In reality, except during a short period of adjustment, the full costs of additional mandated benefits, whether they be health insurance or something else, will be borne by employees in the form of equivalent reductions of money wages or other benefits. Workers who expect to gain at the expense of their employer are in for a jolt.

The economics is simple. In exchange for labor services, the employer provides the worker a costly "pay pack-

age." The employer will not continue to employ a worker whose pay package costs more than the value of the worker's labor services. When the pay package contains nothing but money wages, the choice is simple: If the employer expects the value of the worker's labor services to be greater than the amount of the money wages, then employing the worker makes economic sense — it adds to the employer's expected net income. Employers hire additional workers up to the point where the value of the services of the last worker hired is equal to the cost of the last worker's pay package.

Key point: the employer doesn't care whether employment costs take the form of \$X of money wages or \$0.5X of money wages plus fringe benefits costing \$0.5X. Either way, the employer must bear a cost of \$X, and makes employment decisions accordingly.

If the government requires an employer who previously did not provide health insurance coverage costing \$Y to do so, the cost of the employment package becomes \$(X+Y) to compensate for the mandated expense of the health coverage.

So other workers will find the value of their previous pay packages reduced most likely by a reduction of money wage, or they will be unable to find employment. All other outcomes are fore-

closed by the employer's unwillingness — and in the long run, financial inability — to employ anyone whose services cost more than he is worth.

As usual, a politician's claim that people will get something for nothing via Robin Hood government has no substance. In reality, no worker can gain from such a mandate for long, and all those who prefer to receive a pay package containing more money rather than the mandated insurance coverage — or to choose their own insurance benefits and provider — will be worse off after the adjustment. —Robert Higgs

What Are We Reforming? — In order to sell his health care "reform" plan, Bill Clinton has been travelling around the country holding "town meetings." In Tampa, a day or two after Clinton announced his program, a man told a heart-rending story about his daughter, who had recently had brain surgery. He had \$128,000 in unpaid bills, and she needed yet more expensive treatment. The president was sympathetic; it was the kind of poignant tale that gains support for his proposals.

Before the meeting was over, Clinton was able to offer some consolation to the man and to the audience. He reported that the hospital where the daughter's surgery had been performed would continue to provide care

continued on next page

smokers versus the cost of treating non-smokers? It seems to me that most of the diseases consequent of cigarette-smoking strike at an earlier age than the diseases of non-smokers, are very often relatively cheap to treat, and shorten the length of time that medical care must be paid for: cigarette smokers tend to die in their 60s or early 70s of inoperable cancer, instead of lingering into decrepitude and a need for long-term care.)

Of course, what will happen under government-run medicine will not be so rational as I suggest. The unhealthy habits of minorities will be proscribed, but the unhealthy habits of the majority will not, for the same reason that imbibing alcohol is legal and imbibing

Cannabis sativa is a felony, despite the fact that alcohol is linked to hundreds of thousands of illnesses and deaths each year, while marijuana is practically benign. Or the same reason that motorcyclists must wear helmets and the occupants of automobiles do not — surely, wearing full-faced helmets would cut the rate of injuries to automobile occupants as well as motorcyclists. Or that selling crack cocaine is subject to much greater penalties than selling powdered cocaine — the effect on health is the same, but crack is customarily sold by African-Americans, powder by white guys. For that matter, the rank discrimination and punishment meted out to cigarette smokers is surely more a matter of their minority

status and powerlessness than of any objective costs the government bears for their habit.

So we can expect that heterosexual relations between man and wife will be allowed, but other forms will not, despite the fact that the cost to the public treasury of pregnancy and birth will be far greater than the cost of treating sexually transmitted diseases.

The logic of the welfare state has already done away with the notion that any economic activity is genuinely private and therefore not subject to government regulation. If the Clintons get their way, the idea that personal habits are private and therefore exempt from government regulation will die as well.

Goodbye, Privacy

But the Clinton plan's threat to civil liberties goes much deeper than that. One police-state measure will go into effect as soon as the White House's proposal becomes law.

I refer to the provision that everyone covered by the program — that is to say, everyone in the country — be required to carry an identity card containing a computer-readable record of all aspects of his or her medical history. In order to achieve this, the National Health Board would "enforce unique identification numbers for consumers." All Americans will be required to carry the card with them at all times. I haven't yet got my copy of the 1800-page legislation, so I'm not sure what penalties will be imposed on someone apprehended without the card. But it seems clear that anyone with the properly programmed credit card reader who got hold of your card could acquire all the details of your medical history — including any history of past psychological counseling, abortions, treatment for sexually transmitted diseases, alcoholism, or other information you consider to be highly private.

Which raises the question: What will stop a prospective employer or granter of credit from demanding your card and reviewing your medical history? The Clinton proposal says the data would be protected by "national security safeguards" and open only to "authorized persons, for authorized purposes, at authorized times." But these can be pretty thin protections. It seems that everyone from my insu-

"What Are We Reforming?" continued from previous page

for her — including another operation, if necessary.

What happened? Did the president wave his royal magic wand? No; it's just that that's what *normally* happens to Americans who are uninsured or who cannot otherwise pay their bills. They receive medical care anyway, and the hospital or doctor (or both) absorbs the costs.

In other words, having no health insurance is not the same as having no medical care. One study, cited by Fred Barnes in *American Spectator*, indicated that in 1988, the 16.6% of the non-elderly population who are uninsured accounted for 11% of the country's personal health care expenditures. In other words, the uninsured are being served. They may not obtain the same amount of care insured people do. They may delay taking their children to the doctor until it is absolutely necessary. But they receive care. Some of them, undoubtedly, pay their bills. In other cases, hospitals wait for payment (sometimes for years), negotiate lower fees, or write off the bills as unpayable.

So how did this health care steamroller, fueled by the claim that 35-37 million people are uninsured, develop such momentum? Economist Richard Stroup has suggested that, basically, zealots in the White House have decided that medical care should be a government-guaranteed right, and they want everyone else to agree. *That's* the

point of this whole exercise, with its centrally planned reallocation of resources, its price and service controls, and its higher taxes. Yes, there are problems with health care delivery today, caused in part by government interference in the insurance market, in part by medical licensing, and in part by malpractice costs. But Clintonism will only make matters worse.

If these proposals become law, Americans will find out — as Russians discovered with meat and shoes — that a right to something that is no longer available is not as good as a charitable donation of something that is.

—Jane S. Shaw

Business Economics? — In a public attack on the health insurance industry, which had the audacity to suggest in its TV spots that the administration's proposed reforms would limit consumers' choices, Empress Hillary observed that insurance companies "like being able to exclude people from coverage because the more they can exclude, the more money they can make."

Say what?

If Hillary were right, companies could make the most profit by excluding *everyone* from their coverage. Evidently some aspect of the insurance business has eluded the Empress's grasp (but not her control).

—Robert Higgs

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rance company to the university I attended has wanted my social security number, and on more than one occasion I have attempted to invoke the federal law that restricts the use of my social security number to taxpayer identification and social security business. In a few cases, these busy-bodies have complied, if only after putting me through a fair amount of trouble. ("No one's ever made this request before. You'll have to see Mr So-and-So about this. I think he'll be back next week, but check with his secretary. In the meantime, I am not authorized to issue you a library card.") Usually, the response is, "Well, you don't *have* to give us your number. But we don't *have* to admit you to this university."

Furthermore, your medical data will be backed up in a huge national database. Once again, access to it will be protected by "national security safeguards" and open only to "authorized persons, for authorized purposes, at authorized times." Which means that someone wanting it will have to make a small bribe to an official of one of the bureaus that has "authorized" access to it, just as today private detectives routinely get information from "private" tax returns.

And once a uniform national identity card is mandated for all Americans, what are the chances it will not be used for other purposes as well? Like police data? Or information on how often you leave the country? Or a record of how current your tax payments are? Or any information about you that any bureau of the government believes it should maintain?

A similar proposal for a national identification card was floated by the Reagan administration as a immigra-

tion measure. It was killed largely by the efforts of Martin Anderson, then an advisor to the president. Anderson is currently carrying on a one-man crusade against Clinton's I.D. card in his very fine syndicated column. But in the morass of seemingly larger issues, this one may be overlooked.

Conservatives Dodge the Issue

Against all of this, the Republican opposition has offered only craven submission. After months of proclaiming, against all evidence, that there is no health care crisis at all, they have

Under Clinton's plan, the government will have a legitimate interest in regulating every American's leisure activities, eating habits, sleep patterns, and entertainment preferences.

turned around and conceded all the major points of the Clintonian program. The current conservative "alternative plan," based on a proposal by Stuart Butler of the Heritage Foundation, involves vast increases in taxes, bureaucracy, and regulation. Its only advantages are that it allows a little more choice than the White House's program, and that it incorporates the libertarian notion of Individual Medical Accounts.

How much difference is there between the Democratic and Republican proposals? Two days after Clinton announced his health care program, Newt Gingrich, the aggressive conservative congressman from Georgia, appeared with Clinton lackey George Stephanopoulos on PBS's Charlie Rose show. Gingrich was so uncritical of the president's agenda that Rose had difficulty distinguishing Gingrich's views from Stephanopoulos'. By show's end, Rose declared their debate a "lovefest."

And what of Fred Barnes, who as recently as May was proclaiming in the *American Spectator* that the medical care crisis did not exist? His most salient comment about the program has been

that "the devil is in the details," virtually conceding the substance of the plan.

But the devil is not in the details. The devil is in the plan itself, in the goal of the plan. This is not the time to mince words. If there ever was a time for leadership, this is it. And leadership does not consist of conceding the goals of the opposition and quibbling over minutia.

The Wrong Road

Will Americans buy the plan? In the public opinion polls taken a few days after the program was officially announced, a modest majority supported it. But that support may only last as long as the notion that most will get better care for less money. And it is doubtful that people will believe that for long.

Medical care comprises about 15% of the American economy. Is it a wise policy to turn such a huge industry over to management by a single presidentially-appointed board? Will such a board be able to provide flexibility or entrepreneurship? Will it have the foresight to finance worthwhile research and to manage that research efficiently? Is a medical industry managed by government more likely to resemble the almost miraculous progress of computers over the past 30 years, or the incompetence, mismanagement, featherbedding, and waste that characterized the Soviet economy?

The root of the problem of ever-escalating medical costs is government subsidy of medical care — not just for the poor and elderly, but for ordinary citizens as well, through the tax incentives given large employers. So long as those subsidies are in place and no effective limits are placed on them, demand will continue to grow and costs will continue to escalate. The problem of red tape is caused by feeble government attempts to control costs, by placing limits on procedures covered and requiring hospitals and physicians to report in detail their services.

The solution to these problems is not to redouble government subsidy and control. The solution is to radically reduce — aye, to eliminate — government subsidy and control. Alas, neither the Clinton administration nor its conservative opposition is willing to take that road. □

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Thuggery, Left and Right

by David Horowitz

What's the difference between a left-wing thug and a right-wing thug? All the cash and respect the Academy can give.

It is a cliché of politics that extremes meet: there are fascists on the Right and fascists on the Left. With the close of the Cold War, however, we seem to have grown tolerant toward one end on the spectrum. The fascists on the Right are as visible and noxious as ever, of course. The dif-

ference is that Nazi skinheads don't get grants from the National Endowment for the Arts or the California Arts Council; they are not encouraged and supported by university administrators and they do not have documentaries glorifying their antics on PBS. Left-wing fascists do.

I was put in mind of these disparities by an event in Los Angeles last Friday. It was a "town meeting" and panel discussion at the Beyond Baroque Literary/Arts Center, sponsored by the two agencies mentioned above. The evening's subject was "The legacy of the [Black] Panthers," a fascistic gang of the '60s that became famous by preaching violence. The Baroque Center program was set against "the issues of police brutality, and racism, gang violence" — hot topics in Los Angeles. I had recently written a long article ("Black Murder Inc.") on the trail of mayhem and murder that the Panthers left in their wake during their glory days in the '60s and '70s, but although my name appeared in the news release announcing the event, I was not invited to participate. Instead, the panel consisted mainly of Panther die-hards, including a man who had spent 19 unrepentant years in prison for machine-gunning two

New York policemen, before being released on a technicality.

I called the evening's organizer and asked him why a public critic of the Panthers like myself was not invited. He said he had thought of inviting me, but if I spoke "there would be fistfights" and he didn't want any violence. The threat of violence did not come from me, a middle-aged grandfather who did not even throw a rock during the entire 1960s.

A day earlier, I had spoken at Yale, where my student hosts had to hire half a dozen armed security guards to ensure my safety and theirs. The precautions proved prudent. Although my speech invoked the legacy of Martin Luther King in decrying all forms of racism, I did express critical attitudes toward affirmative-action double standards and toward the same Black Panthers. A leader of the Yale Black Student Alliance spoke up from the audience to comment: "We can't allow you to say things like that." At the same time white and black members of a group calling itself "Zulu Nation" threatened the students who invited me that if they were going to bring speakers like me to Yale they better get out

of town.

At Portland State University a year ago, my talk was also chaperoned by six armed security guards whom the university administration had placed at my disposal, apparently knowing what to expect from their student radicals. This time it was the officially recognized Bisexual, Gay and Lesbian Alliance that led the charge. No matter that I had come into Oregon to *oppose* the infamous Proposition 9, which would have declared homosexuality "perverse, unnatural, immoral, and wrong." That wasn't enough for the gay fascists who came to obstruct my talk, which was not politically correct enough for their tastes.

And obstruct they did. They sat twenty across holding up giant placards which said "Pig," "Lies," "Bigot" every time I uttered a thought. They shouted, stood up to harangue, and in one case actually screamed at the audience, "He's killing women, he's killing women!" This particular outburst was in response to my criticism of the current safe sex campaign. I recalled an interview I had conducted with a Center for Disease Control official who said that virtually 100% of sexually transmitted AIDS between males is trans-

mitted anally. The conclusion I drew was that warning people about the dangers of unprotected anal sex would be preferable and more effective than distributing condoms to heterosexual high school kids who — if they avoided anal sex — were not really at risk.

My experiences, of course, are not unique. A survey of "Racism on Campus" in a recent *U.S. News and World Report* recounts the story of a junior at the University of North Carolina who wrote a sarcastic letter to the school paper opposing a demonstration planned by black students. Two black students accosted the junior and knocked him down. "Immediately I knew the letter got published," the writer remarked, apparently retaining his sense of humor.

The point is that students on college campuses today expect violence from leftist groups. And leftist groups perpetrate violence and intimidate opponents because *they know there will be no consequences*. Across the country entire fraternity chapters are suspended, kicked off campus, and otherwise disci-

plined for uttering words that are deemed "insensitive" or otherwise politically incorrect. But there are no cases of left-wing groups, who regularly use physical obstruction and violence to silence their opponents, being similarly disciplined or even censured.

Demagogues who have made public threats of violence a staple of their discourse — Louis Farrakhan, Sister Souljah, Khalid Muhammad — are not only welcomed to the nation's elite campuses by left-wing organizations but paid exorbitant sums out of general student fees to reward them for their appearances. A David Duke could not show his face on a college campus, let alone get invited and paid.

And what is true on the campuses is also true in the culture at large. When ACT-UP vandals desecrated a mass at Saint Patrick's Cathedral (a violation not even the Communist governments of Eastern Europe attempted), the outrage was celebrated in a film called "Stop the Church," which was shown on public television stations like KCET. PBS has aired *five*

films glorifying the Black Panthers, and not a single one indicating the murders and crimes they committed or deploring their calls to political violence. When Communist hacks like Angela Davis or Panther capos like former party chair Elaine Brown are profiled in the View sections of the nation's press, they are treated with the utmost respect as champions of the voiceless and powerless. David Duke and Nazi skinheads spout a parallel message of rebellion and hatred, and can also be held to represent a community that is voiceless and powerless, but no self-respecting newspaper editor would think of treating them with respect.

When a nation's public discourse is subject to threats and intimidations by political fascists, democracy is in trouble. It is time to end the double standards that have nurtured this thuggery. It is time to recognize fascists, whether they are on the Left or on the Right, and to withdraw respect from those who preach hatred and violence in our public life. □

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roughly, was "In a celebration marked by a parade of imitators, the White House ceased being a dog house and became a cat house." I have never heard a more apt commentary on the Clinton presidency.

I also appreciate the greater depth NPR gives which I cannot get on commercial stations. The inclusion of BBC reports and reports from other areas gives me a better feel for the currents affecting events in the world. Its movie reviews are the only ones I've agreed with.

One-sided? With a point of view? Probably yes — that's why I also watch CBS and CNN and read *World Press Review*, *Reason*, *Liberty*, and other publications. Anyone that relies on one source is shutting themselves off from knowledge, truth, and reason.

Tom Slaughter
Jackson, Mich.

NPR, No!

As a former devotee of *All Things Considered*, I found Glenn Garvin's criticisms of NPR to be uncomfortably true. Since I am a former copy editor, I am embarrassed to admit that stories I

once admired as exemplary reporting were nothing more than textbook examples of lousy journalism.

However, I do think NPR's reporters are superior in one respect: honesty. They may be biased, but they are open about it, far more so than many other denizens of the news media. By not putting up any pretense of objective and intelligent journalism, they are not nearly as obnoxious (at least in this regard) as their commercial counterparts.

Brent Pahde
Jacksonville, Ill.

Not Much Better

Stefan Herpel's article about *Austin v U.S.* ("Justice Forfeited, Justice Reclaimed," October 1993) missed an important point. By so doing, it gave your readers the wrong impression about the impact of this decision.

The *Austin* decision will have virtually no impact on police seizures. All the Supreme Court decision said was that people who have their property confiscated under the so-called asset forfeiture laws can raise an eighth amendment challenge to the seizure if

they get to court.

That's a big IF. I've been covering this issue for almost two years in *Financial Privacy Report*. I've interviewed dozens of victims, and the sad fact is that most people who have property seized under these laws will never get their day in court. The government requires such complicated and expensive legal procedures to file a challenge that most people simply give up without a fight — and the government keeps the booty.

Consider the difficulties most asset confiscation victims face:

- Hiring a competent forfeiture lawyer to defend you can cost tens of thousands of dollars, up front — that's prohibitively expensive for most confiscations. Attorneys almost never take these cases on contingency. And because these are almost always civil seizures, you will not be able to get a court-appointed lawyer.

- You also usually need to post a bond — typically 10% of the value of the seized property. Incredibly, this bond is to pay the government's expenses in

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Delineation

The Inevitability of the Welfare State

by Todd Seavey

Can liberty be achieved in a democratic world? Or do the institutions of modern democracy lead inexorably and perversely down the road of the welfare state?

It may be true that a social order based on individual liberty and private property rights is conducive to the greatest happiness of the populace, but that doesn't mean one is likely to develop. A massive welfare state, with its heavy regulations and government-mandated transfers of property, is more likely to emerge.

The libertarian reader will probably disagree. Surely a system based on strict property rights is easily maintained, compared to, say, a fascist or socialist system. Those could only "work" in the unrealistic case where people were homogeneous in their desires and willing to be directed from on high. The virtue of the libertarian system is that it requires people living under it to agree only on a few moral and legal ground rules, leaving other matters up to individual choice and voluntary action. No detailed, unifying vision of society, whether conservative, "liberal," or anything else, would be necessary. What system could be easier to maintain?

The answer: *the welfare state*.

Welfarism is a process of contending for the disposition of wealth, of diverse interest groups fighting over shared resources, each constantly finagling to change the rules to their own advantage. For it to survive, *not one* of its citizen-subjects need approve of it as a whole or think the government is doing a good job. Fascism and socialism demand cultural unity; libertarianism requires

agreement on a few ground rules; welfarism requires agreement on — nothing, really.

The welfare state does not require a majority of Americans to think, "A system of ambiguous property rights, large amounts of collectively held resources, farm subsidies, food stamps, a government-run space program, etc., is a good idea." It is enough that each of various little groups adds its own accretion to the grander thing — even if each group despises every part of the system that does not directly serve its own narrow interests. This might be called the Perotista Paradox, after the supporters of Ross Perot, so many of whom denounce the wasteful mess that is the American welfare state — but who also would turn around and say, "But I should still get my unemployment benefits." (Or small business loan, or union-dictated contract, or research and development subsidy, or socialized health insurance, or whatever.)

All the welfare state needs to survive is each interest group making just one exception to the rule of ask-

ing nothing from the government — for a farmer to oppose all government spending *except* farm subsidies, for a musician to favor radical cuts in existing spending but lobby for one new department to subsidize the production of oboes.

Economists of the public choice school predict that such people are likely to put more effort into lobbying for their new programs than any of the rest of us who foot the bill are likely to put into lobbying *against* them. Most of us don't even know what it is we're paying for — how would we know where to begin lobbying? So government grows in a thousand little burrowing directions, one for each group's particular special benefit. The generally held desire to do something about limiting such benefits doesn't matter a bit.

A libertarian system requires a modicum of self-restraint, something which is often in short supply. The welfare state thrives on confusion, disagreement, and self-serving political pressure, of which there is plenty. This difference gives welfarism a

major competitive advantage over libertarianism.

Postmodernity and the Minimal State

There are many definitions of postmodernism, but they all include one important concept: today's complex society is unable to settle on any one single moral theory or way of seeing the world. "Postmodern society" is a con-

or economics or politics." Indeed, such intellectual bankruptcy is now admitted by nearly all parties — witness the 1992 presidential race.

Society's confused division into micro-ideologies and one-issue political movements results in large measure from the diversity that capitalist freedom allows. But capitalism can be undone by its own mutant offspring.

Speaking of mutant offspring, I've noticed that members of my twenty-something age group — or at least the members of the pseudo-intelligentsia with whom I have contact — are less inclined than their elders to consider "special interests" a pejorative term. They either regard it as a neutral term like "different sectors of society" or as a positive term akin to "marginalized groups." Just as there are multiple ideologies, so too they feel there are multiple and conflicting demands on the state. (On the bright side, the notion that all political demands can be answered seems to have fallen by the wayside.)

In a society increasingly comfortable with the idea that we all fall into warring interest groups and increasingly uncomfortable with talk of universal values and moral restraints, the welfare state triumphs by default.

A free society requires consensus, if "only" on the idea that state power should be kept to a minimum. But postmodernism has made adherence to universal (and very specific) human rights virtually impossible. Attempts to create such a consensus rub against the grain of the times.

The Prisoner's Dilemma of the Welfare State

If I am a typical member of any interest group in late-twentieth-century America, my political foresight is not likely to extend far enough for me to see that liberty is in my group's long-term interest.

But even if it is, why should I be the one to set an example of respect for property rights and self-help if no one else is going to be so restrained? I'm just denying myself all those useful funds — funds that are going to get grabbed by the pro-oboe lobbyists.

This so-called prisoner's dilemma — the situation in which the optimal

result, from each individual's self-interested viewpoint, will occur if *everybody* shows some restraint; the second best if you act selfishly before your fellow prisoners do; the worst if you show restraint and they don't — is the condition in which citizens of the welfare state find themselves.

Notwithstanding enlightened self-interest and the goodness of greed, the world is going to be a miserable place if everyone uses and abuses. But in a world in which most people already do, what is the good person's incentive not to jump in and get his share of the spoils? From this perpetual trough-run comes the welfare state. (It certainly didn't come from an excess of altruism — the problem isn't that interest groups are trying to give things away!) It's a jumbo-sized prisoner's dilemma, with each of us having to be wary of 250 million fellow prisoners' self-serving behavior.

In the postmodern world of the welfare state, it is much more tempting for your sect to seek special government favor for itself than for it to show moral restraint and refrain from using the state's looting apparatus. The *last* thing proponents of liberty should do in such a situation is encourage the notion that selfish factional loyalty is inevitable, or that it is the basis of all "morality." There's a disturbingly short step from "pluralistic" morals to condoning interest-group thievery.

Bitter Tiers: At War with the Amish

If our morals were shaped by tribal loyalties alone, we would live in a world of embattled little communities. Consider this scenario:

I keep low to the ground as machine-gun fire strafes the corn stalks behind me. Sixty yards ahead of me is the source of the shots: a gun nest has been set up in the midst of an overturned horsecart. The carcass of the horse lies nearby. Its owner — by the looks of him an Amish sympathizer from outside the war zone, rather than a native Amish — crouches behind his weapon, eyeing the corn field. I recognize him now as a political science major I knew in college. It's little surprise to me he went over to the other side. As I watch, he makes a critical error, straightening

At American universities, membership in a recognizable sect is the vital prerequisite for claims to a moral high ground — or for political authority, which functions as a stand-in for morality.

fusing jumble of competing ideologies, with any radical new view forced either to remain a marginalized part of the babble or to mainstream itself by watering its vision down.

Postmodern ideas were first articulated to explain trends in contemporary art. Over the last half-century, more and more artists have played with perspectives, juxtaposition, and blurred boundaries between "high" and "pop" art and between art and mass production. Such artistic ventures began to move from the highbrow world to the popular plane in the 1960s; by the 1980s, they were the stuff of television commercials and MTV montages.

Perhaps the climax of postmodernity occurred during the Reagan-Bush period: intellectuals and campus radicals anointed themselves guardians of various marginalized groups, taking up the fight against what they saw as a conservative cultural orthodoxy. And then they, too, came to be seen as a dangerous orthodoxy.

In one sense, postmodernity is over. The apocalyptic novelty of ideological gridlock has worn off. People are no longer impressed when intellectuals and artists attempt to shock us by reveling in confusion and schizophrenia, saying, "See? We don't have the slightest idea how the world works, or ethics

up to scratch his beard and pull another cartridge from his grey, buttonless battle-overalls.

"Here's one for Sarge, comcob boy," I mutter, squeezing off several rounds. As the gunman, hit, pitches forward, sunlight catches the triangular orange reflector on the back of his horsecart and I'm blinded for a moment. I hear the dying gunman pray for forgiveness as he catches me in the chest with a spray of bullets. All goes black.

The political science student described in the above scenario is a real person. He is firmly committed to individual rights, but has lately found himself fascinated by the Amish, and by the somewhat communitarian idea that it is the self-determination of *groups* (such as the Amish) that is the best bulwark against a homogenizing Big Government. This friend of mine — let's give him the suitably Amish-sounding pseudonym Jacob Levy — has been known to wear a broad black hat and, when I first met him, a long-and-shallow, mustacheless beard. It is not farfetched to imagine Jacob, in a world governed wholly by tribes, joining an Amish one. This chilling scenario could have been my fate were it not for the fact that we live in a society with a lingering belief in universal individual rights that transcend tribal loyalties.

As for me, I began to count myself part of the tribe of godless humanists back in high school, long before I gave much thought to political theory. Little understanding the importance of social tolerance, I dreamt of "liberating" the Amish youth from their backward, superstitious, anti-technological way of life, preferably at gunpoint. I hope my Amish readers can forgive the excesses of my youth.

Since then, I've learned to respect others' rights. I understand now that a functioning civil society is built on the many voluntary associations and sub-communities through which people live their lives and get things done without government. I'm undecided,

Stealth libertarianism won't work: by the time you convince people to privatize the subway system, they'll have nationalized the buses and maybe automobiles too.

though, about the value of the post-modernist practice of assuming that each sect and community has its own "legitimate" moral code. Jacob Levy would say that the proliferation of sub-cultures, ethnic enclaves, and so forth is a good thing. The coexistence of so many groups with different ideologies, he'd say, encourages people to think of morality in a two-tiered way. On the lower level, there are the competing sects, each with its own vision of the good life, and on the upper tier is the overarching structure of individual rights that permits all these groups to get along without attacking each other. The first amendment would be on the upper tier, the Catholic rule about fish on Friday on the lower.

The trouble with this sort of thinking is that in America right now, the top tier is losing out to the bottom. Perhaps that is inevitable when people think of themselves as belonging to a sect first and to the general universe of

moral agents second. At American universities like the one Jacob and I attended, membership in a recognizable sect is the vital prerequisite for claims to a moral high ground — or for political authority, which functions as a stand-in for morality on campus.

Pluralism is a fact of life, but moral postmodernism we can encourage or discourage. I think it should be discouraged. Yes, it invites us to embrace ideological diversity — but every micro-ideology can easily become a special interest group's call for special protection or government subsidy.

Tribal loyalties mixed with non-ideological political drift do not bring a free society. The formula leads instead to the post-postmodern gridlock we see now, and eventually, perhaps, to the battlefields of Amish country.

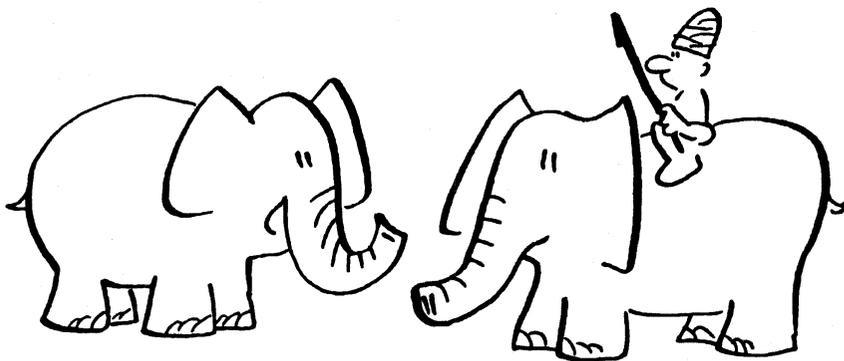
Missionaries among the Vikings

So how does one go about changing the cultural consensus? In the world of micro-ideologies and one-issue interest groups, one tempting path is to address one issue at a time (first school choice, then a privatized post office, etc.) slowly convincing people of the inefficiency of governmental solutions until you've stealthily turned them into free-marketeters — sideways, as it were.

But stealth libertarianism won't work: by the time you convince people to privatize the subway system, they'll have nationalized the buses and maybe automobiles too. The kudzu vine of government grows too fast for a little pruning here and there to make much difference. It must be pulled out at the root if it is to be removed at all. That means spreading a more fundamental message than "Privatize x" or "Stop subsidizing y" — we must have the courage (and public relations skills) to say, "The welfare state is a bad idea and we should get rid of it." This is a much more ambitious task, comparable to being a pacifist missionary among Vikings.

Government in a relatively democratic society is not a far-away place from which edicts are beamed at a horrified and innocent populace. It is an expression of people's varied and contradictory wants — or at minimum, an expression of what they'll let their

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"Where'd you get the neat back scratcher?"

Baloo

Perspective

Abortion, Reproductive Technology, and Feminism

by Wendy McElroy

Not all feminists are pro-choice.

Since the dawn of the second wave of feminism — the current revival, which began in the 1960s — the movement has focused much of its energy on a woman's right to control her reproductive functions. And if there is a success story for second-wave feminism, it is — or was — the pro-choice campaign to secure safe and legal abortions.

Now, reproductive rights have fallen on hard times. In every state of the union, a woman's right even to information about abortion is being seriously challenged. Yet response to the pro-life crusade has been ineffective. Where is the pro-choice tide of protest? Why have relatively few contemporary feminists taken up the falling banner?

Feminism's political content has significantly changed. The current women's movement no longer offers an overwhelmingly friendly home for abortion — or any other aspect of reproductive technology.

Anti-Choice Feminism

The abortion issue has been badly muddied by high-profile radical feminists like Gena Corea, who attacks virtually every form of reproductive technology from abortion to *in vitro* fertilization (IVF). Corea is not a voice alone; in "In His Image: Science and Technology," Heather Menzies claims that even birth control, that apparent bastion of women's liberation, is part and parcel of patriarchy:

I didn't immediately see the pill or

the IUD as sinister in themselves; I began to see them, though, in context, as part of a larger system . . . they are part of a particular phrasing of the role of reproduction in society geared to production and consumption, and a particular phrasing of the problem of women's bondage to their own bodies. (*Twist and Shout*, Susan Cream, ed., Second Story Press, 1992, pp. 157-158)

How has second-wave feminism drifted so far from its '60s roots?

Part of the answer is that these roots were liberal, and that ideology is no longer dominant within the movement. Since the late '70s, radical or socialist feminism has profoundly influenced the ideological direction of the entire movement. Radical feminism considers women's oppression, as a class, to have its source in the twin evils of patriarchy and capitalism. All issues concerning women are processed and analyzed according to this theory.

Although radical feminists are numerically in the minority, they have effectively defined such popular issues as comparable worth and date

rape. When it comes to abortion, they have been strangely muted. Some radical feminists clearly state that they are pro-choice, but save their energies for issues like pornography. Others are openly critical of the pro-choice elements of feminism.

In her essay "Liberalism and the Death of Feminism," Catharine MacKinnon seems unconvinced that legal access to abortion was really a victory for women. After all, abortion had been legalized as a privacy right, and radical feminists are inherently suspicious of the private realm in which such perceived outrages as the free market and traditional marriage occur. For radical feminists who rally under the banner "the personal is political," any appeal to privacy rights is merely a mask for patriarchy. MacKinnon writes:

While the women's movement had . . . identified the private as a primary sphere of the subordination of women, *Roe v Wade* had decriminalized access to abortion as a privacy right. A movement that knew that the private was a cover for our public condition was suddenly being

told — and saying — that the abortion right was our right to the same privacy. If you forgot what this movement knew, this seemed like a good thing. . . . (*The Sexual Liberals and the Attack on Feminism*, Dorchen Liedholdt and Janice G. Raymond, eds., Pergamon Press, 1990, pp. 6-7)

To the hundreds of thousands of women who say the personal is *personal* — that is, to those who claim *Roe v Wade* benefited them as individuals — radical feminists throw a nod of acknowledgment. "Yes," they say, "you did receive an incidental benefit. But, in doing so, you asserted not your autonomy, but your place under patriarchy." Twiss Butler comments:

For any woman who has been able to get the abortion she needed, the benefits of the reform are obvious and genuine. Not at all ironically, however, but quite as intended by the men who devised it, granting women a sex-neutral right to privacy in reproductive matters was like granting women expensive, limited, and easily revocable guest privileges at the exclusive men's club called the Constitution. In contrast, men's membership in this club is a birthright, possibly retroactive to conception. ("Abortion and Pornography," *Sexual Liberals*, p. 117)

Andrea Dworkin goes one step farther and almost accuses '60s feminists of selling out. For Dworkin, the right to abortion was merely a bribe contemptuously offered by patriarchy under the guise of liberalism:

[T]he left says . . . "Well, what we'll do is that we will allow you to have an abortion right as long as you remain sexually accessible to us. And if you withdraw that accessibility and start talking this crap about an autonomous women's movement, we will collapse any support that we have ever given you . . . Because if your abortion right is not going to mean sexual accessibility for us, girls, you can't have it." And that's what they've been doing to us for the last fifteen years. ("Woman-Hating Left and Right," *Sexual Liberals*, p. 29)

Why do radical feminists criticize the pro-choice stance one would expect all feminists to support? Three reasons stand out:

1. The pro-choice case rests on the principle of "a woman's body, a

woman's right." This is antagonistic to radical feminists' agenda of *class* rights and *class* interests. Self-ownership sees social struggle as a fight for individual rights, where every woman claims autonomy and choice — not as a member of an oppressed subclass, but as a full and free member of the human race.

Such rampant individualism runs against the collectivist grain of radical feminism. To Corea, the notion that reproductive choices are "a private matter" merely "contributes to the split

Radical feminists have so muddied the abortion issue that it can no longer command a clear focus and be the rallying point it was in the '60s.

between private and public life which reinforces women's oppression" (*Made to Order*, Patricia Spallone and Deborah Lynn Steinberg, eds., Pergamon Press, Oxford, 1987, p. 7). According to this argument, since women live within a social context, they have an obligation to make decisions that will further women as a class. The individual is less important than the many.

2. Pro-choice is a call for reform, not revolution, and revolution is the radical goal. In the '60s, the campaign for abortion rights was expressed in terms of "repeal" or "legalization"; activists worked through the system in order to modify existing institutions. By contrast, such radical feminist causes as comparable worth call for nothing short of a total overhaul of the present economic, political, and social system.

The abortion-rights victories of the '60s and '70s seem to contradict the radical claim that the oppression of women can only be corrected by sweeping away patriarchy. If such a victory can be achieved within the system, whither revolution?

3. Nor do radical feminists counter the arguments of the pro-life movement. Rather, they process abortion as they process every other feminist issue. Abortion is placed in the much wider context of reproductive technology, which is then placed in the still wider

context of patriarchal capitalism. For centuries, they say, white male culture has dominated the field of reproduction, which is now being used in yet another way to control women.

To radical feminists, access to abortion is at best a token thrown to women to make them falsely believe they are liberated. At worst, it is medical experimentation and social control conducted by men on the bodies of women. Reproductive technologies, once considered liberating, are now being called tools of oppression. High on the list of these allegedly false freedoms are the new opportunities for infertile women, such as IVF and surrogate motherhood.

The Patriarchal Web

In a sense, this approach is inevitable. Radical feminism is an ideology devoted to examining power and oppression. Power is in the hands of patriarchal males; oppression is the traditional lot of women. The radicals contend that this oppression is reflected in every institution of society. Thus, any radical feminist analysis of reproductive technology will concentrate on patriarchal abuses of power.

As it is, their critique is given some credibility by the very real abuses that do exist. As Elayne Rapping has pointed out:

Birth control . . . has always been compromised by the social and economic context in which it was developed and distributed. Health risks, unequal access by poor and Third World women, and sterilization abuse of women who want to have more children than society wants them to have are well-known facts. . . . ("The Future of Motherhood," *Women, Class, and the Feminist Imagination: A Socialist-Feminist Reader*, Karen V. Hansen and Ilene J. Philipson, eds., Philadelphia, Temple University, 1990, p. 543)

But radical feminism claims that it is not just poor and Third World women who are disempowered by current birth control. *All* women are oppressed by it, because it contributes to the political structure by which men subjugate women.

Again, some data supports this claim. Some doctors advocate performing a caesarean section, even against the pregnant woman's will, if the

fetus's well-being is deemed to require it. In several cases, women who have refused caesareans have been compelled to submit to the surgery under court order, with police escorting them into the operating room. Dr Margery Shaw has ominously suggested that child abuse laws be expanded to include "fetal abuse." According to Shaw, a woman might have no right to bring a "defective" fetus to term or even to become pregnant if she is the "wrong" genotype. Moreover, women's eggs may have to meet quality control standards to ensure they are not defective. A woman older than, say, 35, might constitute a "defective intrauterine environment," jeopardizing the fetus's right to be born sound. Indeed, a report issued by the American Fertility Society in September 1986 argued that not every-

gerous forms of reproductive technology includes sperm donation, by which a woman conceives with sperm donated from someone other than her spouse or significant other; egg donation, by which a woman conceives with an egg donated by another woman; embryo adoption, by which a donated egg and sperm are cultured into an embryo; embryo freezing; sperm and egg freezing; and embryo screening. The condemnation extends even to Electronic Fetal Monitors, which have been heralded as a breakthrough in fetal care.

Although infertile women and couples flock to clinics that offer such technology, radical feminists react to these procedures with unalloyed hostility. Consider these statements of Corea's:

The new reproductive technologies represent an escalation of violence against women, a violence camouflaged behind medical terms. ("The New Reproductive Technologies," p. 85)

Embryo flushing is another of the new reproductive technologies. You artificially inseminate the woman, flush the embryo out of her, and then insert the embryo into another woman. That's done in cows. (p. 87)

[Regarding surrogacy:] A man's desire to have a genetically related child becomes a "medical indication" for buying a woman's body. Such terms sanitize the sale of women and remove the reader emotionally from what is actually going on. (p. 89)

The chorus of criticism is growing. Reproductive technology has not only been placed in an ideological context, but has also been given an appropriately dark history. In her essay "Feminism, Medicine, and the Meaning of Childbirth," Paula A. Treichler describes the genesis of what she calls "medicalized childbirth":

Certainly reproductivity in childbearing was linked to the labor-intensive needs of both colonialism and capitalism, interests that have at once placed childbirth within the realm of the public interest and given the state certain oversight responsibilities. . . . Thus is ideology linked in turn to capitalism, industry, and the free market — which provided economic support for medicalized childbirth. (*Body/Politics: Women and the Discourses of Science*, Mary Jacobus, Evelyn Fox Keller, and

Sally Shuttleworth, eds., Routledge, 1990, pp. 120-121)

This view indicates something of a shift within radical feminism itself. In 1970, radical feminist Shulamith Firestone, in her pivotal book *The Dialectic of Sex*, suggested that the new technologies would free women. Was she wrong? Her contemporary followers say yes. The new reproductive technologies, they say, inherently oppress women in two fundamental ways.

First and foremost, reproductive technologies have been created by men; in the context of patriarchy, this makes the technologies inescapably oppressive to women. The fact that some women and well-intentioned men may work in this field does not prevent it from being oppressive, for the simple reason that individuals cannot change patriarchy by participating within it. In Rebecca Albury's words:

Some women have been socialized by the profession. "Male control" doesn't essentially mean control by individual men, it means control which benefits men more than women most of the time. Far from each man exercising personal authority, things are much more complex. We live in a network of power relations that both defines "masculinity" and ensures the success of individuals and activities that reinforce the definition. (*Australian Left Review* number 89)

Gena Corea dismisses the notion that the new technologies are bringing hope to women who feel devastated by infertility. Such claims are merely "the sugar coating on the pill" — reproductive technologies are about "controlling women, controlling child production, controlling human evolution." Of equal importance, they are about "making money" and "setting up corporations." (*Reconstructing Babylon: Essays on Women and Technology*, Patricia Hynes, ed., Indiana University Press, 1991, p. 57)

The second way in which the new technology is said to oppress women is by marginalizing their role in the birth process. Janice G. Raymond explains:

As women's reproductive processes become disembodied by the NRTs [new reproductive technologies], this adds another layer to the cultural image that women's bodies are there

To radical feminists, access to abortion is at best a token thrown to women to make them falsely believe they are liberated.

one has the right to reproduce. Among those who could be left out: women in overpopulated nations, women unable to care for their children, women with "defective" genes, and women who might violate proper prenatal care.

Feminists of all stripes are understandably horrified. But the radical feminist critique of the new technologies is not based on the fact that they can and have been abused. They contend that the technologies are *in and of themselves* abuses committed against the bodies of women. They are inherently oppressive because they have been created and administered by white male culture.

In the '60s, feminists gleefully looked forward to the day when conception could take place without a man. Now that this day has arrived, radical feminists maintain that such advances merely give patriarchy enhanced opportunities to control women's bodies.

A partial list of these allegedly dan-

for the taking — this time by medical technology. The female body becomes less and less part of the woman's creative ground of existence. Rather it becomes bound by its use value. ("Fatalists and Feminists: They are Not the Same," *Made to Order*, p. 62)

Thus, the "medicalization" of childbirth exploits the body parts of women (their eggs, wombs, etc.) while making pregnant women almost irrelevant to the process. Radical feminists warn: Women are losing the monopoly of power they once enjoyed over the process of giving life. And the final insult is that women are told that the new reproductive techniques give them more, not less, control.

Confronted by infertile women to whom reproductive technologies bring hope, Elisabeth Beck-Gernsheim asserts that the procedures actually rob

A truly radical feminist should argue for more commercialization of reproductive technology.

them of hope and joy. For example, when women undergo IVF, sex and conception become "a combination of dutiful exercise and competitive sport" in which "sensuality, spontaneity, love" and other technically irrelevant aspects are lost ("From the Pill to Test Tube Babies," p. 35). Whatever benefits individual women believe they have received, the fact is that reproductive technology has damaged them, both as individuals and as members of a class.

Birth, radical feminists claim, is a natural process that should take place without medical intervention, for such intervention benefits not the woman but the medical and political establishment. In a dystopian view of the future, Corea speculates on the horrors of reproductive technologies and how they will inevitably give over control of women's bodies to men: they "will be used to control which kinds of human beings are produced by determining which sperm comes into contact with which egg, which embryos

are discarded, which doubled, which altered. When I say this, am I being paranoid?" (41)

Corea asks a question that must not be dismissed out-of-hand: will women have the option to refuse technologies? Here she is echoing a genuine concern, especially with the growing tendency to put the health of the fetus above the autonomy of the pregnant woman. Corea has set the stage for discussing the key issue — choice. In dealing with this sticky question, it is useful to examine the two institutions most criticized for their involvement in women's reproductive choices: medical technology and the free market.

Choice and Technology

It is true that reproductive technologies offer ethical problems as well as practical opportunities. It is also true that the medical establishment, with government support, has a long history of oppressing women. Its persecution of female healers stretches back to Europe's age of witchcraft. More recently, American doctors persecuted midwives and folk healers, at the same time barring women from universities and other institutions that would have enabled them to practice medicine. Even if the last few decades have seen great strides, no one can blame women for retaining a healthy paranoia. Nor is it difficult to understand their antipathy to the rising rate of hysterectomies, caesarean sections, breast implants, and the like.

But again it must be emphasized: the radical feminist attack is *not* based on the actual or possible abuses of the reproductive technologies. Techniques like IVF are not accepted or rejected based on empirical evidence of whether or not, on balance, they benefit women. They are rejected because they (allegedly) spring from and add strength to a particular socioeconomic system — a system that cannot be reformed because it in and of itself is an abuse. Those who believe that science and medicine can be value-free are at best naive, say the radicals, for all current knowledge is based on the perpetuation of patriarchal values and assumptions. Sandra Harding writes:

It is a system of male-dominance made possible by men's control of

women's productive and reproductive labor, where "reproduction" is broadly construed to include sexuality, family life, and kinship formations as well as the birthing which biologically reproduces the species. [The sex/gender system] appears to be a fundamental variable, organizing social life throughout most recorded history and in every culture today. (Quoted in *Imprimus*, June 1990)

But this is only the tip of the oppressive iceberg. Women are exploited not merely by reproductive technology, but by *all* technology, science, and

To say that I can break a contract with impunity simply because I have second thoughts is, in essence, to say that no contract exists at all.

medicine. In article after article, book after book, "patriarchal" research and science is critically characterized as "controlling" the environment rather than being "open" to it, linking validity to reproducible results, relying on evidence instead of experience, using deductive rather than inductive logic, and seeking to dominate, not to accept. By contrast, "feminist" research and science is characterized as holistic in its approach to health, woman-centered and opposed to male domination, and offering validation to women's experience.

In her essay "Theorizing about Theorizing," scholar Dale Spender discusses the extent to which subjectivity is to be embraced:

If everything I know is "wrong," that is, if there are no absolutes, no truths, only transitory meanings imposed by human beings in the attempt to make sense of the world, then "wrong" becomes a meaningless category. Instead of being frightened that something I am arguing for as truth, as right, as logic, may in fact be wrong, I am starting from the other end and arguing that I know it is temporary and inadequate. I am then searching for the "errors," the "flaws" that will help me to refine. (*Body/Politics*, p. 28)

Of course, despite rejecting objec-

tive truth, radical feminists seem to claim absolute knowledge when it comes to the evils of patriarchy and the damage that reproductive technology has done to women. Because reproductive technology has been developed by men, it is *prima facie* and ax-

Heather Menzies claims that birth control is part and parcel of patriarchy.

iomatically deemed to be against the interests of women. Accordingly, only women who have been damaged by these techniques are given a voice in radical feminist literature. The vast number of women who have benefited are given no voice at all, or are only heard to be discredited and dismissed. Women who use surrogate mothers are said to be enslaving the wombs of others; women who request IVF are placed on the same level as lab animals undergoing experiments.

To condemn and prohibit the new reproductive technologies, radical feminists have to somehow demonstrate that the women who flock to use them are not truly exercising either choice or control over their own bodies. Thus we hear *ad hominem* attacks on any feminists who suggest, for example, that women who embrace surrogate motherhood are really *choosing* to do so. Janice Raymond's opinions are typical:

There's a lot of pseudo-feminist rhetoric of freedom and choice that masks the essential slavery of surrogacy. And there's a conscious manipulation of language and reality that happens when defenders of surrogacy use the rhetoric of "procreative liberty," knowing that many women will resonate with this phrase because of the feminist emphasis on reproductive choice articulated around the abortion issue . . . Judge Sorkow himself equated the "right" to be a surrogate mother with the right to have an abortion. ("Sexual and Reproductive Liberalism," *The Sexual Liberals*, p. 111)

But radical feminists cannot so easily escape the haunting issue of choice. There is a real tension between their

claims that (1) women must fully control their reproductive functions, yet (2) certain reproductive choices are unacceptable. Common sense dictates that if women have the right to say no to reproductive technology, they must also have the right to say yes. And if a woman requests a procedure, pays the bill, and willingly undergoes it, common sense indicates that she has consented to that procedure. If radical feminists say that consent is not present, the burden of proof falls firmly on their shoulders.

By way of proof, radical feminists claim that women who use reproductive technology are not really choosing in a meaningful sense of that word. Those who point to the overwhelming evidence of consent are ignoring the fact that women have been oppressed for centuries. The limited and negative range of alternatives that patriarchy currently allows cannot truly be called choices.

For example: in "From the Pill to Test-Tube Babies," Elisabeth Beck-Gernsheim claims that the new technologies cannot expand choice because they are "embedded in social institutions, and individual choices are made within a social system that rewards some choices and punishes others." She further argues that the new reproductive technologies violate the democratic process necessary to a free society. The growth of technology has been so rapid and uncontrolled, she says, that it has imposed a new social order on women without having to go through duly elected officials or being put to a vote.

In analyzing Beck-Gernsheim's argument, it is necessary to extend the courtesy of taking her seriously. It is necessary to assume she truly believes that abortion, birth control, and IVF are legitimized by the will of the majority and not by the decisions of individual women. It is necessary to assume she actually believes that a woman's technological choices concerning her body should be a matter for "duly elected officials."

So: how can taking choice out of the hands of individuals and putting it into the palms of politicians possibly prevent "social control"?

It is true that women who use

these technologies have been influenced by their culture. The mere fact that their culture is advanced enough to *have* such procedures influences their choices. People are affected by their environment. That's a truism.

But Beck-Gernsheim and company are saying much more than this. They claim that society has narrowed women's possible courses of action down to unacceptable alternatives, and that, given the climate of social oppression, women cannot be held responsible for the choices they make. Consider Gena Corea's view of women who wish to carry the fertilized eggs of another rather than carry her own: "No force will be required to get us to accept the donor eggs — that is, to prohibit us from reproducing ourselves. Control of consciousness will do quite well."

Apparently, cultural influence is so potent and women are so weak-minded that we easily lose the ability to make decisions about our own bod-

Pro-choice feminists seek to expand women's alternatives. Radical feminists want to narrow women's alternatives by eliminating the "unacceptable" ones.

ies. Fortunately, radical feminists — strangely immune from cultural influence — are there to take up the slack.

The War on Contracts

Since the essence of woman's choices — the vehicle by which they are translated into society — are written agreements, radical feminism is also waging war against "wrong" contracts. Phyllis Chesler's comments exemplify this:

Some feminists said, "We must have a right to make contracts. It's very important. If a woman can change her mind about *this* contract — if it isn't enforced — we'll lose that right!" . . . They didn't consider that a contract that is both immoral and illegal isn't and shouldn't be enforceable. They didn't consider that businessmen make and break contracts every sec-

ond . . . Only a woman who, like all women, is seen as nothing but a surrogate uterus, is supposed to live up to — or held down for — the most punitive, most dehumanizing of contracts. No one else. Certainly no man. ("Mothers on Trial," *The Sexual Liberals*, p. 101)

Consider the most common objections to surrogacy contracts. One is that the surrogate is selling herself (or, at least, her womb) into slavery. But how is renting out one's womb different in kind from renting out any other parts of one's body, as a secretary, lawyer, proofreader, or chemical engineer? A slave loses not only the use of his or her body, but also his or her moral and legal jurisdiction over it. Surrogate mothers do not.

Radical feminists also object to surrogacy contracts on the grounds that the surrogate cannot give informed consent. This contention is insulting to each and every woman, not merely those who are involved in surrogacy. It is just another way of saying that women don't know their own minds and can't be trusted with control of their own bodies. Men have told women this for centuries. Now radical feminists mouth the same old patriarchal line.

Moving past this emotional response . . . part of the radical feminist objection hinges on the current vagueness of the surrogacy contract, which often does not specify the rights and duties of those involved. For example: who will care for a baby born deformed? Does the surrogate agree to a caesarean if the fetus is in danger? What remedies are available for breach of contract? Without definition of these terms, informed consent may be a problem.

But even with these questions resolved, the heart of the objection remains: the claim that surrogates, *by the very nature of their contract*, cannot give informed consent. In this, radical feminists are in agreement with that bastion of patriarchy, the court system. Ruling on the 1988 Baby M surrogacy case, the New Jersey Supreme Court stated that a surrogate

. . . never makes a totally voluntary, informed decision, for quite clearly any decision prior to the baby's birth

is, in the most important sense, uninformed, and any decision after that, compelled by a pre-existing contractual commitment, the threat of a lawsuit, and the inducement of a \$10,000 payment, is less than totally voluntary. Her interests are of little concern to those who controlled this transaction.

This does not so much invalidate surrogacy contracts as invalidate the possibility of any contracts whatsoever. Consider what the court deems to indicate a lack of informed consent. First, the surrogate doesn't know how she will feel about the baby until it is

The pro-choice case rests on the principle of "a woman's body, a woman's right." This is antagonistic to radical feminists' agenda of class rights and class interests.

born. That could be said about almost any contract. If I sell my family home, I do not know how much I will miss the memories it holds until I no longer live there. If I contract to produce paintings, I don't know how emotionally connected I will feel to my works until they are executed. If I agree to mow someone's lawn on Saturday afternoon, I don't know how personally important that free time might be to me until Saturday rolls around. To say that I can breach a contract with impunity simply because I have second thoughts is, in essence, to say that no contract exists at all.

But, protests the court, the surrogate is "compelled by a pre-existing agreement" and "the threat of a lawsuit" into complying with the surrogacy contract. But that is almost a *definition* of a contract: an agreement that binds a person and leaves him or her vulnerable to legal remedy if breached. To say that these factors constitute coercion is to say that contracts in and of themselves are coercive.

The court's last argument — that the interests of the surrogate "are of little concern to those who control the transaction" — is equally weak. This

too can be true of any contract. Both parties are pursuing their own perceived interests.

Some feminists raise yet another objection. Surrogacy, they say, creates a class of women who can be bought as breeders, stripping them — and all women — of dignity. Testifying before the House Judiciary Committee of the State of Michigan in October 1987, Janice Raymond declared:

I am here today to testify against this bill that attempts to regulate surrogacy but, nonetheless, establishes surrogate contracts as legal and binding. My position is that surrogate contracts should be made unenforceable as a matter of public policy, and that they reinforce the subordination of women by making women into reproductive objects and reproductive commodities.

. . . A surrogate arrangement offers no dignity to women and therefore cannot be called a real right. It violates the core of human dignity to hire a woman's body for the breeding of a child so that someone else's genes can be perpetuated.

Apparently, no one has the right to do anything that might damage their "dignity" — as defined by Janice Raymond, of course.

Choice and the Marketplace

In her essay "Commercial Surrogacy," Linda Whiteford sketches the rationale behind rejecting the "money motive" in surrogacy:

Commercial surrogacy exploits socioeconomic class differences, using financial need and emotional need as currency. The exchange of money transforms surrogacy from an altruistic gift between sisters or friends into baby-selling or womb-renting and powerfully affects social relationships. The exchange of money for surrogacy codifies power and class inequities between those who can afford to buy new life and those who sell their ability to create life. The exchanges of money for surrogacy categorizes people as buyers and sellers, categories based on socioeconomic differences. (*New Approaches to Human Reproduction*, Linda Whiteford and Marilyn L. Poland, eds., Westview Press, 1989, p. 149)

In other words, the fact that a surrogate needs money invalidates her

contracts. But it is precisely those who need money who most need the right to contract for it! To tell a poor woman she has no right to sell her services — as a waitress, a nurse, or a surrogate mother — destroys her economic self-determination. Her services may be the only thing she has to leverage herself out of poverty. She needs the right to contract far more than the rich and powerful do.

Radical feminists' hostility to individual choice and support for class rights has led them to reject the free market. Instead, they turn to the government for justice. But it has been government that has persecuted women through the centuries. It burned them as witches, said they could not own property, banned information on birth control, committed healthy and rebellious girls to insane asylums, condoned domestic violence, banned women from universities. Government has thoroughly demonstrated itself an enemy of women.

A *truly* radical feminist should argue for *more* commercialization of reproductive technology. For this is nothing more or less than a woman's right to use and dispose of her own body in a manner that profits her, be that profit monetary reward or an infant in her arms.

Competing Agendas

By attacking reproductive technology, radical feminists have hindered the pro-choice movement in several ways:

(1) Their arguments apply with equal force against abortion. The contention that all modern medical techniques are the creations of patriarchy leaves little doubt as to where surgical abortion stands.

(2) They have splintered the movement and made a concerted effort against the pro-life agenda unlikely.

(3) They have joined hands with the religious Right, which opposes surrogacy almost as much as it does pornography. This unholy alliance only

strengthens those who oppose abortion rights.

(4) They have so muddied the abortion issue that it can no longer command a clear focus and be the rallying point it was in the '60s.

Can anyone really believe that increasing the choices available to women is actually a form of oppression? Who does not remember how birth control and abortion, whatever their incidental flaws and abuses, liberated vast numbers of women from the tyranny of involuntary motherhood? Who can view that as just another white male fraud?

The debate about reproductive technology is really about choice. Pro-choice feminists seek to expand women's alternatives. Radical feminists want to narrow women's alternatives by eliminating the "unacceptable" ones.

Nothing less than the principle of "a woman's body, a woman's right" is at stake. If it is lost what remains? □

Seavey, "The Inevitability of the Welfare State," *continued from page 47*

elected officials get away with. That's why throwing the current crop of elected bums out would do little to change the way our government behaves. We'd still have the same culture, expecting the same things from the state.

This is also why neither anarchist bombs, nor a miraculous meteor strike on D.C., nor a coup, nor House Resolution #XYZ, nor the election of a Ross Perot can solve the problem. Soon after blowing up the capital or electing a budget-cutter, our statist culture would replicate previous conditions. Removing Beijing from the planet would not turn the Chinese into capitalists (though it might help) and removing D.C. would not make our culture libertarian.

Opponents of the welfare state must, then, concern themselves with messy and vague questions about what kind of *culture* is conducive to liberty and what virtues need to be fostered to keep a free people free.

Unfortunately, many of the free market's defenders try to avoid cultural questions, almost to the point of

ethical relativism. If cultural questions not directly involving coercion were irrelevant to maintaining liberty and human happiness, it would be appropriate to treat them as ethically neutral. But that is not the case. The philosophy to which a subculture adheres today — its respect for life, its skepticism about authority, its attitude toward profit-making, its concept of the individual — inevitably affects its attitude toward the use of coercion and state power in the future, as well as its level of tolerance for random violence and theft.

The Cultural Battlefield

For that reason, libertarians must be in the culture business. They must attempt to forge a broad consensus against the use of initiated force — both public and private — to solve problems. This is a sobering thought, as it makes the pretense of cultural neutrality, behind which economic and political-science analyses can often hide, impossible. In this era, people engaged in forging a cultural consensus even on

a narrow range of topics are condemned loudly by rival sects and, especially, the self-styled guardians of "diversity" fighting off the "fascism" of cultural homogeneity.

I'm not sure this cultural battle is one that liberty's defenders can win — or one they are intellectually well-equipped to fight — but it is the only battleplan with a chance of creating a free society.

Still, who knows? History is not just the sum of its major trends. It also contains countless unpredictable incidents which sway opinion and alter the expected course of events. A particularly bad government scandal, the passage of a blatantly oppressive law, or the sudden adoption of libertarian causes by Hollywood celebrities could still spark an anti-statist groundswell.

And even then, the problems I've outlined will remain. Perhaps by the twenty-third century, America will be libertarian. But such a social order will *always* be harder to create and sustain than the easy drift that is welfare statism. □

Reviews

The Dream and the Nightmare: The Sixties' Legacy to the Underclass, by Myron Magnet. William Morrow, 1993, 256 pp., \$20.00 (hc).

Madness, Heresy, and the Rumor of Angels: The Revolt Against the Mental Health System, by Seth Farber. Open Court, 1993, xviii+266 pp., \$17.95 (sc).

The New Conservative Welfare State

Jesse Walker

What does the old cliché "freedom entails responsibility" mean? According to your run-of-the-mill civics textbook, it means that, just as the government allows us certain liberties, it demands obligations in return. The text might go on to display a list of freedoms ("the right to a secret ballot") and a list of responsibilities ("if you're 18, register for the draft") — two columns linked only by the mediation of the state.

Which is all nonsense. To be free is to be responsible for one's own actions, and to be responsible, one must be free to make choices. Choice without consequences is called license; consequences without choice, slavery. In today's civics-book, two-column social order, we have both. If you want to experience life among the licentious slaves, neither free nor responsible, wander through a typical government school, mental hospital, or public housing project.

Myron Magnet did just that, and wrote *The Dream and the Nightmare*, a harsh, poetic, sometimes brilliant, usually infuriating tome that demonstrates both the power and the poverty of neo-conservative thought. All horror novels must have a villain, and Magnet's is a biggie: the counterculture of the 1960s. That era's antinomian values, he says,

were adopted by the cultural elite and dispersed through the rest of society, bringing tragedy and hopelessness to the lower classes. The legacy of sexual freedom, the drug culture, and the ethic of instant gratification is today's decaying inner city, where civic order has completely broken down.

Or so says Magnet. But while his analysis has its strengths, it ultimately fails to confront either the ambiguous legacy of the 1960s or the larger, complex interplay of freedom, responsibility, and social order.

The Poverty of Culture and the Culture of Poverty

Opportunities for economic mobility still exist, and most poor people don't stay poor. But some do, "a population whose poverty remains chronic, even intergenerational, and whose behavior doesn't include the commonplace first steps toward upward mobility" (Magnet, 40). These are the underclass, defined as much by failed families and broken neighborhoods as by economic hardship. The underclass has never been precisely defined; it is more a collection of symptoms than a firm category. For Magnet, what separates these people from the nonunderclass poor is *culture* — the folkways transmitted from generation to generation and the commonly held values that

drive those shared behaviors. Simply put, the underclass suffers from a culture of irresponsibility.

Remember the Central Park wilding of April, 1989? A gang of kids — six were finally brought to trial — went on a rampage, ending in the gang rape and attempted murder of a young woman. These boys are Exhibit A in Magnet's prosecution. They were *not*, he informs us, "typical underclass kids. Instead of being the offspring of teenage welfare mothers, some came from intact families, most had working parents, and around half lived in a building reported to have a doorman. One attended a private school." So what was going on?

The six youths . . . were borderline characters in many senses of the word. Four of them lived on the very margin of Harlem, right at the corner of Central Park, overlooking but utterly separate from the world of affluence that lines most of the park perimeter. Their building was relatively new and well-kept, but its doorman, universally invoked in the newspapers as a totem of middle-classness, was only a security guard, and most of its apartments, though occupied by working people, were government-subsidized. The private-school student? He'd recently been enrolled in a \$1000-a-year Harlem parochial school after he'd been suspended from the public school he'd previously attended for carrying weapons.

The families of the youths ranged from a hairbreadth out of the underclass, with many underclass cultural characteristics, to full-fledged working class. . . .

It wasn't the welfare system that made these six indicted youths what they turned out to be — or poverty or drugs or school-leaving. It was that they lived all their lives in an underclass community and continually drank in its values. (Magnet, 69-70)

A strong argument, so far. But what produced those values? How could a community's notions of right and

wrong go so rabidly amok?

[C]rime takes on the closest links to culture. For though the whole governmental structure of force and threat — police, judges, and prisons — is a key means by which society restrains aggression and crime, it isn't the principal means. . . . The most powerful curb isn't force at all: it is the *internal* inhibition that society builds into each person's character, the inner voice . . . that makes the social contract an integral part of our deepest selves.

. . . This is a cultural matter, a matter of how people bring up their children, a matter of the messages that get passed from the community to the parents and thence to the children. The object is to transmit the necessary prohibitions against aggression to each individual and to win each individual's inner, positive assent to the social endeavor. (Magnet, 157)

The underclass does not transmit and has not received these necessary messages, says Magnet. Welfare, expanded by left-liberal cultural revolutionaries, tells them they are not responsible for their own plight. Endemic single motherhood, made mainstream by the sexual revolution,

All horror novels must have a villain, and Magnet's is a biggie: the counterculture of the 1960s.

prevents strong families that can provide necessary socialization. And how (he continues) can anyone keep their innate aggressive urges intact while high on crack — the final fallout from the '60s drug culture? Consider the data gathered by James Q. Wilson, Magnet urges us: with the baby boom, the "rise in welfare dependency was 600 percent greater than experts would have predicted from the change in the population's age profile," and "the rise in crime, over 1200 percent greater. Clearly the baby boom generation made so decisive an impact not just because it was large, but especially because it was so different. A huge cohort grew up formed by a new culture — a new set of values, beliefs, and institutions —

that was only just cooling and solidifying as the baby boom was coming to consciousness." Magnet's conclusion: "The problem wasn't that the underclass was too isolated from mainstream culture, but rather that it was too powerfully influenced by it" (Magnet, 68).

But what was this "mainstream culture"? Magnet is blurring the boundaries between three very different sets of people in order to support a rather tenuous argument.

First, there are the social critics who emerged in the late '50s and the '60s as rebels against Organization Man society and advocates of greater individual freedom. Magnet singles out a handful of these for criticism, with mixed results.

Second, there is the New Frontier/Great Society explosion in government activism — a phenomenon rooted in precisely what the first group of critics was rebelling *against*. Chronologically speaking, Wilson's demographic data could be attributed to this as easily as it could to the "cultural revolution."

Last, there is the media-created mass counterculture of the baby boom. This represents the social critics' actual effect on the larger culture, and thus should be most important for Magnet's thesis. But he spends almost no time with it at all.

I believe that the crisis of the underclass springs only barely from the third group, mostly from the second, and not from the first at all. And Magnet himself is a lot closer to the second group than he realizes. For all his anti-bureaucratic, individualist rhetoric, the solutions he proposes often amount to just more of the same.

Welfare Empires

Two characteristics are common to every underclass setting. One is the breakdown of community, of the voluntary associations and intermediary institutions that nestle and nurture social order. A "bad neighborhood" is one where this spontaneous commons is progressively disintegrating, or else being twisted into something perverse, like violent gangs.

The second characteristic is the ever-intrusive hand of government. Public housing, public schools, AFDC, SSI — welcome to the welfare state.

Needless to say, the two are linked. Since the turn of the century, more and more social functions have been taken out of the hands of intermediary institutions by the state and its ranks of credentialled professionals. The process took off in the Progressive Era, with municipal "reform," in which control of local services was transferred from neighborhoods to a professionalized

In Liberal Democrat Mythology, the Great Society was a valiant effort to wipe out poverty by providing decent education, housing, food, and shelter. In the real world, it was an enormous political patronage program.

civil service; licensure, which restricted entry to elite (and some non-elite) vocations; and education reform, which both centralized public education and created a means for separating the professional class from the uninitiated. The welfare state is the modern organization of once-decentralized social functions; its bureaucrats are its main beneficiaries.

The vastest expansion of the welfare empire was Lyndon Johnson's Great Society. In Liberal Democrat Mythology, the Great Society was a valiant effort to wipe out poverty by providing decent education, housing, food, and shelter to everyone in America. If it failed, it only did so because the public, hampered by skinflint conservatives/the Vietnam War/the tax revolt/sunspots (take your pick), didn't cough up enough dough.

In the real world, the Great Society was an enormous political patronage program. "Needs" were defined by the "helping professionals," not poor people; bureaucracies were built by men and women as self-interested as anyone else. Honest ideologues like Michael Harrington provided a *rationale* for spending money, not an impetus. Consider this statistic:

The "nonprofit" human service sector

(not counting hospitals and institutions of higher learning) in New York City in 1982 received \$10.6 billion dollars. The largest single source of revenue for that sector was government contracts. . . . Had just 10 percent of that money been given directly to poor families [rather than routed through the charity complex], welfare benefits would have doubled in New York. (Funciello, 37)

Put on your public-choice hats. Who benefits from a system like that? Who is *supposed* to benefit? Poor people, or their keepers?

The professional dolers and planners and social engineers now face an interesting double-bind. On the one hand, they owe their power and budgets to the presence of poor people, and have an incentive to find (or create) more of them. On the other hand, their job, in the ever politically fierce opinion of the public, is to get people *off* the dole. The way out of the fix is "workfare."

"Workfare" — and "learnfare," and all the other permutations — still requires lots of government spending; Wisconsin's recently enacted system actually costs *more* than its predecessor. At the same time, it requires welfare clients to attend job training sessions — often for jobs that aren't there, or which ordinarily provide their own non-subsidized training — or to "work" (working raising kids doesn't count) or to attend school. Studies have shown that most people lifted off the welfare rolls this way usually drift back; it seems that government planners are incapable of figuring out just what jobs it is useful to train people for. But no matter — that just keeps the cycle going.

If you're wondering why no one thought of this before, the answer is that they did — remember CETA? And even without such programs, an informal client-recycling process, dubbed "churning," has been common for a long time. People eligible for welfare are simply cut off, arbitrarily, then reinstated a few months later.

Programs like these erode freedom in obvious ways — the freedom of the taxpayer who cannot keep what he or she has earned as well as the freedom of the welfare recipient who must endure the prying eyes of Big Sister. But they also erode responsibility.

Myron Magnet is concerned about the survival of the work ethic. He sees it dying in underclass communities, and blames the influence of the counterculture. But what about the influence of a system that treats work as a bureaucratic rigamarole, just another ritual to go through before the client can get her benefits? As far back as the nineteenth century, one workhouse set its charges a-busy carrying logs back and forth across a yard all day for no discernible purpose other than to teach the value of work. The "value" of this labor escapes me, but I'll hazard a guess as to its effect: the inmates learned to dissociate work from useful activity, to jump docily through hoops on demand, and to feel surly resentment toward the whole concept of productive activity. Today's "training" for jobs that aren't the jobs available is simply the same process, modernized.

Punitive imposition of "responsibility" is no substitute for the real thing.

This all reminds me of a conversation I had with a schoolteacher once. "Maybe, if a student doesn't want to learn to read, you should just let him be illiterate for a while," I suggested. "Perhaps he'll eventually want to read, once he finds out the consequences of not knowing how."

"Consequences?" she exclaimed. "We've *tried* consequences. We haven't come up with any that work!"

Doing Our Own Thing, Which May Be the Nasty

Magnet is also concerned about the future of the family. This is understandable. In general, children benefit from having more than one parent. Two-parent families are usually stronger and more stable than one-parent households. Single parents would need neither wage-work nor welfare checks if they were supported by working spouses. If the family is disappearing, a non-governmental safety net is being destroyed.

But let's stop and consider this for a moment. All right, so two parents are better than one. How about three

parents? Four? Five? Not real parents, of course; I'm talking about extended families. Is it better to be raised by a father and a mother than by a mother, a grandmother, and an uncle? Is a heterosexual couple innately superior to a homosexual one?

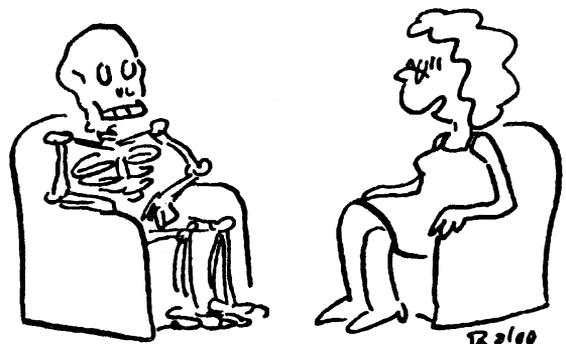
The correct answer is, "It depends." It depends on who these people raising the kids are, how they're going about the job, and what the kid's needs are. Perhaps the nuclear family is an ideal form. Perhaps it is not. Perhaps — and here is a radical, subversive notion, implying human diversity and other

All right, so two parents are better than one. How about three parents? Four? Five?

sneaky concepts that tend to trip up neat scientific models — perhaps it's ideal for many people, adequate for most, and completely inappropriate for a few.

This is the sort of talk Magnet blames for the current crisis. But he's barking up the wrong tree. The same revolution that meant misery for the children of broken families, means joy for children and spouses escaping abusive family members, for homosexuals and bisexuals now *allowed* to form stable relationships, and for many, many more. The family, like all intermediary institutions, is constantly evolving. It is just as destructive to freeze that evolution as it is to abolish the institution itself.

But the modern welfare state subsidizes single motherhood — and, indi-



"Walter, we never *talk* any more!"

rectly, papa-was-a-rolling-stone-style single fatherhood. Evolution requires not just experimentation, but a feedback mechanism as well, and subsidy shorts the feedback loop. In that context, the family revolution has had some negative effects.

Yet a simple-minded return to the allegedly good old days would only unsolve old problems. Magnet's odious proposals — massive group shelters for unwed mothers, where professionals

If you want to understand where the Commentary crowd is coming from when nothing's happening in the Middle East, Magnet's book is a fine place to start.

will teach them proper child-rearing and children will be cared for in government day care centers — won't solve a thing. Why institutionalize poor women and their children? Isn't that what led to the present difficulties?

Blood in the Streets

Last but not least, there's the headline-grabbing territory of crime and drugs. We've come a long way since the days William Julius Wilson described in his famous opening to *The Truly Disadvantaged*, when "blacks in Harlem and in other ghetto neighborhoods did not hesitate to sleep in parks, on fire escapes, and on rooftops during hot summer nights in the 1940s and 1950s, and whites frequently visited inner-city taverns and nightclubs" (Wilson, 3).

How could that sort of safety be maintained? Jane Jacobs' observations may shed some useful light on the topic:

The incident which attracted my attention was an apparent struggle going on between a man and a little girl of eight or nine years old. The man seemed to be trying to get the girl to go with him. By turns he was directing a cajoling attention to her, and then assuming an air of nonchalance. The girl was making herself rigid, as children do when they resist, against

the wall of one of the tenements across the street.

As I watched from our second-floor window, making up my mind how to intervene if it seemed advisable, I saw it was not going to be necessary. From the butcher shop beneath the tenement had emerged the woman who, with her husband, runs the shop; she was standing within earshot of the man, her arms folded with a look of determination on her face. Joe Cornacchia, who with his sons-in-law keeps the delicatessen, emerged about the same moment and stood solidly to the other side. Several heads poked out of the tenement windows above, one was withdrawn quickly and its owner reappeared a moment later in the doorway behind the man. Two men from the bar next to the butcher shop came to the doorway and waited. On my side of the street, I saw the locksmith, the fruit man, and the laundry proprietor had all come out of their shops and that the scene was also being surveyed from a number of windows besides ours. The man did not know it, but he was surrounded. Nobody was going to allow that little girl to be dragged off, even if nobody knew who she was. (Jacobs, 38-39)

Streets flourish with varied, overlapping uses, the messy tapestry of a diverse and disunited crowd. A block with different kinds of businesses drawing in different people at all different times of day and night is a block with lots of "eyes" on it, in Jacobs' phrase, creating an unconscious network of mutual surveillance and public safety.

Government planning and zoning, by eliminating mixed use, can cripple this most basic community process. Government urban renewal, by destroying old neighborhoods, can kill it. Government public housing does something even worse:

[Consider] the peculiarities of another and figurative kind of street — the corridors of high-rise public-housing projects, those derivatives of Radiant City. The elevators and corridors of these projects are, in a sense, streets. They are streets piled up in the sky in order to eliminate streets on the ground and permit the ground to become deserted parks.

. . . These interior streets, although completely open to public use, are closed to public view and they thus

completely lack the checks and inhibitions exerted by eye-policed city streets. (Jacobs, 42-43)

Shielded from external eyes, denied the mixed uses that bring a constant turnover of internal eyes, public housing attracts vandalism and violent crime. Still worse, planners' innate inability to replicate the unplanned order of the busy street prevents the subtle interplay of private and public space Jacobs elsewhere demonstrates is necessary for cohesive community. Instead, projects devolve into collections of cliques, devoid of a common, public life.

Jacobs' book was published in 1961. The patterns she was describing then continue today, in sharper and uglier forms. Is it too obvious to mention that planning, zoning, and public housing have taken off since 1961? Is it unthinkable that this ongoing usurpation of community self-government could have contributed to the underclass problem?

Is it irrelevant that she was observing this process years before Magnet's "cultural revolution" existed for more

"Workfare" requires lots of government spending; Wisconsin's recently enacted system actually costs more than its predecessor.

than a handful of bohemians and gypsies?

The biggest boost to crime rates, of course, has come from the war on drugs. When drugs are outlawed, only outlaws have drugs — gang members who now monopolize the drug trade, addicts who must steal to buy their narcotics at inflated prices. Just as alcohol prohibition dramatically increased urban violence, so has prohibition of marijuana, heroin, and cocaine.

A subtler process is also going on. Drug laws have created a narcotics subculture, forced from the social mainstream by legislative fiat. A community where drugs are the social glue is not likely to encourage intelligent, moder-

ate use of the chemicals, integrated into a broader lifestyle. As Stanton Peele has pointed out, the greatest factor in determining who becomes an addict is whether or not the drug user has anything better to be doing with his time, any firmer centers in his life. In a drug-oriented subculture, he probably doesn't.

So the problem is not the drugs themselves, but irresponsible use of drugs — and limiting people's freedom helps create a culture of irresponsibility. But far be it from Magnet to suggest relegalization.

Not Quite Great

So far, I've been sketching out a libertarian alternative to Magnet's neo-conservative analysis. I should admit, however, that he makes several good points.

His discussion of several issues — notably, the failure of affirmative-action and compulsory-integration schemes — is right on target. He understands that state socialism is a failure, that government bureaucracies are wasteful and self-perpetuating, and

that incentives are not insignificant. He understands the law of unintended consequences — at least so far as his opponents' ideas are concerned. Most importantly, he understands the significance of culture. He knows that human beings are neither isolated economic calculators nor malleable slaves to their economic status and physical environment. Values do matter.

But ultimately, Magnet is just another Great Society reformer. He mouths free-market criticisms of socialist planning, but is quick to use the government to achieve his own ends. He will retain the welfare state, only slightly reformed — leaner, meaner, and called something else. Occasional bursts of caution notwithstanding, Magnet's book is really a call for a Pretty Good Society, a workfare-warfare state.

Nowhere is this more clear than in his chapters about homelessness and the "mentally ill."

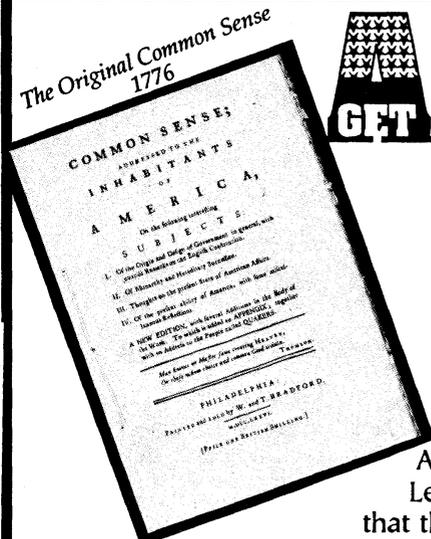
The Manufacture of Madness

When Myron Magnet writes about mental illness, he saves his most irate red glares for institutional psychiatry's critics — specifically, Thomas Szasz,

Erving Goffman, R.D. Laing, and novelist Ken Kesey. These men are part of a larger tradition of post-psychiatric thought that continues to this day, most recently with Seth Farber's excellent *Madness, Heresy, and the Rumor of Angels*.

According to Magnet, Szasz et al. are out to erase all "suppression of impulse," to grant the mad license to do whatever they please, no matter how socially disruptive. Their ideas took over psychiatry and led to the deinstitutionalization of thousands of patients, creating a sorry population of dangerous homeless psychotics in serious need of treatment.

All this is nonsense. These writers (Laing is a possible exception) urge the restoration of freedom *and responsibility*; Szasz, for one, is a leading critic of the use of the insanity plea to acquit criminals — hardly a call for licentiousness. The critics' ideas have had influence in some circles, but have never been more than a hated curio within the psychiatric establishment, as Farber's book makes clear. As for deinstitutionalization and homelessness — well, we'll deal with



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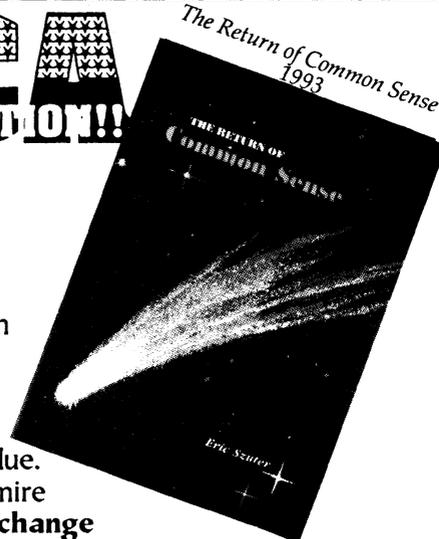
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that issue shortly. First, let's take a look at what these men actually said.

Szasz's critique of psychiatric coercion, set out in *The Myth of Mental Illness* and other books, rests on two general principles. The first is that "mental illness" is a metaphor; minds can only be "sick" in the sense that economies can. "Schizophrenia," "paranoia," "manic depression," et cetera ad infinitum are not illnesses in the sense of cancer or AIDS. They are behavior-patterns with any number of possible causes. Even that is stretching it a bit — these are not precisely defined behaviors, but ever-shifting collections of symptoms, heavily dependent on the preconceptions of the diagnosing psychiatrist. Thus, for example,

. . . when someone currently does a study of so-called schizophrenics, nobody takes any indicator, any dependent variable from past work, to use as a criterion for schizophrenia in the process of setting up the experimental group. They still take recourse to using the diagnosis given the person by the psychiatrists. Since the person is typically given different diagnoses by various psychiatrists, the researcher will take the one chosen by a majority of the diagnosticians. Thus, no one has yet found a way to say, "Let's use this external criterion that has been found valid." (James Mancuso, quoted in Farber, 137-138)

Szasz's other guiding principle is simply the classical liberal standard of rule of law. If someone is not harming anyone else, but happens to hear disembodied voices, that's his own affair. One should not lock up a nonviolent man who hears spirits for the same reasons one does not lock up a nonviolent man who believes that an enormous, gaseous being named "Yahweh" regularly intervenes in athletic contests. Some of my best friends — decent, competent people — pray during basketball games. Some others, equally decent and competent, tell me they speak with spirits and gods. Who am I to imprison them? (For the record, the disembodied voices often bear good advice, and I've seen some pretty miraculous three-point shots.)

Other writers made related points. Erving Goffman pointed out in *Asylums* that, as strange as the behavior of mental patients may appear to outsiders, it makes coherent sense in the context of the asylum. ("Cultural relativism can hardly get more extreme than this," sneers Mag-

net.) Goffman based his conclusions on extensive anthropological field research in a D.C. mental hospital, where he saw psychiatrists inducing "crazy" behavior, unaware of their role in creating the symptoms they were treating.

Farber traces these criticisms further, to the family therapy movement of the 1950s. Their research showed that, even outside of the asylum, much "crazy" or "pathological" behavior was an individual's expression of otherwise unexpressible concerns — fear of the family splintering apart, or just of "an impending transition to a new phase in the individual or family life cycle" (Farber, 125).

Critics of psychiatry and critics of welfare are not often grouped together. But Charles Murray has built his career on this same insight: self-destructive behavior can be a rational response to perverse incentives.

Farber's Case

Yeah, right, you say. I've seen the mad, pissing on the street, yelling incomprehensible scatology at passers-by. You're telling me there's method to their madness?

There isn't any single reason for so many of the homeless to be so disturbed and deranged. It can be a reaction to hopeless circumstances and personal incompetence. For many, it's a byproduct of extreme drug abuse. For some, it could be, as the psychiatric propagandists tell us, a biological condition. Physical problems — e.g., brain damage — can indeed affect human behavior. But if something's wrong with my brain, I'd just as soon bypass the psychiatrists and their diagnostic labels, and go straight to a neurosurgeon.

The neurosurgeon, after all, will examine my brain before he tinkers with it. The psychiatrist will examine only my behavior — and with remarkably constrained vision. And the tinkering he or she then prescribes may destroy me.

Do I exaggerate? Examine the testimony of psychiatric survivors, gathered in Seth Farber's book.

Each of Farber's first seven chapters is an interview with a woman or man who has undergone coercive psychiatric treatment. Each story is relatively recent, belying the common notion that reformers "fixed" the mental health system in the '60s and early '70s. Each storyteller suffered personal crises — family prob-

lems, or spiritual unrest, or difficulty moving from one phase of life to another. Each was diagnosed as mentally sick, then checked into an institution with its own crazy procedures. Each, eventually, was coercively committed. Each was forced to take psychotherapeutic drugs which, in all cases, rendered the patients genuinely dysfunctional. Each had trouble extricating him- or herself from the mental health system, often voluntarily recommitting themselves when the personal crises continued — giving up freedom in order to escape responsibility. Each has since declared independence from the system, and stopped taking the drugs the professionals told them they would be unable to survive without. Each has indeed survived, and grown stronger.

Why interview strong-willed, attractive survivors instead of the crazy who crap on city sidewalks? Because, Farber says,

... all of [the interviewees] manifested the behaviors typically construed by psychiatrists as symptoms of severe mental illness. These individuals are exceptional primarily in the sense that they are forerunners and that they can and will serve as role models for other psychiatric survivors who will follow their example and refuse to allow mental health professionals to destroy their dignity and induct them into careers as mental patients. (Farber, xvii)

It is people like these who defy the medical model of madness.

The remainder of Farber's book is a damning collection of evidence, an account of the ways the medical model of the human psyche goes wrong and the ways in which people have resisted its constraining vision of human potential. It is a moving, fascinating *tour de force*.

Some psychiatric intervention may do some good, of course, and we all should have the right to contract for whatever therapeutic services we wish. I have a friend who began taking a psychiatric medication fifteen years ago, out of concern for her drainingly manic behavior. It calmed her down, but had the alarming extra effect of weakening her creativity and her desire to write. After careful consideration, she decided that this was an acceptable trade-off. She

continues to self-medicate to this day, controlling dosage and setting herself.

If that was all there were to psychiatric drugs, only anti-chemical puritans would object. But when potentially dangerous and rarely useful medications are forced into people's body *against their will*, all who believe in justice and liberty should protest.

Myron Magnet does not.

It's a Mad Mad Mad Mad Myron

Magnet attacks Szasz and company in two ways. One is to tell a series of horror stories about crazy homeless people the police refuse to lock up. These fall into two general categories: people who constantly threaten to hurt or kill someone and then do so, and people who make a real nuisance of themselves urinating on the street, screaming at strangers, and generally disturbing the peace.

Unfortunately for Magnet's argument, there already exist means of dealing with folks who do these sorts of things — means which don't have anything to do with psychiatry. If the police do not act to stop people who carry around axes making violent threats, or who make the public sidewalks unlivable, that may say a lot about the police, but it says little about psychiatrists.

Magnet's other attack is to blame psychiatry's critics for the deinstitutionalization disaster — and, by extension, for homelessness.

"Deinstitutionalization" refers to the release of thousands of onetime mental patients from state mental hospitals over the course of the 1960s and 1970s. In theory, the patients were to go to new, government-funded community mental health centers. In fact, most of those centers were never built, and the ones that were, were embarrassments. Most ex-inmates subsisted in cheap private quarters, usually single-room occupancy hotels. In the early '80s, urban renewers started knocking the SROs down, causing the remaining hotels to raise their rates and leaving many former patients on the streets.

For the record, while many civil libertarians supported deinstitutionalization on Szaszian grounds, the process itself emerged from pressures on state budgets. Not, mind you, that spending

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was ultimately curbed. State hospital expenditures fell only three percent between 1969 and 1981, while *federal* spending skyrocketed from \$1 billion in 1963 to over \$17 billion in 1985. Adjusted for inflation and number of patients, Magnet tells us, this is a fourfold increase. The hospitals had been willing to send patients packing, but not staff, in yet another demonstration that the welfare state exists to serve itself, not its clients.

According to Magnet's figures, about 405,000 patients were deinstitutionalized during the '60s and '70s. He also estimates, reasonably, that there are between 300,000 and 360,000 homeless people in America. Later, he quotes ten NIMH studies that "consistently show that around one third of the homeless — well over 100,000 souls if the homeless total 350,000 — suffer from severe mental illness" (81-82). I have not seen these studies, but I have to wonder what kind of methodology allows one to assert that a third of the homeless are mentally ill without, in the process, discovering the actual number of mentally ill homeless people. But even accepting that figure, and even accepting the literal existence of mental illness, that leaves over 300,000 deinstitutionalized patients who are not on the street.

Where are they? I don't know. It is not in the interests of institutional psychiatry to track *their* progress.

At any rate, it's clear that deinstitutionalization helped fuel the homelessness problem. But the broader lesson, I think, is to not knock down SROs.

The Neoconservative Paradox

All this leads us to the central paradox of Magnet's book, and the greatest strength of Farber's.

At one point, Magnet criticizes Erving Goffman for espousing "the idea that character and behavior are nothing but products of the social circumstances in which people are immersed" (Magnet, 85). That's a straw-man attack. *Of course* character and behavior have more than a social basis; biology, too, plays a role.

But stop and think a moment about Myron's complaint. Magnet's favorite explanation for our nation's ills — cul-

ture — is itself a social circumstance. Doesn't he realize that it is the *culture* of the asylum that Goffman is writing about?

There is a very real connection between Magnet's declaration that the homeless are "mentally ill" and his diagnosis of underclass "pathology." His solutions are also strikingly similar: commit the mental cases to psychiatric institutions, put poor mothers into government shelters.

Compare this to *Madness, Heresy, and the Rumor of Angels*. The psychiatric survivors Farber interviews have all managed, after much pain, to reassert control over their lives. Each very different story had that same object: *to regain control*. That meant being free, and that meant being responsible. Neither side of the equation is neglected. Calls for irresponsible, just-do-it, screw-the-consequences self-destruction may have come from some countercultural quarters, but if these critics of the psychiatric establishment represent Magnet's "cultural revolution," he's looking in the wrong part of town.

So what can I conclude, ultimately, about Magnet's opus? It is (the reviewer said slyly) schizophrenic. There's good in it and bad; it's part of the problem *and* part of the solution. Sometimes it stands for liberty and self-government; sometimes, for imposing "responsibility" without a trace of freedom.

Mostly, it's interesting as a cultural document. Magnet speaks for a lot of intellectuals of a certain right-wing stripe. If you want to understand where the *Commentary* crowd is coming from when nothing's happening in the Middle East, this is a fine place to start.

Farber's book, on the other hand, is a testament to liberty and to the indomitable human soul. Long after the institutions it exposes collapse under their own weight, it will deserve to be read. □

Other texts quoted in review:

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Miles From Nowhere, by Dale Duncan. Viking Penguin, 1993, 320 pp., \$22.50 (hc).

Visions Upon the Land, by Karl Hess, Jr. Island Press, 1992, 278pp., \$22.00 (hc).

Miles from Understanding

R.W. Bradford

In *Miles From Nowhere*, Dayton Duncan tells the story of his visits to "America's contemporary frontier," by which he means the extremely thinly settled places of the American West. More precisely, he defines the contemporary frontier as those counties in the West with a population density of less than two persons per square mile, and he thoughtfully provides an appendix listing their names, populations and population densities. This definition of frontier is not his own, he explains. It comes from Robert Porter, superintendent of the 1890 census, who used two persons per square mile as the threshold of "settled" versus "unsettled" country.

His tour of the contemporary frontier takes him to places very few tourists ever see, places with strange names like Fields, Mentone, Big Timber, and Quemado — tiny communities, with fewer residents than a single apartment building in a medium-sized city. These tiny towns are strange in more than name: they are inhabited by strange people who do strange things. And Duncan talks to them.

He talks, for example, to people who live in Loving County, Texas, which holds the distinction of being both the nation's least populous county (107 residents) and most thinly populated (0.16 people per square mile). They tell him how most of them live off taxes paid by owners of gas and oil wells within the county, and that the county's political battles are so acrimonious that most everyone in the county hates most everyone else. He talks to

Larry DeRieux, who owns most of Fields, Oregon, and hopes to develop the tiny (population 9), extremely isolated (nearest town 120 miles) town in Oregon's high desert into a thriving tourist center. He visits Big Water, Utah, and talks to Alex Joseph, the renegade polygamist Mormon who runs the town with the aid of his nine wives.

There's a lot of offbeat information in the book, and it is reasonably well-written. It manages to be amusing without taking on the facetious tone of so many contemporary travel books. And it mostly avoids the pretentiousness from which so many "serious" travel books suffer. This is saying a lot for a travel book.

I love America's thinly-settled places and the people that live there. Like Duncan, I have a database on my computer listing America's thinly populated counties (though my limit is one person per square mile, rather than two). Like Duncan, I have traveled to these lightly populated places, and have talked to the people who live there. I have visited Fields several times, though only once since the paved highway was put in in 1990. I visited with the locals in Loving County back in 1984. I have visited Big Water, and interviewed the residents, failing to interview Mayor Joseph only because he was "too hung over" from the previous night's drinking (in the words of one of his wives, who also serves as City Attorney). I have also visited Denio, Nevada, where a lady told me she had relocated from Crescent City, California, because there were getting to be too many people in that tiny, isolated coastal city; and Raj-

neeshpuram, Oregon, the once-bustling religious commune, now inhabited only by a garrulous caretaker; and Gerlach, Nevada, which a sign in a local bar identified as "where the pavement stops and the West begins," a slogan one sees on the walls of many isolated western towns; and Chloride, New Mexico, ghost-town home of the late libertarian journalist George Boardman.

In fact, I have visited every county in the West at least once, but the thinly populated areas remain my favorites. I love the weirdness of the people, the weirdness of the geography, the weirdness of the solitude.

But somehow, my take on the nearly uninhabited sixth of the United States is quite different from Duncan's. Duncan is forever a foreigner in these places, isolated by his own condescension from the people he meets. And he doesn't even have a clue to his isolation.

This is hardly surprising. He got the idea for the book and for his travels from a suggestion to him by A.M. Rosenthal, a former editor of the *New York Times* and a quintessentially elitist

Duncan is forever a foreigner in these places, isolated from the people he meets by his own condescension.

urbanite. He put on his "gimme" cap, outfitted a GM Suburban with a top camper, studied Frederick Jackson Turner's "The Significance of the Frontier in American History," and consulted with the Department of Agriculture's "guru" of students of rural America.

Then he hit the road in a camper he got to keep expenses down and to provide shelter in places so remote that they lacked motels. He was genuinely surprised to learn that there were motels almost everywhere (even in Fields, Oregon) and that where there were none, people were happy to offer him space to unroll his sleeping bag indoors — perhaps even in a guest room — and that motels were very cheap ("an average of twenty dollars," he says incredulously). Perhaps guys who pal around

with editors of the *New York Times* find it is surprising that people are hospitable or that motel rooms might cost only \$20. But it's not to anyone who knows more of America than its urban centers.

It never occurred to Duncan that low population density might not be tantamount to frontier. The simple fact

is that there is no frontier to speak of in America. These thinly populated areas are not frontiers between the settled and unsettled, the civilized and uncivilized. They are simply areas where very few people live because of an extreme shortage of water or an extremely inhospitable climate. Unwilling to accept

the people who live in these sparsely settled areas on their own terms, he insists on interpreting them within the framework of his academic and elitist prejudices. His vision is impaired by his own lack of empathy and his self-preoccupation.

I doubt this is much of a problem for most readers of *Miles From Nowhere*, the overwhelming majority of whom probably share Duncan's prejudice and complacency. And as I said, the book is readable and amusing, just the sort of book that can convince an urban elitist that he has come to understand the 0.2% of Americans who live in the genuine boondocks. Maybe one day it will be made into one of those slick pseudo-documentaries on PBS.



Like Dayton Duncan, Karl Hess, Jr comes to the thinly inhabited west with certain preoccupations. Hess is a range ecologist, and his focus in *Visions Upon the Land* is on the issue of land ownership and control. Unlike Duncan, Hess succeeds in coming to terms with the sparse West, despite the fact that he is an academic who holds a Ph.D.

Hess's narrative of *his* exploration of the sparsely populated West and the people who live there succeeds where Duncan's fails because Hess was willing to relate to people on their own terms, rather than interpreting them according to his prejudices. While Duncan visited motel operators, cafe waitresses, and others who inhabit the edges of the roads that intersect the hinterland, Hess visited people whose home is the land. He talks about the people who live out of sight of the roads — people who tend stock, who mine, who harvest timber, who live off the land.

So while Duncan talks at length to Larry DiRieux, who envisions a tourist destination resort in his roadside fiefdom of Fields, Oregon, Hess talks at length with Joe and Susan Fallini who run cattle on the 1,000-square-mile Twin Springs Ranch in the Nevada desert, far from the nearest road. Until a year before Duncan's interview, Larry DiRieux was a tourist who liked to travel around the West in his recreation vehicle; he purchased the town of

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Fields to fulfill a dream (Fields of Dreams?). Joe and Susan Fallini have lived on the land all their lives, as had their parents and grandparents before them.

Of course, *Visions Upon the Land* is not a travel book; it is an exploration of public policy alternatives. But if you want a feel for the land and the people who live there, Hess's book is a very good place to start. It is perhaps the most elegantly written book on public policy that I have ever encountered.

Hess's policy prescriptions derive from his understanding of the American West's culture. His book explores the history of Western land tenure and the uneasy relations between the government and those who work the land. He proposes an intriguing synthesis of a radical property-rights approach with the insights of ecology. Almost alone among "environmental historians," he understands the role of human ecology within the grander ecosystem, and offers ideas more engaging than the simplistic, elitist human-bashing that often characterizes ecologists' writings about the West.

◆

Duncan's book contains two episodes that may be of particular interest to libertarians. His portrait of Alex Joseph, the polygamist mayor of Big Water, Utah, is typical of Joseph's media appearances in that it nowhere mentions Joseph's Libertarian Party ties. Indeed, it reports that Joseph and his family are "anti-government conservatives," who "vote Republican, although they consider themselves libertarian." Joseph is one of the few government officials in the United States elected solely on the Libertarian Party ticket.

In his report on the Big Bend country of Texas, Duncan describes a couple of days spent with a local United Parcel Service driver, who sometimes drives for hours to deliver a single package which had been shipped from thousands of miles away for a sum of less than three dollars. UPS loses money on such transactions, the driver explained, but the firm delivers to every address in the country, including the obscure ranches and settlements of the Big Bend country, in response to the demands of major mail order firms, some of its larg-

est shippers. So much for the argument that the government monopoly on mail delivery is justified because in its ab-

sence, many people living in remote areas would be denied service except at exorbitant cost. □

The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies?, by David B. Kopel. Prometheus Books, 1992, 407 pp., \$28.95.

My Heroes Have Always Been Cowboys

Clark Stooksbury

I'm not one of those people who has always been surrounded by firearms. For most of my adult life, I have had little interest in shooting. When I was a Marine reservist, a weapon ("gun" is for some reason a dirty word in the Marine Corps) was something I often had to clean for hours at a time even if I did not get to shoot it. But something funny happened on the way to the rifle range, the very last time I qualified with the M-16: I discovered that I enjoyed shooting. Shortly after that I bought a handgun, and I look forward to the day I can buy an AR-15 — the civilian version of the weapon I spent so much time cleaning and so little time shooting as a Marine.

Imagine my surprise when I discovered that some people do not think that I should be allowed to own one. The AR-15 is an "assault weapon," you see. It is an evil instrument that no civilized person should possess or own.

Gun control is a difficult issue to get a handle on. Its advocates only infrequently spell out firm reasons for their position; it is difficult to answer their arguments because they so rarely make any. A recent Los Angeles *Times* editorial is a good example. It asks goofy questions like "isn't it now obvious that the national culture of guns and violence borders on a kind of addiction?"

and throws out questionable, unsupported assertions — e.g., that "guns purchased by law-abiding adults for 'protection' increasingly end up in the backpacks of schoolchildren." Its only strong argument comes at the end: "In Britain, Sweden, Switzerland, Canada, Japan, and Australia, for example, private citizens generally must have a license to own a firearm and must submit to a background check. Relatively few licenses are granted." Other western democracies have strict gun control; as a result, they have less crime and violence. The syllogism is simple and logical.

In *The Samurai, the Mountie, and the Cowboy*, David Kopel surveys the history and practice of gun control around the democratic world, and deals a serious blow to this ploy. He examines the experience of Japan, Switzerland, Britain, Canada, and the U.S., among other nations, focusing on the effect of cultural factors as well as gun laws on violent crime and gun ownership.

Japan

The close relationship between cultural factors and violent crime and guns is illustrated nowhere better than where Kopel begins his study — Japan. The Japanese have succeeded in creating a virtually crime-free society:

Tokyo is the safest major city in the world. Only 59,000 licensed gun own-

ers live in Tokyo. Per million inhabitants, Tokyo has forty reported muggings a year; New York has eleven thousand. The handgun murder rate is at least 200 times higher in America than Japan. The official homicide rate in Japan in 1988 was 1.2 homicide cases per 100,000, while in America it was 8.4 . . . Japan's robbery rate is 1.4 per 100,000 residents. The reported American rate is 220.9. (p. 22)

Japan is also the least armed of the countries Kopel examines. As of 1989,

About 30% of all police shootings in New York City are either accidental or in violation of force policy.

the Japanese people held about 27,000 rifle and 493,000 air rifle and shotgun licenses (21). Handguns are completely prohibited and rifles can no longer be purchased legally. The process for obtaining a shotgun license is complicated and onerous.

One might conclude from this that he who says A must say B, and that the low crime rate in Japan is the result of gun control. But as Kopel repeatedly points out, social and cultural factors are more important in controlling crime:

Japan's gun control does play an important role in the low Japanese crime rate, but not because of some simple relation between numbers of guns and levels of crime. Japan's gun control is one inseparable part of a vast mosaic of social control. Gun control underscores the pervasive cultural theme that the individual is subordinate to society and the government. The same theme is reflected in the absence of protection against government searches and prosecutions. The Japanese police are the most powerful on earth, partly because of the lack of

legal constraints and particularly because of their social authority. (45)

Japan has an authoritarian and conformist culture in which American-style civil liberties simply do not exist. Every home in Japan is subject to regular searches. Japanese law allows police officers to search the belongings of any citizen judged "sufficiently suspectable to carry or bring a firearm, a sword, or a cutlery," or if the person is "likely to endanger life or body of other persons by judging reasonably from his abnormal behavior or any other surrounding circumstances" (23). The Japanese police have the authority to interfere in the lives of all Japanese citizens: "In twice-yearly visits, officers fill out Residence Information Cards about who lives where and which family member to contact in case of emergency, what relation people in the house have to each other, what kind of cars they own" (24).

In spite of the low level of crime, all is not well in Japan. This nation that places a high value on conformity pays for it with a suicide rate of 21.1 per 100,000 persons, compared to 12.2 in the United States (407). Ironically, some American advocates of gun control argue that it would reduce the suicide rate.

Britain

At the turn of the twentieth century, both gun control and crime were virtually non-existent in Britain. A series of hyped-up events and media scares gradually paved the way for stricter laws. One of the more lurid accounts sounds like something masterminded by our own Janet Reno:

In December 1910, three London policemen investigating a burglary at a Houndsditch jewelry shop were murdered by rifle fire. A furious search began for the Russian anarchist believed responsible: "Peter the Painter" . . . The police uncovered one cache of arms in London: a pistol, 150 bullets,

and some dangerous chemicals. The discovery led to front-page newspaper stories about (non-existent) anarchist arsenals all over the east end of London.

The police caught up with London's anarchist network on January 3, 1911 at 100 Sidney Street. The police threw stones through the windows, and the anarchists inside responded with rifle fire. Seven hundred and fifty policemen, supplemented by a Scots Guard unit, besieged Sidney Street. Winston Churchill, the Home Secretary, arrived on the scene as the police were firing artillery and preparing to deploy mines. Banner headlines throughout the British Empire were already detailing the dramatic police confrontation with the anarchist nest. Churchill, accompanied by a police inspector and a Scots Guardsman with a hunting gun, strode up to the door of 100 Sidney Street. The inspector kicked the door down. Inside were the dead bodies of two anarchists. "Peter the Painter" was nowhere in sight. London's three-man anarchist network was destroyed. The "Siege of Sidney Street" turned out to have been vastly overplayed by both the police and the press. (72-73)

It was against the background of episodes like this, the upswing of authoritarianism during the First World War, and concern about aliens and revolutionaries that the British Parliament enacted the Firearms Act of 1920. The Act allowed handgun and rifle sales only to those who demonstrated "good reason" (74).

Along with strict gun control, a culture hostile to self-defense has emerged. Knife control and dog control are now seriously debated. The British have even had their own version of Bernhard Goetz:

In March 1987, Eric Butler, a fifty-six-year-old executive with British Petroleum Chemicals, was attacked early one evening in the subway. Two men came after Butler, as one witness described: "Strangling him and smashing his head against the door; his face was red and his eyes were popping out." No passenger in the subway did a thing to help him. "My air supply was being cut off," Mr Butler testified, "my eyes became blurred and I feared for my life." Concealed inside Mr Butler's walking stick was a

three-foot blade. Butler unsheathed the blade. "I lunged at the man wildly with my swordstick." He stabbed an attacker in the stomach. (86)

Butler was convicted of carrying an "offensive weapon."

In Great Britain, unlike the United States, guns are considered possessions of the upper classes. This perception has made gun control more popular in class-conscious Britain. The shotgun, or "toy of the landed gentry" (78), was once virtually unrestricted but has become harder to possess legally in recent years.

Canada

Our neighbor to the north has strict gun laws and a relatively low rate of violent crime. Not surprisingly, it is often cited as an admirable example of gun control. But Canada is a vastly different country than the United States; several factors in its history make its culture less firearms-oriented than America's. Canada was peacefully granted its independence in 1867, as opposed to securing it in a war. Indeed, many Colonial loyalists had fled to Canada during the American Revolution, horrified at the violent revolt. Then there is the fact that, when Canada expanded westward, it sent the mounties out *before* the settlers.

The current Canadian firearms law was passed in 1977 — and tightened in 1991 at the urging of Kim Campbell, then justice minister, later prime minister, and recently described on *Washington Week in Review* as a "strong advocate of individual liberty." This law created a licensing process in which the holder of a Firearms Acquisition Certificate can purchase any unrestricted rifle or shotgun (143); handguns and restricted rifles require a more stringent process.

"Restricted weapon" classification is as rational in Canada as the hysteria over "assault weapons" is in this country. In 1983, for example, Canada's cabinet put the FN-FAL rifle, a Korean War-era Belgian semi-automatic, on the restricted list despite the fact that it had been implicated in only one crime, a bank robbery in 1962. Despite the stereotype of Canadians as milquetoast conformists, only about 3% of the gun's owners complied with the registration requirements. Indeed, Canadian FAC

holders can still possess "assault weapons" like the AR-15 because Canadian gun owners resisted when the government tried to place it on the restricted list. Citizens of several American states, such as New Jersey, cannot.

The Canadian law has had little effect on crime. The Canadian government has claimed that the 1977 law caused a decline in the murder rate; in fact, it had been declining for three

The American cowboy is exactly the wrong kind of person for the society desired by bureaucrats, statist politicians, and the cultural elite.

years before the law took effect (151). The rate of robbery *increased* after the passage of the law (151).

Switzerland

Gun control advocates will want to scrutinize Switzerland as little as possible. To say that Switzerland has taken a different course than most other nations is an understatement. The little confederation has used its strong militia and mountainous terrain to maintain peace, sovereignty and neutrality for hundreds of years. Military service is mandatory for men in Switzerland, and many homes possess fully automatic assault rifles. In the words of Metternich, "Switzerland does not have an army, it is an army."

Switzerland, with its very low rates of crime and high levels of gun ownership, disproves the nonsense notion that guns *themselves* cause crime and violence. In Switzerland there are two million firearms — including 600,000 fully automatic assault rifles — among a population of six million people (283). A certificate is required to purchase a handgun, but nearly all ap-

plications are routinely accepted. Unlike elsewhere, the licensing process is not used as a pretense to deny weapons to people. In many Swiss cantons, concealed carry is unrestricted; in others, an easily obtained permit is required. There is no difference in the level of crime between the two groups of cantons.

The Swiss attitude towards firearms is reflected in two common sayings: "if weapons are a token of power, then in a democracy they belong in the hands of the people," and "if the government cannot trust the people, the people cannot trust the government" (286). Kopel mocked American gun control advocates for drawing fallacious conclusions from the Swiss experience:

First of all, Handgun Control [Inc.] should oppose the handgun prohibition laws in Washington, D.C., Chicago, and other cities — since the Switzerland experience "proves" that lenient licensing is all that is needed to stop gun crime. Second, Handgun Control should work to repeal laws that prohibit Americans from owning howitzers, anti-aircraft guns, and other military weapons by anyone who can meet the simple requirements for a license. And thanks to the "howitzer licensing" system, there is no howitzer crime in Switzerland . . . Lastly, Handgun Control should reverse its policy and work for repeal of America's ban on the possession of fully automatic firearms manufactured after 1986. Handgun Control should push America to adopt the Swiss policy: having the government sell automatics at discount prices to anyone with an easily obtained permit. (292)



"Dad, where did I come from?"

Switzerland has a homicide rate of 1.1 per 100,000 that rivals disarmed Japan's rate of 0.8 per 100,000. Swiss rates of robbery and rape are higher than Japan's but their burglary rate is less than half.

Kopel is no pro-gun pollyanna. He does not argue that the Swiss approach should be applied in the U.S.; in fact, he claims the opposite. It is not Switzerland's gun laws but its culture and traditions that account for its low crime rate. But its experience does disprove the proposition that guns cause crime.

America

Guns are ubiquitous in the American national experience. As Kopel points out, expressions based on firearms pervade the American language: "Shot in the dark; big shot; going off half-cocked; . . . keep your powder dry; top gun; straight shooter; . . . shoot

from the hip" (383). Furthermore, the United States, despite all of its big government, is still freer than any of the other nations he examined:

It is true that America protects the right to bear arms more vigorously than other nations do. America protects most other rights better as well. The United States is the only nation with a meaningful exclusionary rule to prevent court room use of illegally seized evidence. . . . The extensive Miranda rules that protect suspects from being forced to confess would be unimaginable in other nations. Speech is freer in America, and government secrets more discoverable. While other countries have Official Secrets Acts, America has the Freedom of Information Act, which allows the U.S. government to keep far fewer secrets than the governments of other democracies. (386)

Kopel's treatment of American his-

tory includes valuable debunking; his revisionist discussions of frontier safety, vigilante justice, and the Hatfield-McCoy feud go a long way toward refuting those who only trust guns in the hands of uniformed "experts." Indeed, armed police officers are often *less* reliable than private citizens in protecting the public safety. About 30% of all police shootings in New York City are either accidental or in violation of force policy. Also, "when police shoot at criminals, they are 5.5 times more likely to hit an innocent person than are civilian shooters" (380).

More importantly, Kopel argues that gun-toting police officers do not make credible advocates of gun control. The two most disarmed countries in Kopel's study (Japan and Great Britain) have the least heavily armed police forces. How can an American cop carrying a high-capacity 9mm or a .357 revolver seriously argue that handguns don't provide effective protection against criminals?

Cowboy Power

The United States, Britain, Japan, and Canada all have national myths about armed heroes on horseback. In Japan it is the samurai swordsman; in Britain the medieval knight; in Canada the red-coated mountie; in the United States the cowboy. The Japanese and British icons are heavily-armed members of the nobility, performing their heroic deeds on behalf of their inferiors. The Canadian mountie is a selfless bureaucrat in service to society.

But the American cowboy is a very different creature: he is independent, ruggedly individualistic, looking out for himself and his family. He is exactly the wrong kind of person for the society desired by bureaucrats, statist politicians, and the cultural elite. They want timid, helpless people who are anxious to get in touch with their inner child, enter twelve-step programs, and run to the government with every little problem.

Japanese, Britishers, and Canadians may need their heroic noblemen and selfless bureaucrats to protect them. They can keep their damned samurai and mounties if they have to. But I'm an American. My heroes have always been cowboys. □

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Letters, continued from page 44

building their case against you. In other words, you have to pay both for your lawyers and for the government's lawyers before they'll even consider letting you challenge a forfeiture.

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But if you somehow surmount all of those obstacles, and make it to court, you *might* be able to challenge the confiscation of your property as "excessive" under the eighth amendment.

As far as I can tell, the *Austin* decision has had absolutely no impact on police seizures so far. In fact, new seizure laws are pending before Congress, including one buried in Clinton's health care plan.

It will take a lot more than a couple of namby-pamby Supreme Court decisions to overthrow these confiscation laws. In the meantime, your readers need to take steps to protect their assets by increasing their financial privacy.

Michael H. Ketcher
Financial Privacy Report
 Burnsville, Minn.

My Back Pages

Please cancel my subscription to your magazine. It is not that I disagree with what is being said, but that I have neither the time nor the desire to read about the craziness of the world. Yes, I may be sticking my head into the sand, but it is very fine sand of my choosing, thank you very much. I am getting on with my life, doing the things that are very important to me, and I don't have the time to carry on the almost altruist crusade of libertarianism.

Let's face the numbers. There are more narrow-minded people with big egos wanting desperately to shape the world than there are people who know better. The momentum is too great for me (or people like me) to change. The fastest way to correct this, though probably painful, is to let the system collapse.

Toby Giles
 Mountain View, Calif.

Notes on Contributors

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

"*Baloo*" is cartoonist *Rex F. May's* favorite pseudonym. Ours too.

John Bergstrom is a cartoonist in California.

David Boaz is executive vice president of the Cato Institute and co-editor of *Market Liberalism: A Paradigm for the 21st Century*.

R.W. Bradford is editor of *Liberty* and lives in a lightly inhabited town.

Douglas Casey is author of *Crisis Investing for the Rest of the Nineties*.

Stephen Cox is author of *Love and Logic: The Evolution of Blake's Thought*.

Brian Doherty is assistant editor of *Regulation*.

Robert Higgs is author of *Crisis and Leviathan* and other books and articles.

David Horowitz is a former editor of *Ramparts* and a current editor of *Heterodoxy*.

Bill Kauffman is author of *Every Man a King* and the forthcoming *Country Towns of New York*.

N. Stephan Kinsella practices law in the Houston office of Jackson & Walker, L.L.P.

Wendy McElroy is a fellow at the Independent Institute and editor of *Freedom, Feminism, and the State*.

William P. Moulton is, among other things, a Republican Party activist in Michigan.

Ross Overbeek is a computer scientist and a frequent visitor to Russia.

Ralph Raico is Professor of History at State University of New York, Buffalo.

Scott J. Reid is a Reform Party activist and author of *Canada Remapped*.

Sheldon Richman is senior editor of the Cato Institute.

James S. Robbins is a writer and foreign policy analyst in Massachusetts.

Todd Seavey is a writer living in New York and a columnist for *Reason*.

Jane S. Shaw is a senior associate of the Political Economy Research Center.

Sandy Shaw is co-author of *Freedom of Informed Choice: The FDA vs Vitamin Supplements*.

James M. Sheehan is a policy analyst at the Competitive Enterprise Institute.

Fred L. Smith, Jr. is president of the Competitive Enterprise Institute.

Gerry Spence is a well-known attorney and author of *From Freedom to Slavery*.

Clark Stooksbury is editorial intern and house Gun Nut at *Liberty*.

Timothy Virkkala is assistant publisher and designated semiotician of *Liberty*.

Jesse Walker is assistant editor of *Liberty*.

In the next *Liberty*:

"Chaos and Liberty" — *Pierre Lemieux* defends chaos theory; *J. Orlin Grabbe* defends chaos in general.

"A Rose By Any Other Name" — Who was Rose Wilder Lane, and why are so many people trying to suppress uncomfortable facts about her? *R.W. Bradford* reports.

"Secession as a First Amendment Right" — If we *really* separate church and state, what will be left of the state? *Robert Nelson* gives a surprising answer.

"Toad Trainers and the American Dream" — *John Briggs* takes the high road in education criticism and Earl Butz appreciation.

"American Gulag" — *John Hospers* surveys America's high-tech torture chambers.

Terra Incognita

Olympia, Washington

Celebrating diversity in the Pacific Northwest, as reported in the *Seattle Times*:

Governor Mike Lowry's pitch for diversity in the workforce included a "short invocation" by Harold Belmont, a spiritual leader of the Suquamish Tribe, who spoke for 45 minutes, referring to Hispanics as "half-breeds" and whites as "honkies."

Menominee Falls, Wisconsin

A very merry Christmas indeed, as reported by the Associated Press:

A Salvation Army bell ringer collecting money for Christmas was arrested for selling marijuana to high school students while on their lunch breaks.

Washington, D.C.

Dispatch in the war against waste and abuse, from the *Milwaukee Journal*:

Al Gore's National Performance Review, which lists ways to cut costs by "reinventing government," cost \$60,000 to print. Had standard paper and one-color ink been used, printing costs would have been only \$15,000.

Blackpool, England

Britain's quiet war against quiet terror, reported in the *Dallas Morning News*:

The British government has proposed to abolish a criminal suspect's right to silence. "The so-called right to silence is ruthlessly exploited by terrorists," said Home Secretary Michael Howard. "What fools they must think we are. It's time to call a halt to this charade."

Oregon

Progress in public education, described in the *Detroit News*:

When Rob Spooner discovered several basic errors, including an incorrect formula for gravity, in his daughter's high school science textbook, the publishers informed him the mistakes were needed to simplify the mathematics for "enriched, average, and remedial students alike."

Ohio

Dispatch from the frontlines of the war on drugs, reported in the *Lake County News-Herald*:

Local police, the Ohio National Guard, the Ohio Bureau of Criminal Investigations, a surveillance helicopter, and several television crews swarmed Randy Sciria's home Thursday after officials thought they saw marijuana growing behind his house. The plants turned out to be pine trees.

Dhaka, Bangladesh

Mass mobilization in Asia, described by the Associated Press:

"Let's unite to kill rats and save food grains," shouted about 300 demonstrators as they marched through Dhaka, the capital of Bangladesh, waving bamboo sticks with dead rats nailed to them.

Sacramento

Division of powers, described in the *Milwaukee Journal*: Police citations for illegally camping homeless people are routinely voided by the court clerk because they lack home addresses for the accused.

Chicago

Religious niche marketing, reported in the *Jacksonville (Ill.) Journal-Courier*:

Moraine Valley Baptist Church has altered its services in order to attract more of the congregation to its church services. At one recent service, Chicago Bulls music filled the air as an announcer boomed, "And now. . . the starting lineup." Two pastors' height, weight, and qualifications were rattled off as they jogged on stage, slapping hands.

Chicago

Sage advice, cited by the Associated Press:

"You're going to find a lot of gimmicks out there," said Mike Kurban, who trains psychics at the St. Michaels College of Metaphysics. "All types of weird people are saying that they're psychics."

Wisconsin

Innovative regulatory reform in the upper midwest, reported in the *Milwaukee Journal*:

State Rep. Johnnie Morris-Tatum has proposed a ban on large beer bottles as a measure to cut down on excessive drinking.

Italy

The thin blue line that separates civilization from anarchy, as reported by the Associated Press:

Police fined an eight-year-old boy \$32 when he was caught without a receipt for an ice cream cone.

Thailand

Eminent domain in the space age, reported in the *Detroit Free Press*:

A 37-pound, metallic, football-shaped thing plummeted from the sky into Phetchabun, Thailand in June. Villagers erected an altar of bamboo where it fell and have been praying there for good fortune. The object itself was seized by the Thai government, citing laws that objects falling from the sky, including "all objects from other planets," are state property.

Rockford, Ill.

Latest advance in apodictic paleolibertarianism, from the essay "Nationalism and Secession," by Hans-Hermann Hoppe, in *Chronicles: A Magazine of American Culture*.

"Now, whenever a central government permits immigration, it allows foreigners to proceed — literally on government-owned roads — to any of its residents' doorsteps, regardless of whether these residents desire such proximity to foreigners. 'Free immigration' is thus to a large extent forced integration."

(Readers are invited to forward newsclippings or other items for publication in *Terra Incognita*.)

Stimulate Your Mind! with *Liberty* back issues

(continued from back cover)

Volume 4

September 1990

- "Conversations with Ayn Rand (part 2)," by John Hospers
 - "Is Environmental Press Coverage Biased?" by Jane S. Shaw
 - "The Pro-Life Case for the Abortion Pill," by Dr Ron Paul
- Plus articles and reviews by Michael Krauss, James Robbins, Richard Kostelanetz, and others; and a *ficción* by Harvey Segal. (72 pages)

November 1990

- "Smokes, But No Peacpipe," by Scott Reid
 - "Sex, Drugs, and the Goldberg Variations," by Richard Kostelanetz
 - "Why is Anyone Virtuous?" by David Friedman
- Plus articles and reviews by Robert Higgs, Leslie Fleming, Alexander Tabarrok, Sheldon Richman, and others; and an interview with Ed Crane. (80 pages)

January 1991

- "Meltdown: The End of the Soviet Empire," by David Boaz, James Robbins, Ralph Raico, and Jane S. Shaw
 - "Gordon Gekko, Mike Milken, and Me," by Douglas Casey
- Plus articles and reviews by Michael Christian, Ralph Raico, Loren Lomasky, and others; plus special election coverage. (80 pages)

March 1991

- "The Myth of War Prosperity," by Robert Higgs
 - "The Life of Rose Wilder Lane," by William Holtz
 - "The Strange Death of the McDLT," by R.W. Bradford
- Plus articles and reviews by Jan Narveson, Jane Shaw, Richard Weaver, Linda Locke, Krzysztof Ostaszewski, and others. (72 pages)

May 1991

- "Christiana: Something Anarchical in Denmark," by Ben Best
 - "Journalists and the Drug War," by David Boaz
 - "California's Man-Made Drought," by Richard Stroup
- Plus writing by John Baden, Scott Reid, Leland Yeager, and others; and a short story by Lawrence Thompson. (72 pages)

July 1991

- "Say 'No' to Intolerance," by Milton Friedman
 - "I Am a Casualty of the War on Drugs," by Stuart Reges
- Plus articles and reviews by David Friedman, Loren Lomasky, Sheldon Richman, Karl Hess, Richard Kostelanetz, and others; and Mark Skousen's interview with Robert Heilbroner. (72 pages)

Volume 5

September 1991

- "Stalking the Giant Testes of Ethiopia," by Robert Miller
 - "GNP: A Bogus Notion," by R.W. Bradford
 - "50 Really Stupid Ways to Save the Earth," by Karl Hess
- Plus articles and reviews by Bart Kosko, Frank Fox, John Hospers, James Taggart, Mark Skousen, and others. (72 pages)

November 1991

- "The Road to Nowhere," by David Horowitz
 - "Women v the Nation-State," by Carol Moore
 - "Thelma and Louise: Feminist Heroes," by Miles Fowler
- Plus writing by Robert Higgs, Leland Yeager, and others; and a short story by J. E. Goodman. (80 pages)

January 1992

- "The National Park Disgrace," by R.W. Bradford
 - "Sex, Race, and the Single Gentleman," by Richard Kostelanetz
 - "America's Bipartisan Apartheid," by Brian Doherty
- Plus writing by Leland Yeager, David Friedman, Henry B. Veatch, Jane Shaw, Karl Hess Jr., and others. (80 pages)

March 1992

- "Albert Jay Nock: Prophet of Libertarianism?" by Stephen Cox

- "P.C. or B.S.?" by Meredith McGhan
 - "Acid Rain and the Corrosion of Science," by Edward C. Krug
 - "Who Really Wrote *Little House on the Prairie*?" by William Holtz
- Plus writing by Karl Hess, Jane Shaw, Lawrence White, Randal O'Toole, and others; and an interview with Pat Buchanan. (72 pages)

May 1992

- "Clarence Thomas: Cruel and Unusual Justice?" by James Taggart
 - "Hong Kong: Free Markets, Full Employment," by Mark Tier
 - "Divorce, Czechoslovak Style," by Vojtech Cepl and Ron Lipp
- Plus writing by Eric Banfield, Karl Hess, David Horowitz, Daniel Klein, and others; and fiction by J. Orlin Grabbe. (72 pages)

July 1992

- "Christians and Libertarians in a Hostile World," by Doug Bandow
 - "Returning America's Roads to the Market," by Terree Wasley
 - "The 'Lock' on the Electoral College," by David Brin
- Plus commentary on the L.A. Riots, and writings by David Kelley, Leland Yeager, George H. Smith, and others. (72 pages)

Volume 6

September 1992

- "War on Drugs, War on Progress," by James Ostrowski
 - "Wilderness, Church and State," by Robert H. Nelson
 - "If Execution Is Just, What Is Justice?" by J. Neil Schulman
- Plus writing by Martin Morse Wooster, Ethan O. Waters, Jane S. Shaw, William Mellor III, and others; and an index to back issues. (80 pages)

November 1992

- "The First Time: I Run for the Presidency," by John Hospers
 - "Europe's Money Mess: We've Heard It All Before," Leland Yeager
 - "The Mystery of the Missing Detectives," by David Justin Ross
- Plus articles and reviews by Gabriel Hocman, David Kelley, Daniel Klein, Richard Kostelanetz, Loren Lomasky, and others. (80 pages)

February 1993

- "A Feminist Defense of Pornography," by Wendy McElroy
 - "Is Feminism Obsolete?" by Jane S. Shaw
 - "Eastern Dystopia, Western Myopia," by Ronald F. Lipp
- Plus election coverage, and writings by R.W. Bradford, Bill Kauffman, John Hospers, James Ostrowski, John McCormack, and others. (80 pages)

April 1993

- "Clinton and the New Class," by Douglas Casey
 - "How To Cut Your Taxes by 75%," by R. W. Bradford
- Plus writings by Mark Skousen, John Hospers, Bill Kauffman, and others; and an interview with Roy Childs. (72 pages)

June 1993

- "Who Benefits from the Clinton Program?" by Harry Browne
 - "Waco: Holocaust, American-Style," by R.W. Bradford
 - "Understanding the State," by Albert Jay Nock
- Plus writing by Leland Yeager, Jonathan Saville, Randal O'Toole, Bart Kosko, and others; and other reviews and articles. (72 pages)

August 1993

- "The Ungreening of the Media," by Jane S. Shaw
 - "How Do I Hate NPR? Let Me Count the Ways," by Glenn Garvin
 - "What Happened in Waco?" by Loren Lomasky and R.W. Bradford
- Plus writing by David Boaz and others; other reviews and articles; poetry by Marc Ponomareff and fiction by J. Orlin Grabbe. (72 pages)

Volume 7

October 1993

- "Crackdown on the Electronic Frontier," by Brian Doherty
 - "The Supreme Court and the American Police State," by Stefan Herpel
 - "White Liberals Can Jump," by William P. Moulton
 - "The Real Health Care Crisis," by R.W. Bradford
- Plus writing by Greg Kaza, Stephen Cox, and others; aphorisms by Isabel Paterson; and other reviews and articles. (72 pages)

Stimulate Your Mind!

There is a world of good reading in *Liberty*! Whether you want to catch up on what you missed, provide intellectual relief to your friends (or enemies!), or complete your collection, now is a good time to buy. Enjoy!

Volume 2

September 1988

- "Scrooge McDuck and His Creator," by Phil Salin
- "Liberty and Ecology," by John Hospers
- "The Ultimate Justification of the Private Property Ethic," by Hans-Hermann Hoppe

Plus reviews and articles by Douglas Casey, Murray Rothbard, L. Neil Smith, and others; and a short story by Erika Holzer. (80 pages)

November 1988

- "Taking Over the Roads," by John Semmens
- "The Search for *We The Living*," by R.W. Bradford

Plus articles and reviews by Walter Block, Stephen Cox, John Dentinger, James Robbins, and others. (80 pages)

January 1989

- "AIDS and the FDA," by Sandy Shaw
- "Property, Population, and the Environment," by John Hospers
- "Ronald Reagan's 'Revolution'," by William Niskanen

Plus articles and reviews by Karen Shabetai, Jane Shaw, Jeffrey Tucker, Leland Yeager, William Wingo, and others; and a short story by Jeffrey Olson. (72 pages)

March 1989

- "Ronald Reagan: An Autopsy," by Murray N. Rothbard

- "What if Everything We Know About Safety Is Wrong?" by John Semmens and Dianne Kresich

Plus articles and reviews by Stephen Cox, Jeffrey Friedman, David Ramsay Steele, Sheldon Richman, and others. (72 pages)

May 1989

- "Man, Nature, and State: Free Market Slogans are Not Enough," by Karl Hess, Jr
- "The End of the Secular Century," by Murray N. Rothbard

Plus articles and reviews by Stephen Cox, David Gordon, Justin Raimondo, and others. (72 pages)

July 1989

- "Viking Iceland: Anarchy That Worked," by David Friedman
- "The Myth of the Rights of Mental Patients," by Thomas S. Szasz
- "Fetal Rights: The Implications," by Tibor Machan

Plus articles and reviews by R.W. Bradford, John Hospers, Jane S. Shaw, Jeffrey Tucker, Leland Yeager, and others. (80 pages)

Volume 3

September 1989

- "Holocausts and the Historians," by Ralph Raico
- "My Expulsion from the Rand Cult," by Murray Rothbard
- "Abortion Without Absurdity," by R.W. Bradford

Plus articles and reviews by David Friedman, Richard Kostelanetz, Loren Lomasky, Gary North, Jeffrey Tucker, and others. (72 pages)

November 1989

- "The Lost War on Drugs," by Joseph Miranda
- "Life With (and Without) Ayn Rand," by Tibor R. Machan

Plus articles and reviews by Loren Lomasky, Michael Christian, Richard Kostelanetz, J.R. Dunn, R.W. Bradford, and others; and an interview with Russell Means. (72 pages)

January 1990

- "The Greenhouse Effect: Myth or Danger?" by Patrick J. Michaels
- "The Case for Paleolibertarianism," by Llewellyn Rockwell
- "In Defense of Jim Baker and Zsa Zsa," by Ethan O. Waters
- "The Death of Socialism: What It Means," by R.W. Bradford, Murray Rothbard, Stephen Cox, and William P. Moulton

Plus writing by Andrew Roller, David Gordon, and others; and an interview with Barbara Branden. (80 pages)

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- "The Case Against Isolationism," by Stephen Cox
- "H.L. Mencken: Anti-Semite?" by R.W. Bradford
- "Libertarian Intellectuals on Welfare," by George H. Smith

Plus articles and reviews by Sheldon Richman, Richard Kostelanetz, John Hospers, Loren Lomasky, Leland Yeager, and others. (80 pages)

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- "Conservatism in Its Latter Days," by William P. Moulton
- "A Population Crisis?" by Jane S. Shaw
- "Killing as Therapy," by Thomas Szasz

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- "Conversations with Ayn Rand (part 1)," by John Hospers
- "If You Believe in Dentistry, Why Should You Mind Having Your Teeth Knocked Out?" by William P. Moulton
- "The Orwellian University," by Charles Thorne

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