

Liberty

May 1998

Vol. 11, No.5

\$4.00

The Final
Days of
Bill Clinton

My Home Was Invaded by Drug Thugs

by Peter McWilliams

Psychiatric Slavery

by Thomas S. Szasz

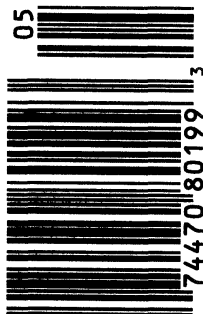
Ayn Rand Conquers Hollywood

by R. W. Bradford

The Temptation of Bill Gates

by Brien Bartels

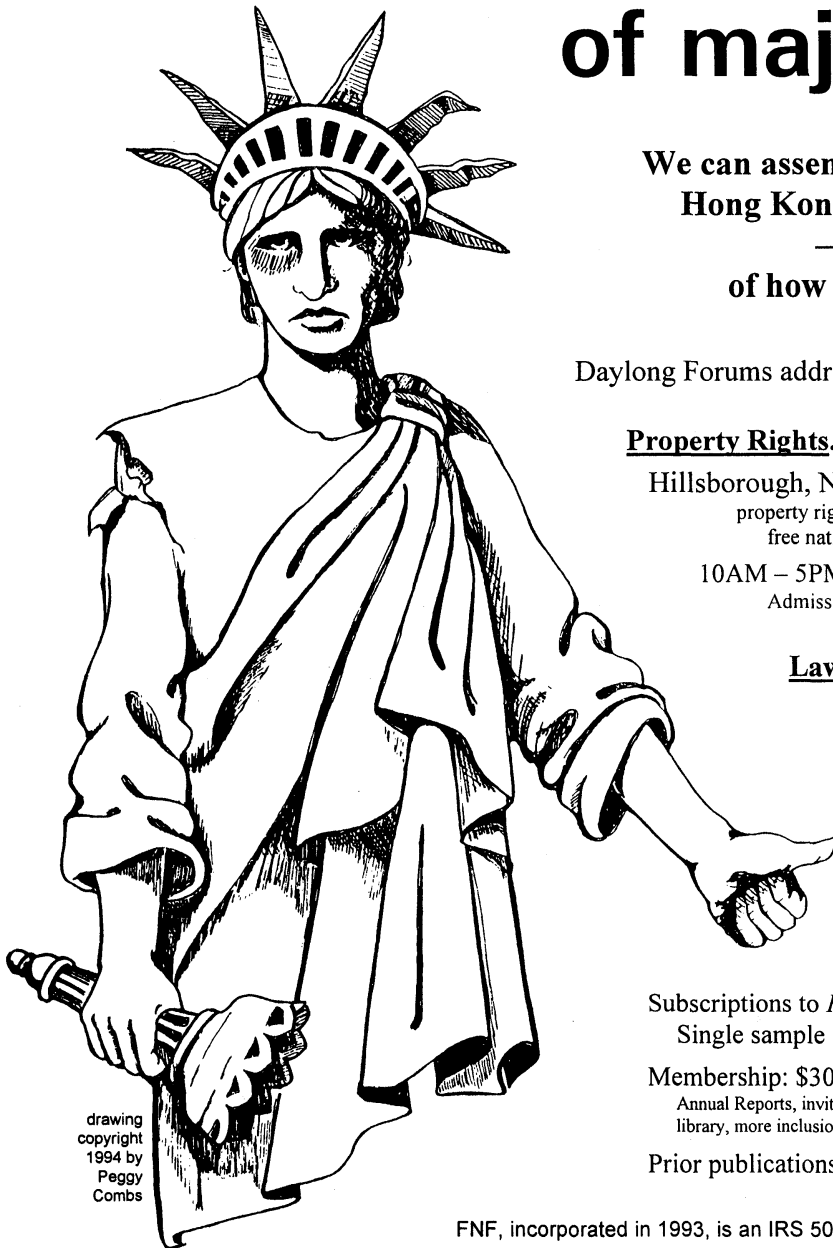
Also: *James M. Vinoski* on the pope, Castro, and capitalism, *Alan Bock* on the empire of the son, *Ben Bolch* and *Bradford Pendley* on how environmentalists cook the books . . . plus other articles, reviews & humor



"It is seldom that Liberty of any kind is lost all at once." —David Hume

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—which we believe—
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Law. October 1998.

Specific date and place to be announced later.

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another road lies wide
open before us.

Liberty

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May 1998

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Letters

Cops Against Gun Control

Harry Browne's apparent belief that most police officers favor gun control ("Unequal protection for the Law," March) is probably the result of the press's proclivity to report surveys of chiefs of police — many of whom are political hack appointees — rather than rank-and-file officers.

In a 1993 poll of 10,614 police officers, the *Atlanta Journal* reported that 90 percent of respondents believe that citizens have the right to defend themselves with guns, and that 96 percent believe that gun ownership should not be against the law.

Yes, we've all seen rows and rows of uniformed police officers standing on the steps of some capital building in support of anti-gun legislation. But the press fails to report that these officers are often required to attend these media affairs regardless of their own views.

Gerald T. Lang
Newman, Ga.

Hidden Agenda

J. Philippe Rushton's article ("The New Enemies of Evolutionary Science," March) was fascinating, reminiscent of Galileo's problems with the Church. It is tempting to argue that widespread vehemence against an idea is itself evidence for the validity of the idea, else it would not be necessary to suppress it. Certainly the would-be censors must themselves suspect that the idea is true, for otherwise they would simply marshal the evidence against it.

Another interesting question is why so many white people are outraged by the suggestion that they may have a slightly higher average intelligence than blacks. Strange, isn't it, that the insult is their suggested average superiority to blacks, not their suggested average inferiority to orientals? One can see that, if they prize values such as equality and racial harmony, they may find this evidence disturbing, but the disproportion-

ate amount of outrage suggests that there is something else about this evidence that is disturbing to the left. I suspect that it is because the evidence exonerates capitalism. After all, if, under capitalism, whites go to the top even though blacks are their equals, then capitalism condones racism, and is therefore evil. On the other hand, if whites rise due to superior inborn ability, capitalism can't be faulted for this.

Richard Fuerle
Grand Island, N.Y.

Freedom Is for Everyone

Freedom of expression should belong to everyone, even those whose views are offensive, wrong, or — in the case of J. Philippe Rushton — both. I'm pleased that he has fended off those who would restrict his academic freedom, and I certainly understand that in printing his account of his troubles, *Liberty* is not endorsing his odd views. I look forward to future discussions of this theme — perhaps an article by fringe Afrocentrist Leonard Jeffries, who many conservatives think should be dismissed from his academic post for the "crime" of espousing ideas as offensive as, and even more absurd than, Rushton's.

Unfortunately, Rushton's commitment to free speech doesn't seem to extend very far. By his own account, he used the threat of a libel suit to silence his critics at the *Toronto Star*. Evidently, it's all right for Rushton to compare his foes to the Inquisition, but not for his foes to compare him to the Nazis. I suppose it's just a matter of whose hyperbole is being gored.

Later, Rushton became unhappy when, in order to get to class, he had "to run a gauntlet of demonstrators shouting protests and threats." So, he continues, he had the university "warn the demonstrators that further action would lead to suspension and legal action." I'm dependent here on Rushton's descrip-

tion of events, but that sure sounds like more than an injunction against disrupting class.

It's a shame that Rushton's experience fighting censorship didn't instill in him a respect for the free speech of others.

Jesse Walker
Washington, D.C.

Rushton responds: Good grief! Since when does free speech include the right to make threats of physical violence, but not the right to threaten a libel suit? Is there no difference at all between the threat to free speech posed by criminal prosecution and that posed by libel laws?

I'll grant that my views are offensive and odd, to some people, anyway, though what's offensive and odd to me is that conducting research on race differences in exactly the same fashion as my previous work in social psychology has resulted in my becoming a pariah, my life threatened, my property destroyed, criminal charges leveled against me, and my livelihood threatened.

But I will not grant my views are wrong. If Walker had offered so much as a scintilla of a hint as to why he thinks they're wrong, I'd be happy to respond. But it is difficult to respond to pure denunciation.

As to whether he will find an article in some future *Liberty* by Leonard Jeffries, I cannot speak for *Liberty's* editors, but I suspect that if Jeffries's peer-reviewed scientific research led to criminal charges, threats of violence, etc, *Liberty* would be hospitable to his views.

Government Works, Sometimes

Harry Browne flatly states "there is nothing government does well" ("Bennettudes," March). If doing well means doing better than the competition (which is a more rational measure than some arbitrary standard), I can offer two areas of government excellence.

First, government can field an army like no other association of people can.

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The U.S. flag is a powerful symbol to those who marched under it. Contrary to the libertarian fantasy of peaceful isolationism, the Pax Americana that the world now enjoys is directly rooted in our militarism. Earth 1998 requires an international policeman.

Second, government can undertake investments that are beyond the event horizon of the private capital markets. Historical examples include the Post Office and the interstate highway system. This is the modern justification for government, and we should encode it as the 28th Amendment, in anticipation of the day we return to a constitutional republic. It is also a sore point that divides us "science fiction" libertarians from the myopic and essentially conservative political junkie types.

In the next century, we are going to crack open the space frontier by working from the hundreds of billions of tax money already invested and hundreds of billions yet to come. Don't see any value in that? Come back in a few hundred years.

Even wilder is the age of microbiology we are entering on the strength of large government investments like the Human Genome Project. Our understanding of the details of the workings of our bodies is going to mature far beyond its present level, and, many billions of tax dollars down the road, diseases like cancer and aging will fall.

Our political philosophy should be one that carries us into the best possible future. We go just as wrong by forbidding government participation in areas where it excels as we do by glomming bureaucrats onto problems best solved privately.

Tom Jaquish
Tucson, Ariz.

Lunar Payoff

In "Bennetudes," Harry Browne responds to William Bennett's eulogistic statement the federal government "landed a man on the moon" with "I doubt that William Bennett knows how much that cost or in what practical way it enhanced society." Frankly, I'd be surprised to learn many other people did. The technological fallout from that effort benefits me every day, in the PC and peripheral equipment I use for access to the Internet — not to mention, quite possibly, the Net itself — and in the pocket computer that contains most of my life's useful data. Was Mr. Browne covertly

including a government program that was an alloyed evil? Had I been consulted at its outset, I hope that I would have opposed the space program — but I must bow to honesty and admit that the miniaturization whose market it so buttressed has been very useful to me.

Eric Sanders
Sterling Heights, Mich.

Open Secret

I was pleased to find Harry Browne's "Freedom's Unknown Guru" (November 1997). Starting in 1965, I took the first of many of Galambos's more than 100 courses offered through The Free Enterprise Institute and his subsidiary companies. (I also took Harry Browne's course "Economics of Success" in February 1966.)

My patronage of Galambos's Free Enterprise Institute was strictly a fee for service proposition. There was no movement to join or a program to follow to enjoy the voyages of discovery he conducted on the whole wide world in which politics is a minuscule but pathological part. For me, it was an intellectual leap into the 25th century — the ideas were so magnificent. Further, I enjoyed a pleasant but intense personal relationship with him up to the time he was incapacitated and to the day before he died.

Admittedly, I never taught any courses under the auspices of The Free Enterprise Institute, as did Mr. Browne, so my experience with Galambos was on a different basis and it was wholly refreshing. Many others of my acquaintance shared the same experience.

I take issue with Mr. Browne on several of his representations, two in particular: "But first he made them agree never to tell anyone about his ideas" and "He required every student entering one of his courses to sign a contract agreeing not to divulge any of his course ideas without permission . . ." Sadly, Mr. Browne misinformed his readers with those statements. The truth is, all of Galambos's courses were offered with an unapologetic proprietary notice which enthusiastically encouraged use of the ideas as long as primary credit (acknowledgment) was given. And it was voluntarily accepted by the enrollees!

Further, Browne failed to mention that Galambos offered his courses with a 100 percent tuition refund guarantee. In brief, if an enrollee did not agree he received his time's worth and money's

worth his tuition was refunded in full. As a result, Galambos not only took a financial risk but more importantly he risked his name and reputation on his courses that were highly intellectual in content. Certainly Galambos's policies were unusual but they were utterly consistent with the man's message.

In Galambos's words, "He stands for FREEDOM, then, who respects property absolutely and works for the establishment of a society in which all property is fully under the control of the owner." Freedom may well be one of the world's best kept secrets. However, Galambos was not one who tried to keep it so.

Edward T. Marshall
Los Alamitos, Calif.

Number One

I am baffled by this attack on Llewellyn Rockwell ("For Mises' Sake," January). When the media used portions of an incomplete film of the arrest of Rodney King to whip up hysteria which led to the tragic L.A. riots, who dared tell the truth about what really happened? Only Rockwell, and a court of law vindicated him. Llewellyn Rockwell is the number one libertarian thinker in America.

Robert Hauser
Glen Ridge, N.J.

Ill-Endowed

Richard Kostelanetz's reflection ("Thickness: left, right, and libertarian," March) is both silly and irrelevant. The convoluted discussion of the abolition of the NEA and NEH as alignment with America's opponents is silly. The comparison with the Department of Defense budget is irrelevant. The fundamental fact is that it is *wrong* for the government to take money from me to endow something that offends me.

Grant Hansen
Philadelphia, Penn.

Why Government Is Evil, a Clarification

Harry Browne's attempt in "Saving Capitalism" (March) is a prime example of the libertarian movement's lack of moral philosophy. He proclaims that libertarians "side with individual liberty and personal responsibility — not the force of government — on all issues at all times," because "libertarians . . . know that government doesn't work."

This is a sorry excuse for a defense of capitalism. The defense of capitalism

does not lie in the fact that "government doesn't work," a vague progressive-style soundbite void of meaning. Capitalism is the only proper social system because it is the only moral social system. It is moral because it is based on the recognition of the individual's right to his own life, derived from man's nature as a rational being. Humans cannot survive without the use of, or reliance on reason, for they do not possess animal instincts. The negation of man's ability to reason, and thus the negation of man's life as a rational being, is physical force. Thus, a government that initiates physical force of any kind against an individual is immoral, because this violates an individual's right to his own life. Such a government does not simply "not work." It is anti-life. *It is evil.*

For quite some time I did not understand why the Objectivists were so vigorously opposed to the libertarians, but now, older and wiser at 19, I clearly understand why.

James Markey
Santa Cruz, Calif.

Datum Erratum

Durk Pearson and Sandy Shaw ("Lies, Damn Lies, and the Census Bureau," March) erroneously report that David Murray of the Statistical Assessment Service works for SAS, the statistical software giant.

The Statistical Assessment Service is a small Washington, D.C.-based non-profit research organization that looks at the way that science and statistics are conveyed by the media. The SAS Institute, based in Carey, North Carolina, is the world's largest privately held software company. It took in \$653 million in total revenue in 1996. The two organizations have nothing to do with each other.

Pearson and Shaw contend that "SAS is not political." While that is true, Murray of the Statistical Assessment Service comments frequently on political matters.

Jesse Malkin
Seattle, Wash.

Grazing for a Fight

Please inform John Baden and Douglas Noonan, authors of "The Predatory Bureau" (March), that bison are bovines and not ungulates. Grouping bison with deer and elk is like grouping humans with deer and elk; there may be superficial similarities

(each organism has a mouth, for instance) but that is all.

Also, inform Baden and Noonan that Yellowstone National Park is not an "overgrazed theme park," something they would know if they based their opinion on experience from being there, rather than on the spurious attacks of national park detractors. The grasslands of the intermountain west and the prairies of the Mississippi and Missouri River valley evolved under the grazing pressure of millions of large herbivores. Penning animals, as we do with cattle, or concentrating ever-increasing numbers of cattle around salt-licks, for example, are much more important issues than the effect of dwindling numbers of bison and elk in our national parks. Bison are "slaughtered" in Yellowstone because they are migratory animals that want to leave the Park. Ranchers on the border of the Park don't want them to leave, for reasons of their own, and Park managers have been forced to accede to their neighbors' wishes. When the bison try to "escape," they are gunned down by the very people who wish for the animals to be confined. Pretty neat, huh? No government conspiracy there.

Historically, Yellowstone didn't support a particularly large population of bison; certainly not as many as the Park must now support. But with human impact in former bison habitat so prevalent, what's the poor animal to do? Would Baden and Noonan care to have a herd of bison grazing in America's corn belt? Or in their own back yard? Hardly.

While the role of predators like wolves and mountain lions cannot be disputed, their action is highly overrated by journalists who ignore the fact that aboriginal humans also preyed upon the large herds of North American herbivores which so typify modern impressions of the "wild west." If Baden and Noonan wish to use ecological examples to advance their own agenda, it is suggested that they enroll in a few college-level introductory biology courses to enable them to understand the concepts of which they write.

Peter Stekel
Seattle, Wash.

Baden responds: An ungulate is any hoofed, herbivorous quadruped. There are four orders of ungulates.

Artiodactyla is the one that includes bovines.

Regarding my experience in Yellowstone, I live just north of the Park and have visited it at least ten times per year for the past 30 years. My visits include several trips with ecologists and wildlife biologists and a bike trip of 160 miles at 10 mph.

Some of Mr. Stekel's other observations are correct (e.g., Yellowstone had few bison, Indians killed huge numbers of animals) but are irrelevant to anything that Noonan and I wrote in our article.

Science Without Subsidy

Ross Overbeek's review of Terence Kealey's *The Economic Laws of Scientific Research* ("The Invisible Hand and Pure Research," March) demonstrates, through the unfortunate examples Overbeek chooses, the very thought processes Kealey excoriates in his book. Government-funded big science has its own agenda, and it isn't always the discovery of new facts and ideas. Overbeek, an outstanding writer for science and liberty, may have been handicapped by his own connections to big science at Argonne National Laboratories, and has not applied his own fertile imagination and excellent scholarship to thinking creatively about the problems Kealey approaches in his book. Overbeek's review of the book is overall quite positive, and the book indeed contains flaws, but the nits he picks are not among them.

Overbeek's examples — high-energy physics, Euclid, the Internet — are results produced by and attributed to the largess of the state. Kealey's likely response would be: Who can say that the results might not have been produced in a different way, or that the same scientists might have solved different but equally important purely scientific problems if they had been working in a different environment?

High-energy physics, which Overbeek no doubt understands much better than I, is basically the focusing of a lot of energy into a very small place. The amount of energy focused is very large at the nuclear level, but laughably small at the human scale; fractions of a microjoule, the energy involved in dropping a grain of sand to the floor. We are told that gigantic accelerators the size of a Texas county are needed to focus this energy, and measurement instruments the size of a building are

needed to look at the results, to be interpreted by another building full of post-doctoral physicists. These are the solutions arrived at when a national budget is applied, but no one has proven that these are the only ways to accomplish the task. The basic physics of event production and observation hasn't changed much since the hand-sized accelerator of Lawrence; perhaps it is time to choke off that approach entirely and see what the experimentalists come up with next. Private funding would be an effective way to redirect the field.

Euclid's *Elements* are no doubt useful, but are mostly a restatement of earlier work, a theme Kealey repeats often in his book. Euclid was a teacher, not a researcher. The origins of the ideas Euclid repeats are lost in time, and are not proven results of government funding, though Euclid's teaching position was. Yes, Euclid was vexed by a student that didn't value knowledge for its own sake, but enough students did to preserve Euclid's work after the government that funded him vanished. Perhaps if Euclid had focused more effort on pleasing his students, and less

on pleasing his patron, *Elements* would be even more readable and geometry would be a more popular subject.

The attribution of "the Internet" to government funding is like attributing the invention of the automobile to the builders of the interstate highway system. People paid by the government have contributed a lot to the development of the current incarnation of the Internet, but so have private companies, private academics, and hobbyists. Without ARPAnet and CERN's HTTP (hyper text transfer protocol), the Internet would be different, but would it be worse? What would have developed instead? Hard to say, but *something* would have. Some of us have been interconnected with semi-private computer networks since the 70s (uucp, use-net, fidonet) and the introduction of the government version of the Internet has made many things better and many things worse. Who knows how things would have turned out if fidonet, say, evolved naturally without the subsidized competition of the Internet? The study of Internet "might have beens" would make a whole book in itself, and

I don't blame Kealey, not a computerist, for letting that subject pass by.

Kealey did write some fascinating things about the Babbage Difference Engine — Babbage spent huge sums, designed badly, and managed the project incompetently, resulting in failure. Later researchers actually built similar mechanical calculators, and showed that functional difference engines could have been constructed with the technology of Babbage's times at a fraction of the cost. They also discovered the machines to be useless. Yet Babbage is trumpeted as a founder of modern computer science, when his work was at best an expensive sideshow. If government science is good at anything, it is in mis-attributing credit for accomplishment to its own puffed-up lackeys.

Kealey nowhere says that government expenditure can't result in good science. It does. What he does say is that private funding results in *better* science and *more* science, and that includes pure theoretical science. Sometimes industry-funded theoretical science looks an awful lot like applied science, but that is only because an industrial environment exploits the theoretical ever so much faster. This is good, and nothing to be ashamed of. Let us never confuse free inquiry with dilettantism.

Perhaps, if an outstanding scientist like Overbeek developed in a more private environment, I would now be playing with my Overbeek Photoprogrammable Ribosome (manufactured by his multi-billion dollar biocomputer company, Nanosoft) instead of writing this letter. It saddens me that I have missed so many wonderful scientific developments because great minds are insufficiently exposed to the synergy of creativity with economic productivity. If only one great mind learns this from Kealey's book, my intellectual world will be richer.

Keith Lofstrom
Beaverton, Ore.

An Editorial Suggestion

Unless you take a stand on this foreign trade (NAFTA, GATT, etc.) which borderlines on treason, I'll not be a part of anything. Lose the ball-bearing or textile business and the wheels of industry don't roll and you have holes in your pants at your Chinese buddies' whims.

William B. Walthen
Fort Worth, Texas

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Liberty seeks an individual with excellent technical skills to work as its managing editor. Responsibilities include manuscript evaluation, working with authors, line-editing, copyediting, and substantial management work.

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If you have experience with a publication and an interest in either position, send your resume and salary requirements to R. W. Bradford, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

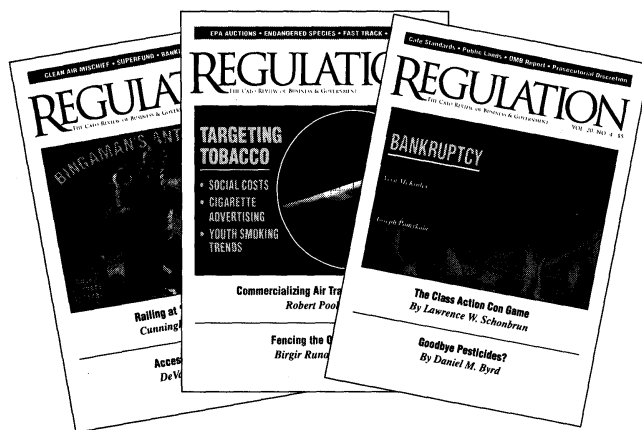
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Reflections

The people's business — The latest wisdom, courtesy of Larry King: "Since public officials are paid by us, we are entitled to answers to prevailing questions, as long as they have nothing to do with national security." In other words, you have a right to all of the details about trivial matters such as whom Bill Clinton is screwing, but if it relates to something important such as matters of war and peace, then you should just sit down and shut up. —CS

Statecraft 98 — Highlights of the March 3 Senate committee hearing on competition in the computer industry, featuring Microsoft chairman Bill Gates and other industry leaders:

Scott McNealy, President and CEO of Sun Microsystems, a competitor of Microsoft, called Gates "the most dangerous industrialist of our age."

Sen. Teddy Kennedy asked Gates if that was just "sour apples" [sic].

Sen. Strom Thurmond did not understand the answers to the questions that he read to Gates. But, then, he didn't understand the questions either. —SLR

Undefending the defendable — Conservatives tell us that Ronald Reagan won the Cold War partly by refusing to back down on the Strategic Defense Initiative. Despite the forceful demands of Premier Gorbachev, Democratic politicians, and American journalists, Reagan held fast to the idea that America should have a defense against incoming missiles.

We're fortunate that he was so resolute. Thanks to him, we are fully protected against any rogue state that wants to intimidate America by threatening us, we're fully protected against any accidental missile launched from Russia, China, or anywhere else, and we're fully protected against someone like Saddam Hussein firing rockets full of germs or toxic chemicals at the U.S.

Thank goodness we have that missile defense Ronald Reagan fought so hard to build.

What's that you say? The missile defense was never built?

Oh, never mind.

—HB

A clear case — Accutane is the only drug that really works on a serious case of acne. It was first marketed in the United States in 1982, when it was an instant success. Millions of people — 8 million, according to the *Wall Street Journal* — have used Accutane.

On February 26, Accutane passed into the danger zone from which some useful products never emerge. On that date, prominent news agencies spread the word: Accutane might be . . . dangerous! Prompted by the FDA, the manufacturer of Accutane agreed to issue stronger warnings about possible side effects. The issue was depression, depression that might result in . . . suicide!

I don't know how many people who heard that news

reflected on the evidence behind it: twelve takers of Accutane who committed suicide between 1989 and the present, and about the same number of people who claimed that they experienced depression when they took Accutane but not when they didn't.

I don't know how many people reflected on how depressed and confused teenagers with acne normally are.

I don't know how many people calculated the relationship between 8 million and two dozen.

But I do know that this is the pressure point. If only a few grieving parents decide to sue the manufacturers of Accutane for driving their kids to suicide, if only a few TV stations decide to air the complaints of fresh-complexioned but psychologically scarred "victims," if only a few alert congressmen decide to decry the FDA's laxity of regulation, the United States may succeed in retaining one of its miracle drugs. I certainly hope so; and I hope that if this drug is threatened, the battle to save it will be waged in earnest. —SC

The unintended consequences of ice dancing — I've never cared much for the Winter Olympics, which strike me as a dull celebration of nationalism staged to attract female viewers to television. I didn't watch a minute of the games just past. But I did hear them discussed on television networks too poor to buy rights to the games themselves.

During the final week of the games, I witnessed a roundtable discussion of what the news commentators like to call "the Iraq crisis." All participants agreed that it would have to wait until the Winter Olympics were over, apparently because its television ratings would suffer if it got in such a schedule conflict.

You know what happened next. As the Winter Olympics wound down, some UN negotiator got some sort of concession from the madman Saddam, and Clinton reluctantly had to give up on this particular attempt to draw attention away from his legal problems.

Which means, I guess, that the Winter Olympics are good for something after all.

—RWB

Polling the strings — In the February 16 issue of *The New Republic*, Jonathan Chait revived the 1994 canard: "When it came to health care, for example, people distrusted 'The Clinton Plan.' Yet when pollsters described the plan without linking it to Clinton, large majorities approved." How in the world could anyone "describe" the Clinton plan.

Imagine this: a man finishes a phone conversation as his wife enters the room:

She: Who called?

He: Some poll taker. He asked me if I supported the Clinton health plan and I said "no." But then he read a 1,368-page health-care plan to me and I really like *that* one!

She: I wondered why you were on the phone for 36 hours straight.

More likely, the pollster asked, "Would you approve of a plan that provided health insurance for you and everyone else, no matter what your existing medical problems, probably costing a lower premium than you pay now, with no chance to lose the coverage no matter how stupidly you live your life, and with the absolute freedom to choose your own doctor, hospital, nurse, bed, and waiting-room magazines?"

Needless to say, there would be no mention of the fines or prison sentences contained in the bill.

The surprising thing is that as many as 40 percent of the people turned down the Clinton plan when it was "described" to them.

If you asked people whether they'd prefer a job that paid twice as much as they get now, working only half the hours and with double the fringe benefits, you could then report that "90 percent of the American people are dissatisfied with their present jobs." But you wouldn't have learned anything about life in the workplace.

Unless we can actually see the questions asked, poll results tell us very little. —HB

Query — If a woman threatens her boss with a sexual-harassment suit unless he gives her a raise, is that sexual harassment harassment? —SLR

Mandating civility — Sexual harassment law took another great leap forward on March 4, thanks to *Oncale v. Sundowner*, the Supreme Court decision allowing claims for same-sex sexual harassment. The Court's unanimous opinion was drafted, surprisingly enough, by archconservative Justice Scalia. More surprising than Scalia's authorship, though, was his dismissal of the contention that Title VII is becoming "a general civility code for the American workplace."

In the twelve years since the Supreme Court decided to allow hostile work environment claims, employment discrimination law has reshaped the American workplace. The threat of liability has led many employers to adopt mandatory sensitivity training and behavior codes. The Court's decision in *Oncale* will provide further incentives for employers to codify civility.

In *Oncale*, Scalia reassures the reader that employers will not be liable for "simple teasing or roughhousing between members of the same sex." But this is by no means clear. Consider two hypothetical cases.

In the first, we have John Doe, a timid, somewhat effeminate young man working a factory job. His co-workers are a rough bunch who have not heard the Good News about male sensitivity in the '90s. Their treatment of our hypothetical plaintiff falls far short of the criminal abuse apparently suffered by Joseph Oncale; but it includes regular use of verbal epithets impugning his manhood. Should Doe choose to sue, he'll have a plausible case, one helped immeasurably by some useful Supreme Court dicta on sex stereotyping: "In forbidding employers to discriminate against individuals because of their sex, Congress intended to strike at the entire spectrum of disparate treatment of men and women

resulting from sex stereotypes." Under this rationale, federal courts have already recognized that such stereotyping can be evidence of hostile environment sexual harassment.

The second hypothetical case involves an older law partner, a stern taskmaster, yet one with antiquated notions of chivalry. He's used to heaping abuse upon younger associates, but considers it improper to yell at ladies. Richard Roe, hypothetical plaintiff number two, is an associate at the firm, on the receiving end of many of the partner's tirades. His supervisor's epithet-laden outbursts make work unpleasant and interfere with Roe's ability to do his job. Thanks to an earlier Court decision, *Harris v. Forklift Systems, Inc.*, Roe need not be emotionally scarred by his experience: "so long as the environment would reasonably be perceived and is perceived as hostile or abusive, there is no need for it also to be psychologically injurious." Nor does the harassment have to be explicitly sexual in nature, so long as "members of one sex are exposed to disadvantageous terms or conditions of employment to which members of the other sex are not exposed."

Doe and Roe would stand a fair chance of prevailing. More importantly, each case would almost certainly go to trial, imposing considerable costs on the employers. By their very nature, sexual harassment claims demand an expensive, case-by-case inquiry into whether a given work environment is offensive or hostile enough to unreasonably interfere with an individual's work performance. Scalia almost admits as much in *Oncale*: "The real social impact of workplace behavior often depends on a constellation of surrounding circumstances . . . which are not fully captured by a simple recitation of the words used or the physical acts performed." Well, that should be a real comfort to employers seeking to stay out of court.

In rejecting the argument that hostile environment claims are turning Title VII into a workplace civility code, Scalia appears to assume that employers' incentives are limited to proscribing behavior that would result in a judgment against them. But employer incentives are much broader than that; in order to minimize litigation costs, they need to proscribe behavior that might create a triable claim. Thus, Scalia's statement that "Title VII does not prohibit all verbal or physical harassment in the workplace," is accurate, but incomplete. Employers who want to minimize liability will prohibit such behavior. And they'll do so through the adoption of civility codes.

Indeed, this is exactly what the experts advise. Writing in the *American Journal of Trial Advocacy*, one commentator notes that "isolated comments do not constitute actionable harassment, [but] employers should not test the definitions of isolated and pervasive." Another, writing in the *Defense Counsel Journal*, advises "mandatory education and training for all employees" aimed at proscribing, among other things, "continued or repeated sexual jokes [and] language" and "graphic verbal commentary about an individual's body." As UCLA law professor Eugene Volokh has noted, some commentators go further, invoking a "not in front of Mom" standard for proper behavior in the work-

Liberty's Editors Reflect

BB	Brien Bartels
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SHC	S.H. Chambers
SC	Stephen Cox
RN	Robert H. Nelson
RR	Ralph Raico
SLR	Sheldon L. Richman
JSS	Jane S. Shaw
FLS	Fred L. Smith, Jr.
CS	Clark Stooksbury
TWV	Timothy Virkkala

place. Volokh quotes New Jersey employment lawyer Nancy Smith: "the standard [for sexual harassment] is not that mysterious. Don't say anything you wouldn't say to your mother."

Of course, any civilized person should be appalled by the abuse allegedly suffered by Joseph Oncale. But Oncale has remedies available through criminal and tort law — his tormentors should be in jail and his employers should pay through the nose for ignoring his reports of assault. The very real danger is that, having opened the door for victims like Oncale, the Court will not be able to close it to plaintiffs like Doe and Roe. Sexual harassment law began by striking at sadistic abuse, but it has morphed into something very like a federal cause of action for negligent infliction of emotional distress.

In enacting Title VII, Congress never intended to mandate a desexualized, worry-free working environment for every American. But as Justice Cardozo noted years ago, a legal principle tends to expand to the limits of its logic. When men's insensitivity toward other men becomes actionable, the principle of nondiscrimination may have traduced even those boundaries.

—guest reflection by Gene Healy

Here's too U, jenerashun X — On January 28, Al Gore told students at the University of Illinois that, thanks to the blessings of the Clinton-Gore administration, "Your generation is the best educated generation, the best prepared generation ever in the history of the United States of America." The situation seems almost perfect. I suppose the only way it could be improved would be if the students could read.

—HB

Drunk with power — As of this writing, the Senate has just passed legislation to set a single national standard for drunken driving. Every state would be required to set the threshold point for being drunk at a blood alcohol content of 0.08 percent. More than ten states already follow this standard, but most define drunkenness at 0.10 percent blood alcohol content. The House of Representatives likely will follow the Senate's action.

Not content with this assault on the 10th Amendment, the Senate also voted to require each state to ban the possession of open containers of alcoholic beverages in a moving vehicle. At present 22 states have no such law. The Senate did refuse to enact a proposal to ban drive-through sales of alcoholic beverages. Amazingly enough, even this draconian imposition of federal power over a traditional state and local matter only failed by a vote of 56 to 43.

The states as a separate level of government have simply ceased to exist. They are all now part of one seamless centralized system. The federal government has no hesitation in imposing national power and nationally uniform requirements in areas that are more appropriate for a village council.

Of course, much of the blame for all this falls on the states themselves. They have been spineless in defending their constitutionally prescribed role. They've allowed themselves to become too dependent on federal money, which has become a great narcotic, eroding their willingness to stand up for any rights of their own.

The courts offer no help. The 10th Amendment to the

Constitution states that "The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people." Where does it say in the Constitution that the power to regulate drunken driving is federal? So how can the federal government make the states subservient to its commands in this matter? Why do the magistrates not squelch these unconstitutional mandates?

The courts have gone along with the transparent ruse that the states are acting voluntarily. The Senate did not, formally, mandate a uniform national standard for drunkenness. Rather the legislation passed by the Senate would deprive each state of 5 percent of its federal highway money if the state failed to follow the federal dictate.

Apparently, extortion when practiced by a private individual is illegal. When the federal government holds a gun to a state treasury, the state government is complying "voluntarily." These are the depths to which legal reasoning has descended, all in the name of rationalizing a federal government take-over.

It used to be that federal trampling on state sovereignty was justified by the necessity of the "scientific management" of American society. Government plans, it was argued, could only be implemented with centralized coordination at the federal level.

But today there are new grounds for federal imperialism. There is an extraordinary wave of Puritanism sweeping over American society today. Sometimes, as in the case of environmentalism or the war on drugs, it is mostly secular. Other times, as in the case of pornography, secular and traditional Puritans can join forces. This helps to explain why Republicans, for all their talk of devolution, are often worse than Democrats when it comes to promoting new ideas for destroying any vestiges of American federalism.

—RN

2028: a space iliad — On March 12, the San Diego *Union-Tribune* ran this banner headline: "2028: EARTH'S DATE WITH DOOM?"

I performed a very quick calculation, based on genetic data, of my chances of being around in 2028, and decided to read the article.

According to Malcolm W. Browne of the *New York Times* News Service (and they certainly ought to know), scientists, or a scientist, had calculated that an asteroid first located last



"Well, if you're going to get all common-sensical, there's no point in our discussing this further!"

December (but how quickly they mature!) was "likely to approach to within barely 30,000 miles of the center of the Earth." That's pretty close, I thought. But a miss is as good as 30,000 miles.

Reading further down the page, I was relieved to discover that other scientists, or a scientist, believe, or believes, perhaps on the basis of the same calculations, that 1997 XF11 (for that is the asteroid's lovely name) may "come scarcely closer than the moon" — about 250,000 miles from the center of the earth, and quite an improvement on 30,000.

But here was the really bad thing. Scientists, or a scientist, seemed to be predicting that we wouldn't have conclusive evidence of 1997 XF11's intentions until we had the chance to reobserve it during later appearances in our neighborhood, which wouldn't come until 2000 and 2002.

And you know what that means, or you would if you remembered the standard "scientific" guff of the past few years about asteroids and meteors and the hazards they pose to our planet. As the Times News Service put it:

"The impact of an asteroid one mile in diameter [1997 XF11's reputed size] would have devastating global effects, including tidal waves, continent-size [sic] fires and an eruption of dust that could cause global cooling and long-term disruption of agriculture."

Well, that should put the vice president's mind at rest about the danger of global warming.

But of course it wouldn't. It would merely ignite who knows how many devastating years of global propaganda, emanating from all the usual sources, about the Coming Danger and how to prevent it and how can we possibly decide who should be saved and how we must try to save the citizens of the Third World rather than the citizens of the First World (which may be a good idea, for all I know) and how asteroids have hit us regularly in the past so we know that they're bound to hit us regularly in the future (which is a silly idea, because every asteroid that hit us in the past, if it did, is one less asteroid that is around to hit us in the future) and how the last really big one took out all the dinosaurs (which is such a baseless and ridiculous idea that I'm actually embarrassed to include it in this list) and how our abuse of the environment is probably what caused all these dinosaur things to happen in the first place and how everybody ought therefore to get busy and worship Nature.

Something was surely going to hit us, and if it wasn't an asteroid it was a tremendous ball of crap.

The future seemed plainly foretold by the quoted remarks of yet another scientist, who wanted to call attention to the "good side" of 1997 XF11. "During the Cold War," he said, "I used to hope that one of these hazardous asteroids would be spotted and that the discovery would unite America and the Soviet Union in a common effort to save the world. Even now, we might see this Asteroid 1997 XF11 drawing people together."

After I read that, I recalculated my genetic odds and figured that, damn!, I was likely to have to listen to stuff like that for a long, long time.

But by now you know the wonderful news, the news that arrived, from all unlikely places, NASA — just the boys I was expecting to profit most from the asteroid's allure. (My respect for government has now taken a quantum leap.) And the news came faster than a speeding asteroid. On the eve-

ning of that very March 12 on which the world awoke to find itself condemned to a fiery death, Reuters reported that "an asteroid that is headed toward Earth is not going to hit us after all . . . It will miss the planet by 600,000 miles."

Whew! That was a close one.

—SC

Of "The" I Sing — What's wrong with the following sentence?

More than any other country, United States is producing the gases that cause global warming.

If you said, "Nothing," sorry. If you said that the statement is based on the false premise that global warming exists, you were probably right, but that's not what I'm after. If you said that "the" has been dropped from "the United States," you have a keen eye.

Increasingly, this truncated version of our country's name is being used by radio and television announcers, which leads to the pressing question: Why is "the" being dropped from "the United States"?

Is it that it's fashionable to leave out the word "the"? Let's try: "Direct result of burning fossil fuels in United States is warming of atmosphere." Mmmm. Sounds like Tonto with a degree in environmental studies.

Maybe the idea is to give the country a corporate image. You know, competent and efficient, like United Airlines or United Technologies. Well, I don't think it works. If "United States" were a corporation, the headquarters would have to be in Bombay. Listen: "I am telling you, United States is having the lion's share of blame for the global warming." See what I mean?

Or maybe leaving out "the" is just the start and we're edging toward the fifties-futuristic version: Unitedstates. Or perhaps in our ever-accelerating world we'll condense and blend the name the way Uniroyal, Unilever and Unisys have done: Unistates. Too Orwellian for me.

Is it being dropped because that's how the British say it? Remember when Americans pronounced "harassment" with the stress on the second syllable? Here's what happened: when gender politics heated up, those who talk into microphones for a living decided to adopt the British version, which stresses the first syllable, for an understandable, if not good, reason. Dear Microphone People: I understood the deal on "harassment," but could you please tell me why Americans should mimic Brits when referring to the United States of America? Because we're Anglophiles? Is that it? OK, then maybe we should go the full monty and call ourselves United Kingdoms of America. Has a nice ring to it, don't you think?

Or could it be part of a grand conspiracy? I mean, in the name, "the United States," you've got your article, followed by a mere adjective, while "States" is the majestic noun. The name itself declares the primacy of the states. Maybe some powerful cabal decided to make it a compound noun to weaken the Tenth Amendment. To blur the heritage of federalism. To render the name amorphous: "We the People of United States, in order to reduce greenhouse gases . . ." I wonder.

Or could it be that dropping "the" is simply a way to shorten the name? To save valuable time? To make it a little easier to say? If so, there is a better solution: drop "United." Millions of expatriate Americans do so already: Expat A:

"Where did you go?" Expat B: "The States." So short, so quick, so easy to say. Besides, what's so "united" about Montana and Massachusetts?

During World War II, G.I.'s would flush out spies with questions about home. Imagine: "Where are you from, soldier?" "United States." *Bang.* —SHC

Final insult — Life is replete with examples of the harvest of misery some men must reap. Consider this lead sentence from the January 27, 1998, *Wall Street Journal*: "The Navy was ordered by a federal judge to keep Timothy R. McVeigh on duty while the court considers his dismissal for speaking of his homosexuality in a pseudonymous America Online profile."

Think for a moment about this man's predicament. First, to be a homosexual. Second, to be identified as a homosexual while serving in the Navy. Third, to have the same name as a condemned terrorist. And fourth, to be a subscriber to AOL.

—BB

OK, make that six deadly sins — How long does it take for a simple idea to permeate society? I hazard that most viewers of John Stossel's February 3rd ABC Special on *Greed* were surprised by what they heard and saw, though surely every one of its arguments was centuries old. Over and over Stossel carefully explained the truth about exchange in a market economy: that both parties gain. These gains from trade make some people rich — "filthy rich" — and the rest of us better off. There was nothing here that Thomas Jefferson, for instance, didn't know from helping translate Destutt de Tracy's *Treatise on Political Economy* in 1817.

This is not to say anything against Stossel's show, which was, as propaganda for liberty goes, very good. Using clever juxtaposition, the talking heads of libertarians David Kelley and Walter Williams, and very selective interviews with both the rich and the not-so-rich, Stossel ably argued against the common contention that rich people are "too greedy" and that they somehow make the rest of us worse off.

Far and away the best part of the show was the eye-opening account of a for-profit lifeguard operation that bested the Red Cross. Stossel suggested — and David Kelley explicitly argued — that those most successful at seeking profits in the market do more good than even the most honored philanthropists of the age (cut to a scene of Mother Teresa walking the streets of Calcutta).

It is a sign of the times, however, that the charge of greed is seen primarily as a social issue. But this was not always so. To the ancients, and to the Christians who followed them, greed was a defect of character. The defect could be seen *even when* there were benefits to others.

Though Stossel asked "but what is greed?" nowhere in his show did anyone bother to look the word up. Philosopher David Kelley, apparently still under the spell of Ayn Rand, did not at any moment strike an Aristotelian note. Though Rand's favorite philosopher Aristotle did not discuss greed as such, my dictionary lists as its antonyms some of the virtues and vices to be found in his *Nicomachean Ethics*: liberal, munificent, prodigal, wasteful. But an Aristotelian definition is easy to come by; indeed, I needed to go no further than my trusty college dictionary: Greed is the excess of acquisitiveness.

Any drive can be faulted for being too strong or too weak in relation to both its function and to other passions. A person *not acquisitive enough* is apt to live a life of want and poverty; a person *too acquisitive* will shunt aside other activities, "impoverishing" himself of the love of his fellow man, or his appreciation of beauty, or any number of other very human activities. And a person who eschews rationality in his acquisitions is not likely to gain what he wants despite strong desire (Stossel trenchantly handled this latter problem in a quick, practical, nonphilosophical way).

The trick is to strike a balance between excess and lack, to find the appropriate point of moderation and develop a sense of proportion. That is what virtue is all about. Of course, people don't talk much about virtue and vice any more, not in this age of mental health and political obligation. When not focusing on greed as an economic or social problem to be solved somehow by legislation or litigation, people diagnose the greedy as "sick" and propose a twelve-step program. But neither social nor medical obsessions seem much help giving our imbalanced culture a sense of poise.

Though Stossel's program may have helped get rid of one too-common error, neither he nor his libertarian heavy-hitters transcended the political realm.

Perhaps Stossel can work on this in another ABC Special.

—TWV

2001: a spaced odyssey — I just received in the mail another scary report about all the computers shutting down on January 1, 2000. It included the following statement, "... not one bank in the *entire civilized world* has officially stated that it — and its interconnected web of operations — is Y2K compliant" — meaning that no bank claims its computers can handle dates of January 2000 or later. By coincidence, I just received from my bank a new ATM card that expires in January 2001. Tomorrow, my wife and I are going to drive down to see the ruins of the bank — since the building must have blown up when the computer tried to handle a 21st century date.

—HB

Y2K2 — Since I editorialized in this magazine (November 1997, page 7) that the "Computer 2000 problem"



IVE TAKEN THE LORD'S NAME IN VAIN, HAD IMPURE THOUGHTS, AND BRUTALLY OPPRESSED MY PEOPLE FOR ABOUT FORTY YEARS.

was real but greatly overblown, I have received messages from people who say I shouldn't discuss areas outside my sphere of knowledge. Often they refer me to some "expert" — who usually is a computer consultant looking for business or a newsletter writer whose scary report I've already read.

Just for the record, I bought my first computer in 1975, and for the next 14 years I wrote all the programs I used, including a word-processing program. In 1989 I began using a Personal Computer, allowing me to rely on programs written by people who are far, far better at it than I am. However, I still customize programs like *Word* or *Excel* by writing dozens of automated routines, and so I haven't forgotten the logic involved in programming.

The scary reports, on the other hand, are written by people whose assumptions demonstrate an unfamiliarity with how computer programs work. This unfamiliarity makes them easy prey for a computer consultant drumming up business by making a plausible case that the computer systems of banks, airlines, and water companies are too old, obsolete, and complicated to be updated fairly easily. The report writer readily accepts the story because he's been seeking a new crisis to replace the one he's been promoting the past few years — the crisis that was going to drive the gold price up to \$2,000 by now.

If any of these people ever came across a genuine crisis, they would be in the same unfortunate position as the little boy who cried "Wolf!" too many times.

But the worst ignorance is displayed when someone tries to convince you that corporations are dragging their feet instead of updating their programs. A friend recently informed me that Securities & Exchange Commission chairman Arthur Leavitt testified before Congress that the SEC "has whipped the New York Stock Exchange and other exchanges into line on the Year 2000 problem and feels very confident there will be no service interruptions." And a recent report, written by three computer consultants, offered the following recommendation regarding telephone companies: "The State Public Utility Commission (PUC) should initiate a proceeding to assess the year 2000 readiness of all local exchange carriers and long distance providers. The proceeding should determine if each utility has conducted a year 2000 risk assessment, developed a corrective action plan, and established a date to become year-2000-ready."

According to this view of the world, companies would gladly face financial ruin rather than take care of their computer problems. Obviously, the people running the stock exchanges have no motivation to keep their enterprises from collapsing. And the utilities and other companies have no desire to solve their own problems; they would willingly let the phones stop working and go out of business — rather than make their computers operate properly. Only if regulators browbeat them will they do something in their own self-interest.

Thank goodness for the far-sighted politicians who have once again saved us — like the rooster crowing to make the sun rise. Who says government doesn't work?

Meanwhile back in the real world, companies are handling the conversion quickly and efficiently. If you have any doubts, just read the trade publications (such as *Information Week*) in which data processing managers provide case histories of companies cleaning up their computer systems at a

fraction of the supposed cost, in a fraction of the supposed time required, and using one or more of the dozens of new computer programs the market has provided to help make the conversion.

Yes, there's a problem. But companies in the free market are handling it — just as they continually handle all sorts of problems.

But that's not good enough for the scaremongers, the politicians, or the regulators. They would prefer that government impose regulations on all companies — making them fill out endless reports to prove that they're acting in their own self-interest, and making them deal with the problem in the single way the bureaucrats will prescribe. That, of course, will make it impossible to use any better solutions that might evolve as the conversions proceed.

Government agencies are the only entities that aren't likely to be ready by 2000. And as 1999 proceeds, if it appears that private companies (such as banks) are vulnerable to the government's inability to fix its own computers, I expect the companies to find ways of insulating themselves from the government's inefficiency.

So the worst possible scenario probably is that the IRS won't be able to accept your tax payment in 2000 and since your credit card and your bank will still be fully functional, you'll be forced to spend your tax money on yourself instead.

—HB

Higher standard — It appears that some *Liberty* editors do not like the *Weekly Standard*. However, I am one who does, for a couple of reasons.

First, while the *Standard's* ideology is muddled, it is the first magazine to provide regular, enthusiastic, and reliable criticism of the politics of the Left in Washington. That makes it a refreshing alternative to *The New Republic*.

Second, the Republicans need all the help they can get.

Third, the *Standard* has some great writers, among them Joseph Epstein, David Frum, and David Brooks. Ah, yes, David Brooks. In the January issue of *Liberty* he was criticized for his "smug and pretentious stupidity." Evidently, Brooks had an early encounter with libertarian thought, became disillusioned with it, and has been searching ever since for a philosophy he is comfortable with. This does not endear him to those who kept the faith, and his attraction to Teddy Roosevelt does suggest that political philosophy is not his strong suit. But he does have a strong suit: cultural commentary.

Nearly a decade ago, while a writer for the *Wall Street Journal*, Brooks captured the press's eagerness to sensationalize environmental matters. In "Journalists and Others for Saving the Planet," he quoted *Time* science editor Charles Alexander as saying "I would freely admit that on this issue [environmentalism] we have crossed the boundary from news reporting to advocacy." The quote became famous in some circles.

More recently, he spotted another cultural trend, "latte towns." Brooks doesn't take credit for the term, by the way, but last September he described the phenomenon so accurately that I predict it will become part of our conventional vocabulary. Latte towns are small cities such as Burlington, Vt., Northampton, Mass., and Boulder, Colo., to which liberals, tired of the big cities, are flocking. They are "upscale lib-

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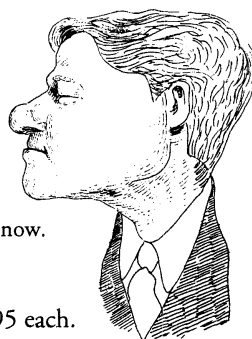
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I wouldn't knock David Brooks. He has a lot to offer, and so does the *Standard*. —JSS

Deeee-fense! — The 1998 federal budget, approved by the Republican Congress and the Democratic President, included a new practice field for the Carolina Panthers football team. Does that come under the Commerce Clause of the Constitution? Or did the founders mistakenly write "the common defense" when they meant to say "zone defense"? —HB

Peace nixed — Perhaps college professors should be expected to be sensitive to left-wing shenanigans. Academics exist in an environment that is like a hothouse for growing pinkos. But I think that Steve Cox's comments on the peace movement ("Peace, peace, but there is no peace," March) are off target. He is tortured by visions of unreconstructed peace activists bemoaning the threat of nuclear war. But where are they? Where I live, you can't toss a string of love-beads without hitting a VW Microbus, and I hang out with some peace-movement types. I have never heard any mention of nuclear war, Dr. Spock or the Soviet Union. True I never heard any cheers at the demise of the USSR either, but I only moved to Port Townsend two years after the collapse of the Soviet Union. The only commentator that I have seen lately who raised the specter of nuclear holocaust is Kathleen Bailey, who wrote an article warning that the U.S. should not "de-alert" its nuclear weapons because a threat of nuclear attack from politically unstable Russia still exists. Bailey is an ex-Reagan administration official whose warning was published on the editorial page of the *Wall Street Journal*.

I cannot agree with Cox's statement that "their [the peace activists] opponents usually conceded the sincerity of their motives." Leaf through some old *National Reviews* or *American Spectators* and you will see that the 1980s right-wingers (I was one of them) thought that the peace movement was made up of a roughly equal number of ComSymps and Useful Idiots.

Cox quotes Dr. Benjamin Spock as saying that "I don't see the slightest indication that we've gotten any closer to peace than we were before." I don't know the context of the quote, but it doesn't sound so ridiculous to me. Nuclear war is not imminent (nor is it impossible), but the U.S. still maintains a Cold War "defense" budget, the Army "School of the Americas" (training ground for thugs like Manuel Noriega and Roberto D'Aubuisson) is still in operation, thousands of American troops are deployed around the globe, U.S. saber-rattling threatens to involve us in another Middle East war, and NATO (whose *raison d'être* expired with the Soviet Union) is

expanding. We still have a ways to go before we achieve World Peace: One Evil Empire is gone — hurrah! Now let's get rid of the other. —CS

The emperor and the Jews — For readers who aren't yet wearied of the Hapsburg wars raging in these pages, here is my reply to the letter by Karol Boudreaux in the last issue. (1) Yes, I was aware of Karl Lueger. Wouldn't it be odd if I'd undertaken to discuss anti-Semitism in old Austria and had never heard of him? (2) In writing that I admire the Hapsburgs for the way they treated the Jews compared with what came after, I could not have meant that the Hapsburg treatment was *just short* of genocide. That would be laughable. (3) The sole evidence Mrs. Boudreaux proffers for Hapsburg mistreatment of the Jews is that the Emperor, Francis Joseph, though initially refusing to do so, finally confirmed Lueger as mayor of Vienna. In fact, he did so after Lueger had been elected four times with increasing majorities. As Carl Schorske notes, in *Fin-de-Siècle Vienna*, "the imperial veto could not be sustained in an age of mass politics." (4) Lueger, though violent in word (but should the Emperor have censored his anti-Semitic outbursts, or those in the gutter press?), conducted no "low-level reign of terror." During his term of office, the city government discriminated against Jewish businesses in various ways, yet Jews continued to stream into Vienna from the provinces. (5) Most important: the very *reason* for the desperate anti-Semitism of Austrian gentiles was the spectacular success of the Jews, in business, the arts and sciences, and the press. This occurred under the rule of law established by Francis Joseph, who cherished "his" Jews. After all, they were the one people in the old empire who gave him no grief over nationalist strivings of their own, and, moreover, they constituted a Germanizing element wherever they lived (e. g., Kafka in Prague). How to explain the fact that we are still living off the intellectual achievements of Austro-Hungarian Jewry if the Jews had not enjoyed freedom of opportunity under the Hapsburgs? Aside from these few points, I find that Mrs. Boudreaux's objections very well taken. —RR

Julian Simon, R.I.P. — Julian Simon was the first — and for many years just about the only — academic to challenge the modern neo-Malthusian arguments that mankind and her works are failures. In his own life, Julian had many bouts with despair, but he never doubted that the human experiment is a wonderful success — life is the ultimate experience, a rapturous opportunity for the individual to interact with a challenging and beautiful world. His earliest efforts dealt with the over-population arguments of the doomsayer crowd (as he dubbed them). He argued that though babies consume more than they produce — investment costs are always incurred before investment benefits — but most people leave the world a better place than they found it. His arguments were often utili-



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tarian in detail, but profoundly aesthetic and moral in structure. Every human life, Julian insisted, was a unique creative experience. How dare we judge that some lives are not worth living?

Julian took an unusual route to the academy. He had begun his professional life as a direct marketer and advertising specialist, and entered academia after he realized that writing might be more readily pursued in that world. (Had he realized the hostility his views would encounter, the willingness to suppress non-PC opinions, he might have taken another course). He selected population studies as his area of academic focus because he felt population posed some of mankind's most significant problems.

Over-population, at that time, seemed the problem of Western civilization. Each person, it was commonly observed, consumed resources, required space, reduced the prospects of others of winning any specific social reward. If human beings' blind biological urges were left unchecked, it was argued, resources would soon be exhausted by over-population. How might we avoid the Malthusian dilemma of a world filled to the brim with masses of malnourished, miserable and hopeless people? For a while, Julian accepted the conventional wisdom; but unlike his more ideological brethren, he began to collect data and noted that the facts did not support the situation. He concluded that Malthus was wrong.

His books *The Ultimate Resource*, *The Resourceful Earth*, *Population Matters*, and *The Ultimate Resource 2* all dealt strong blows to the Malthusianism of both the left and the right. As Arthur Herman observed in *The Idea of Decline in Western History*, there are two parallel schools of pessimism in the West: the Historic Pessimists (largely conservatives) and the Cultural Pessimists (largely left-liberal). The Historic Pessimists — Joseph Schumpeter, Oswald Spengler, Allan Bloom, Robert Bork — argue that Western civilization (for various reasons) contains within itself the seeds of its own destruction. The Cultural Pessimists — Al Gore and Paul Ehrlich, for example — pretty much accept that analysis but go further in believing that collapse will be a good thing.

Julian rejected both pessimisms. He placed less weight on the bountifulness of the Earth than he did on mankind, as *The Ultimate Resource* makes clear. Had God placed man on the moon after the Fall, Julian would have seen, I'm sure, nothing but successful terraforming projects ahead. The Garden of Eden, bereft of its most creative and aesthetic species, would soon fall behind the Gardens that man would soon establish in space.

My interactions with Julian were not frequent but they were always stimulating. At an Earth Day Alternative Conference some years ago — on a day when the Malthusians turned out by the thousands and we had our four score or so — Julian was our star speaker. Julian announced that, while he had always hoped that intellectual error accounted for the policies of the environmental establishment, he could no longer excuse their policy activism. Solemnly, he announced that he now felt compelled to state that he believed these people were enemies of humanity. Julian did not like conflict and was not adept at the vicious rhetorical debates typical of the political world. But his persistence and courage made him impossible to ignore, impossible to sweep aside. Julian's talk at that Earth Day occasion

led to a major article outlining his work in the *New York Times Magazine*. Powerful ideas — even when presented to small audiences in obscure locations — sometimes do have consequences.

Julian was eclectic. He joined with that other renaissance man that we've recently lost, Aaron Wildavsky, to challenge the biodiversity enthusiasts on one eco-catastrophe theme after another. The diversity of Julian's interests was something his critics (always favorable toward diversity in other guises) could never forgive. What right did a former ad man have to expose the fallacies of the eco-catastrophists?

Many social conservatives condemn population "control" programs: the "Sterilize the Little Brown People of the Earth" policies of the UN, Planned Parenthood, Zero Population Growth and others. Similarly, many economic conservatives target the Lester Brown "We're running out of everything" Worldwatch crowd. Julian addressed both approaches, emphasizing the similarity of the biases and errors behind each of these wings of the Malthusian movement. It is wrong to view mankind as a plague on this Earth; it is also wrong to view poverty as a virtue. Julian's work linked the libertarian and religious arguments and moved both groups toward an effective alliance. Such an alliance promises to become a major threat to the hegemony of wacko environmental intellectuals. Julian was a critical integrating force toward the realization of such a union — something his enemies could never forgive.

As a fighter within academia, Julian understood, earlier and more painfully than most, the Left's efforts to stifle dissent. He experienced what has now become obvious to us all: the attempt by the Left to close off intellectual debate by discrediting all non-establishment views. Only his persistence and brilliance forced his views into the debate. Julian recognized that the intellectual battleground is not level, and that efforts to discredit our views will be widespread and vicious, but that the battle for truth is one that must be waged with intelligence and vigor. The world can only become a darker place if we cease to light again and again the flame of truth.

Julian had an almost eschatological faith: regardless of the evils that man (especially man operating through the coercive instruments of government) might embrace, mankind's positive spirit, he believed, would still triumph. Elitist prejudices and political power might deflect, censor, hinder, hamstring, restrict — but mankind would ultimately prevail.

This faith rested in part, it seems to me, on what he didn't pay much attention to. He spent little time discussing the institutions and social arrangements that enabled humans to thrive, to truly be the "ultimate resource." Rather, he seemed to take these institutions — all too rare both historically and geographically — for granted. He never addressed the concern that absent the institutions of freedom, mankind might remain in chains, the Malthusian tragedy might indeed occur.

As time goes by, I've come to think that perhaps Julian was right. He realized, of course, that progress more or less depends upon the existing institutional framework. He fully understood that oppressive institutions, well, oppress. But he was firmly convinced that mankind would surmount the limits of the present institutions, that the Iron Curtains that restrict mankind would be forced open by man's unconquerable spirit.

continued on page 44

Clinton's Follies

For more than five years, Bill Clinton has stood at the center of the American political stage, delighting millions with his zany improvisations. In mid-January, a new act in this long-running comedy began. *Liberty's* editors offer mixed reviews of Clinton's latest routine.

The Scandal About Nothing

Douglas Casey

Clinton is truly the Teflon president. He stumbles from one scandal to another, and the American people seem to love him, judging by his approval ratings. I couldn't care less what he has going with the White House interns. Nor do I make a big deal out of the fact he and Vernon Jordan obviously counseled Monica to lie; lying is the very fabric of politics, for God's sake. And Clinton is the most skilled, practiced, and enthusiastic liar who's ever occupied the Oval Office, including pathological prevaricators like Franklin Roosevelt and Lyndon Johnson.

The real scandal, in my opinion, is that of the coverup of Vince Foster's strange death, distinguished by about 75 still unexplained anomalies, which has vanished from people's consciousness. As have the strange circumstances surrounding the death of Secretary of Commerce Ron Brown. And the score of suspicious deaths in Mena, Arkansas, during Clinton's governorship. Americans only seem capable of maintaining interest in the type of thing you'd expect to see on Jerry Springer.

Initiation Rights

R.W. Bradford

It's 9:30 p.m. and the phone rings. I pick it up, and a voice demands. "What's the libertarian stand on Bill Clinton's sex life?" It is one of *Liberty's* editors. Figuring this to be a rhetorical question and having more curiosity about his thinking than lust to dazzle him with my own, I say, "I don't know. What do you think?" "It's none of your business," he says.

"The libertarian position is that the president's sex life is none of your business."

"I think you are wrong," I respond. "There is no libertarian position on Bill Clinton's sex life — except that if he uses the government to force women to have sex with him or to reward those who do or punish those who refuse, we think it's wrong."

Libertarianism is a belief about the use of force in society. Some libertarians believe that physical force is justified only if used in defense. Others believe that retaliatory force is sometimes justified. Some even believe that under certain circumstances, initiatory force is justified. All agree that force in general is bad and that it ought to be minimized.

So my friend was on the right track. A person's sex life is his own business, whether he is a sovereign individual, a private citizen or the president of the United States. Up to a point — the point at which this sex life begins to involve the use of force or fraud.

Of course, there are contract aspects. If a person has contracted to limit his sexual activity to a single person, perhaps via a marriage contract, then he should not have sexual activity outside that contract. But this is a matter between him and the person with whom he has a contract. If he fails to keep up his end of the bargain, the other party is entitled to sue, of course, at which point the state (or other contract enforcement agency) becomes involved.

Quite plainly, whatever contract exists between Bill and Hillary Clinton does not prohibit adultery, or at least, if such a clause was included, Hillary has agreed to its suspension. We know this because Clinton has committed adultery in a rather indiscreet fashion during virtually his entire married life.

On the other hand, at least two of the allegations made against Bill Clinton suggest that he initiated the use of force to get sex. I refer to the complaints of Paula Jones and Kathleen Willey. (The case of Willey is a little bit dicey

because she was unwilling to testify about Clinton's sexual assault of her until compelled by a court to do so.) And several other allegations relating to Bill Clinton's sex life involve his rewarding his sexual partners with government jobs or promotions. This is illegal, as it ought to be — not because people should not be able to enter into meretricious relationships, but because the president was in effect paying people for sex with other people's money. And other allegations relating to the First Family Man's extramarital activity involve another form of fraud: lying while under oath and suborning others to lie.

This last is potentially the most serious for Clinton because it appears to be one activity that he has engaged in that (a) is plainly illegal; and (b) can be proven

uncontestably.

Some of the president's defenders have argued that it is morally permissible to lie when legally compelled to testify about matters that are not the business of those asking the question. This argument, proposed by Bill Maher of ABC's *Politically Incorrect*, has a libertarian ring to it. If, for example, a criminal sticks a gun to a homeowner's head and asks him where he has stashed the family silverware, the owner is under no moral or legal obligation to tell him the truth, though he may have a practical reason to do so (i.e. not make the home invader angry).

Should courts be able to compel testimony? Some libertarians argue that this is never appropriate, since it invariably involves threatened force. I do not find the matter so cut

and dried. Suppose that you and another person witness a murder. The police accuse you of the murder and you are put on trial. Suppose further that the other person refuses to testify about what he saw. Should he have to, under threat of force? Or should he be able to refuse if he wants to, even if only on a whim?

I think he ought to be compelled to testify. I'm willing to countenance this initiation of force because it seems to me that the relatively small inconvenience to the witness so greatly outweighs the huge inconvenience to the person accused falsely of murder (namely, his life).

The matter is a bit murkier in a civil case. But only, I think, a bit murkier. Suppose that you and another person witness a young man toss a rock through a store window. The store owner sues you for damages. Should the other person be able to refuse to testify unless you reward him? Or for any other reason, even on a whim?

Of course, the questions posed to the president by Paula Jones's attorneys were a bit more complicated than these examples. Jones accused him of assaulting her, which involves initiating force. But the questions in

"The torch is passed to a new generation . . ."

— John F. Kennedy



response to which Clinton lied were not about this assault. They were about his behavior with other female government employees. The reason for this is that the law considers other behavior of an individual accused of a tort to be relevant in determining whether he committed it. Personally, I don't think this is good law. But whether the president ought to have to obey is another matter.

The Power of the Counterintuitive

Stephen Cox

When I was six years old, my father startled me by asking if I thought he could write his name with his eyes closed. I denied that he could, whereupon he chuckled softly, stuck a piece of paper into his borrowed Remington, shut his eyes, and typed his name.

I can't remember why he had that typewriter sitting on the card table next to the kitchen door. Maybe he was engaged in some desperately official correspondence with the IRS. I just remember the miracle of seeing someone type his name with his eyes closed. How could that happen? Impossible to understand.

A little later, I discovered something even more astonishingly counterintuitive. The source was again my father. A new bank was opening downtown, and I asked him how much we would have to pay to keep our money there. "Nothing," he said. "A bank pays you to let it keep your money." Then he laid out the complete theory of capital and interest, or as much of it as he thought a six-year old could comprehend. I discovered still more reason for astonishment in the idea that banks keep your money by letting other people use it.

Well, if that was the truth, I could accept it, however strange it sounded. But as years went by, I encountered many people, even grown-up people, who could not come to any kind of terms with counterintuitive ideas. Most could not imagine how economic progress can result from "blind," unregulated markets — so they denied it does. Few could accept the fact that a seller and a buyer can profit from the same transaction. Some remained permanently at the age-six threshold of astonishment. I remember listening while a young intellectual confidently advanced a complex theory of global capitalist exploitation, then concluded in sincere and hopeless puzzlement. "There's only one thing I can't understand," she said. "Why are there banks?"

I can sympathize with her. I am no longer puzzled by the mysteries of banks, but I have other counterintuities to worry about. Mine are chiefly political. Lately, I've been attacked by a whole litter of them, bred by the kennels of Clinton and Starr.

To me, it is amazingly counterintuitive that Kenneth Starr, who is, as they say, Judge Starr, a man who has been to law school, can go around saying that "the First Amendment is interested in the truth," as opposed to "misinformation and distorted information"; i.e., "lies."

Of course, I understand Starr's purpose. He wants to put a stick in the spokes of people like Sidney Blumenthal, Clinton's house "journalist," who is believed by Starr to be spreading lies about his investigation of Clinton. Anybody

who has ever listened to Sidney Blumenthal will be tempted to share Starr's intense feelings about the man.

But according to Starr's new edict in regard to lies, I will not be protected by the First Amendment if I call some newspaper and confide that:

I am a goat.

Sidney Blumenthal is a great American.

President Clinton is a moral leader.

That gal Streisand really knows how to sing.

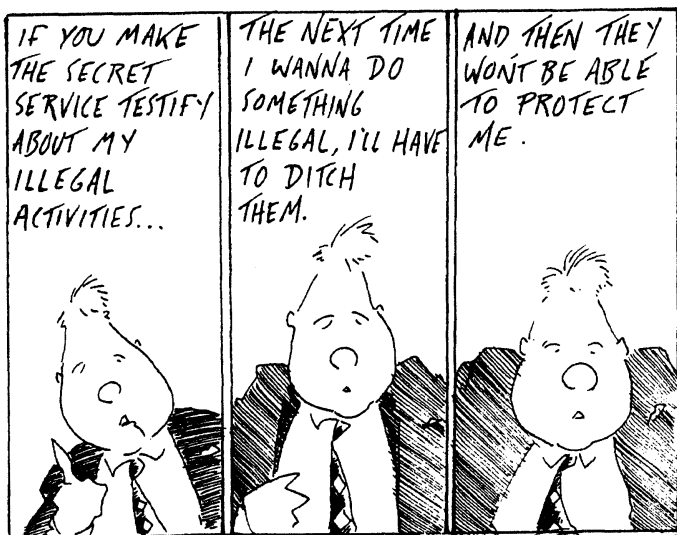
Lies like these need a lot more protection than the truth ever did, and I thought that the First Amendment gave them that protection. Guess I was wrong.

I am also surprised and befuddled by a legal theory that's popular among Clintonians. This is the idea that certain people are constitutionally protected (whether they're liars or not) simply because they are, indeed, certain people. Journalists, for example, are said to be protected simply by being journalists. If somebody tells you or me that he's committed a crime, we can be hauled into court to repeat what he said to us. But once we become journalists, people whose job it is to divulge information, we can't be forced to divulge it; we're journalists, after all. That's the theory, and I say it's counterintuitive.

Equally counterintuitive to stupid me is another Clintonian idea, which really seems to be catching on — the idea that any person who guards, protects, or counsels the president has legal immunity, just because he is a guard, protector, or counselor of the president. This theory is supposed to rest on a sound business principle: How can the president conduct business ("the people's business") if he has to worry about some guy in his office being called as a witness to any crimes that the president may commit?

How indeed? Obviously, the manager of the local Sav-On could make a lot more money, and get himself a lot more job security, if he didn't have to worry about any accountants, check-out clerks, or security guards testifying to any thefts, frauds, or murders he might commit. The only thing that I can't understand is why Sav-On and the White House should be governed by different legal principles.

And speaking of principles, I'm still struggling to understand how the Clintonians have managed to sell the



American public on two different versions of the hallowed principle of minding your own business. Version no. 1: I have no right to mind Mr. Clinton's business. Version no. 2: Mr. Clinton has every right to mind my business. Now, I'm perfectly willing to "stay out of the president's bedroom." Nothing would give me greater pleasure. I'm very happy to admit that "the president's sex life is his own concern." But why, I ask, can't the president stay out of everybody else's bedroom, office, smoking room, classroom, minivan, and cranium?

This President and his friends, who are suddenly so robustly in favor of the sanctity of the private sphere, are the same people who have spent virtually all their time lecturing the American public about the evils of smoking, drinking, unbuckled seatbelts, unplanned families, unmanaged health care, unrecycled trash, unbounced midnight basketballs, and unreconstructed moral attitudes of all kinds, meanwhile scheming to tax, regulate, eliminate, or otherwise interfere with all of the above, as much as humanly possible. And they get away with it. If you believe the opinion polls, most Americans seem to accept the premise that they are fair game for the president, but he is not fair game for them.

This is a whopping counterintuitive. In my efforts to understand it, I have come up with only one explanation, and it is still more whopping in its counterintuitiveness. The explanation is: The American people regard their president as a god. They regard Bill Clinton as a deity. It's a staggering thought, I know. Yet, according to every published indication of the people's views, they are prepared to forgive Bill Clinton anything because they have found that he possesses the miraculous power to bestow prosperity.

Incredible, but true. In America, there are millions of people who go to work every morning and create wealth, which the president, his wife, and his political allies then tax and spend; millions of people who know that the president controls neither the stock market, nor the weather, nor the price of tea in China, nor their own attempts to make a profit. Yet these same millions of people remain convinced that the president is responsible for their prosperity! And — again, if published reports are true — they believe that this divinity must be kept in office, so he can continue to reward them with a prosperity that they have not, by their own efforts, earned.

How shall we view this fantastic superstition, this shocking lie that the public tells itself?

I recur to my father's stock of counterintuitives. I recall the day when he told me something that I am only now beginning to understand. I don't remember what subject he was talking about, but he happened to say, "You cannot cheat an honest man."

The Lesson of Watergate

Chester Alan Arthur

Television is teeming with hired "consultants" to the Democratic Party or to Bill Clinton who enthusiastically defend Clinton against the mounting evidence of his perjury, subornation of perjury, etc. But what elected officials have

defended the president in these days of travail? So far, the only incumbent politician I've seen defend the president is John Conyers, who represents a poverty-stricken "inner city" district in Detroit, perhaps the safest congressional district in the country. The real lesson of Watergate is: when your party's president is going down, don't defend him, or you may suffer the fate of the Republicans who stoutly defended Nixon in 1973 and then found themselves unemployed after the 1974 election.

How will Clinton reward Conyers? Watch for a new appropriation for spending in his district, or a judicial appointment for a Conyers' buddy.

America in the Balance

R. W. Bradford

As a person who loves liberty and loves America, I hope that President Clinton is neither indicted nor impeached for perjury, suborning perjury, using government funds to secure and pay for his sexual activity, or any of the various fraudulent activities that have characterized his public career. Yes, he's almost certainly guilty of a hundred felonies. If I were to judge the matter solely on his innocence or guilt of the charges involved, I'd have to say indict, impeach, convict.

But there are other considerations. Clinton has been a far better president than Al Gore is liable to be. Gore is a committed ideologue, committed to having government control every aspect of human life, to conserve "global resources" and protect against "environmental degradation." With the advantages of incumbency, he's very likely to be re-elected in 2000; and, if he took over the presidency after January 20, 1999, he would likely be re-elected in 2004. (If he takes office before that date, he'd be prohibited by the 22nd Amendment to the Constitution from seeking re-election in 2004.) Even Gerry Ford was nearly re-elected after Nixon resigned, and he had two disadvantages compared to Gore. He pardoned the man he succeeded, thereby looking very much like someone in complicity. Gore is unlikely to make the same mistake. And Ford was actually stupider than Gore, though not by much.

Incidentally, I think Clinton has also been a better president than his Republican opponents would have been. While his agenda has had some awful stuff in it — socialized medicine comes to mind — relatively little of it has been enacted into law. And he's been much less inclined to involve the United States in witless foreign wars than was his predecessor. In only four years in office, George Bush invaded two different countries, Panama and Iraq. Clinton has rattled his saber once or twice. But so far, no invasions. And he has been less rigorous in expanding governmental intrusion people's private lives than his Republican opponents would likely be. In addition, with the GOP in control of both houses of Congress, can you imagine what mischief a Republican president might have wrought?

Of course, there's another aspect to this question. Clinton is a man with absolutely no respect for the truth, a man willing to allow his wife to steal from the government for the good of their family, a man motivated almost entirely by lust

for power. Simple justice calls for him to be thrown from office and into the hoosegow.

But I don't buy that theory. At least, I find it difficult to apply that theory consistently. If we were to impeach, convict, or force the resignation of every president who lied, stole, and defrauded, just about every president since Washington would have left office involuntarily. This prospect has its charms, I'll admit. But it wouldn't be very practical.

Sorry About That, Chief

Stephen Cox

Journalist David Brock apologized to President Clinton for writing the investigative article that began Clinton's legal troubles with Paula Jones.

Reports of Brock's apology quote him as saying, "I wasn't hot for this story in the interest of good government or serious journalism. I wanted to pop you right between the eyes . . . I've asked myself over and over: What the hell was I doing investigating your private life in the first place?"

Oh, please. Why not ask yourself what difference your intentions make, or why serious accusations against a public figure should not be investigated?

Brock reportedly goes so far as to wish he hadn't mentioned the name "Paula." He says that in his "ransacking of [Clinton's] personal life there was an open political agenda at work . . . which must have colored [his] judgment at least on the margins." At this point, Brock should ask himself whether suppression of names, even in the interest of political harmony and niceness, might also constitute a political agenda.

Finally, he might ask himself what credibility, either as a journalist or as a deep, deep thinker, he can possibly gain by this grandstanding act of contrition.

Unabanger

David Ramsay Steele

William J. "Slick Willy" Clinshaftski finally acknowledged today that he is the notorious Unabanger. Months of legal argument came to an end when Clinshaftski concluded a plea bargain in which the lonely eccentric admitted that he was responsible for the Unabanger's solitary 20-year campaign of anti-social terror.

The deal followed an agreement by lawyers that Clinshaftski is legally competent to stand trial, though suffering from several serious illnesses, including compulsive induced-fellatio disorder, ego-dysfunctional erotomania, and megalomaniac amnesia praecox, the last characterized by an increasingly strident denial of one's political impotence.

"Clinshaftski presents all the classic symptoms," says a 500-page psychiatric report made available to the court this week. "—grandiose delusions that he knows best how other people should run their family and business lives, and in particular that anyone and everyone he meets should always

be ready to orally stimulate his distinguishing characteristics. Sufferers typically react to the offer of treatment by pathetic denials, and by proclaiming that a vast, hate-inspired conspiracy is responsible for all their troubles."

The report mentions that sufferers often lead double lives, a practice induced by a syndrome known as multiple rhetorical disorder. Clinshaftski concocted elaborate schemes for a Soviet-style health care system, expounded at turgid length in the hitherto anonymous *Unabanger Manifesto*, while at times he would adroitly work into the conversation disarming remarks like "The Era of Big Government is Over."

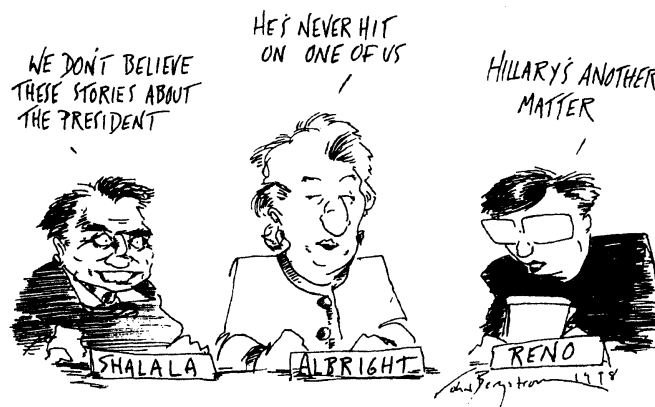
The Unabanger's outrages at first appeared senseless, but letters from the Unabanger instructed the major media that he would cease his serial acts of terror if the media would reproduce his lengthy *Unabanger Manifesto*. Apparently, then, his game was extortion for fanatical ideological ends, but although the media complied with his demands, psychopathological profilers shrewdly voiced their doubts that the succession of mysterious attacks would halt.

"The publication of his turgid ramblings will only feed his vanity and self-advertising compulsion, leading to more outrages" predicted one FBI analyst. And so it proved, with the Unabanger ultimately claiming daily air time for his statements of bitter alienation from a heartless, irresponsible society in which people are permitted to make their own foolish decisions. Despite the media's attempts to appease the unknown terrorist, there was never any knowing where the elusive Unabanger would strike next.

The report concludes that although mentally ill, Clinshaftski is fully capable of understanding the nature of the charges against him. A rudimentary ability to reason and plan ahead are exhibited in Clinshaftski's actions. He invariably selected defenseless underlings for his victims, and after each incident employed hand-picked intermediaries to bribe, intimidate, and smear them.

The plea bargain was made possible by a delicate legal instrument, known technically to scholars of jurisprudence as a squalid back-room deal, and involving the intervention of President Gore, who agreed to pardon Clinshaftski, provided the president could do so in time to recuperate from this unpopular action before his re-election bid.

President Gore commented: "Clinshaftski is the real victim here and deserves our compassion. Compulsive erotomania is literally an illness, exactly like diabetes or cancer of the colon. Five thousand leading scientists recently signed a report affirming the undisputed truth that compulsive eroto-



mania is caused by the terrifying climate changes resulting from industry's brutal rape of our fragile planet. I vividly recall watching my dear sister dying painfully from this debilitating disease."

A window into the Unabanger's thinking was opened this week by revelation of his interactions with the psychiatric examiner, Dr. Molly Johnstone. Dr. Johnstone related that while undergoing questioning for a diagnostic profile, Clinshaftski abruptly dropped his pants and insisted that Dr. Johnstone orally stimulate his distinguishing characteristics. When Dr. Johnstone refused and informed Clinshaftski that the incident had been videotaped and would be mentioned in her report, Clinshaftski replied that the alleged incident had never occurred, that nothing improper would be captured on the tape, that the video camera was unreliable, that Dr. Johnstone was a frustrated, lonely female with a murky past and a hyperactive imagination, that Dr. Johnstone was part of a vast right-wing conspiracy, that Dr. Johnstone hoped to make money by publishing a sensational book, that the videotaping exceeded the scope of Dr. Johnstone's investigation, that videotaping prisoners was a practice which sent shivers down one's spine, recalling the worst excesses of Stalin's Russia or Orwell's *Nineteen Eighty-Four*, that Clinshaftski was absolutely dying to talk candidly about the incident but his lawyers had insisted that he wait until the full details of all these sorry allegations were available, that Dr. Johnstone knew Clinshaftski's reputation and had forgiven him before she came to see him and therefore had virtually invited Clinshaftski's behavior, that no one cared whether the incident had happened and Clinshaftski had to get back to work on his next Manifesto, that the voluminous psychiatric report was an appalling waste of the taxpayers' money, that Mrs. Clinshaftski would categorically state that she had complete confidence in Mr. Clinshaftski, that if the alleged incident appeared in the report, Dr. Johnstone would have her legs broken, and that Dr. Johnstone could expect to be found in a public park with a bullet in her head and a gun lying half a mile away, cunningly contriving the obvious appearance of suicide.

Unimpeachable

Brien Bartels

Bill Clinton's jig is not up. His apologists have deflected fire from the real offense — obstruction of justice — and turned the media's attention on the "vast right-wing smear campaign" that lies behind the attacks on the president. No other smears (Whitewater, foreign campaign contributions, the web of deception surrounding the Vince Foster case, and all past adulteries) have stuck to the president. And Americans don't want this one to stick either. They want the press to leave President Clinton alone, so he can continue to do his job of fighting inflation, keeping unemployment low, protecting their investments in the stock market, dictating the yield curve of the bond market, controlling the weather, (he's distracted for one moment, and *Boom!* El Niño!) and all those things that Americans expect a president to be able to do.

Bob Barr of Georgia might be talking impeachment. But

back out in the real world, they want to impeach the impeachers.

The Ethos of Intergenerational Sex

Timothy Virkkala

As the Monica Lewinsky story broke, and Americans once again sniggered over their president's libidinous proclivities, another story made the headlines, in that "other Washington," the state. A dishonored schoolteacher in the Seattle area was caught breaking her parole by being in the presence of her one-time student and sometime lover, a 14-year-old . . . *young man*. For several nights in a row, local newscasts would begin with one of these scandals and segue into the other. And I would listen, then hit the mute button on the TV set, trying to decipher America's moral code.

As Clinton's approval rating soared past the watershed number 69, it became apparent to me that we live in a post-Christian society. But the nation's indignation over this troubled woman, obviously obsessively in love with a rather mature "boy" — who not surprisingly reciprocated her love and lust — seemed to betoken no small amount of moral censure. Is its source Christian morality? I doubt it. Almost no one who talked about this unfortunate tale mentioned the woman's abandoned husband and children. Adultery was rarely brought up. Few tsk-tsked the evils of fornication. No, all that seemed to matter was the stark legal dividing line at the "age of consent" — and, among those more interested in contract, the breach of faith involved in seducing a student.

But every time I heard a newscaster speak of the lad in question as a "victim," I marvelled at the conceit. He was physically adult, and, given the circumstances, his emotional childishness seemed unlikely. He was undoubtedly a victim first by statute, then by public prosecution of his lover. Maybe this is inevitable in any decent society (you've got to draw a line somewhere), but it is hard not to see the taboo drawn between him and a willing older partner as a desperate invocation of sentimentality, of an imperialism expanding childhood into youth. (Somehow I missed any mention of the lad's parents in all this talk — surely a crucial element in the story; I gather that parental oversight of a child's maturation is no longer that big a deal, anymore. I am told that at least one reporter did interview his mother, who confirmed that the lad was, yup, pretty mature for his age.)

The modern age's sentimentalization of childhood is often preposterous. I guess in this case it is not wholly nuts, though it still seems problematic. The breach of faith involved in a teacher seducing a student is surely worth some legal action; her firing was no doubt justified. But I have a hard time consigning this woman to the modern-day equivalent of hell. She has her own hell. Obsessed with a lad young enough to be her son, she forsook family, career . . . *everything*, for this obsession. Her story seems right out of ancient mythology — or perhaps tragedy — another awful reminder of the blinding, maddening power of Eros and Venus, of irrational flames leaping up into our tidy world of mown lawns, coffee breaks, and the PTA.

Clinton's continuing sexual saga, on the other hand, is merely comic. This president, who will go down in history as

the first president in history to "go down," is not beset by love, but by lust. He obviously manages his emotional life quite well: he may "feel our pain," but not too much. In any case, this veneer of empathy apparently plays well with his "conquests." Clinton is an exceptional salesman, and this applies not only to the buying and selling of votes and patronage, but to the commerce of sex. And, evidently, this commerce is usually barter, thus satisfying the letter, if not the spirit, of today's ideology of romantic love.

The comedy's farcical elements are truly precious: Bill Clinton's teen-age casuistry regarding oral sex ("it's not *really* sex") adds an endearing, boyish quality to what might otherwise be easily seen as examples of coldly calculating "sexual predation." The long parade of willing sexual partners keeps growing and growing, and each little detail elicits titters from the average American, not scorn or censure. (The sheer number of people willing to defend even his most unsuave Packwood-like gropings and assaults, as testified by Kathleen Willey, is as amazing as anything else in this still-unfolding story.)

Clinton's dishonesty disturbs Americans most, but I have a hard time getting worked up about that. Clinton's dishonesty was palpable from day one of his first presidential campaign. Americans, like so many high-school virgins, looked the other way and elected the guy to the highest office in the land. If they now feel screwed, I don't really see how they can blame the guy who did it to them. In love and politics, "Yes, but . . ." still means "Yes." If Clinton is actually booted out of office for his sexual practices and attendant indiscretions, the joke would be on America itself as much as on Clinton.

I suspect that deep down, most Americans feel this. Hence Clinton's continued popularity, and the unlikelihood of his impeachment and removal from office.

That would be, well, too Christian a thing to do.

You Heard It Here First

Leon T. Hadar

It is quite common for daily newspapers and weekly magazines to publish occasionally a "You Read It Here First" column, in which the publication brags about the fact that it had predicted this or that development and that its analysis of national and world events proved to be correct. Well, if the Big Boys do it, I don't see any reason why *Liberty* and this faithful contributor shouldn't show off a little bit.

Indeed, in the midst of the Lewinsky Affair and the continuing Donorgate scandal and following President Clinton's decision not to follow the advice of Washington's Happy Warriors and show our concern to the Iraqi people by bombing them to death ("We love you, therefore we kill you"), I recalled an article, "Hail to the Wimp" (*Liberty*, November 1994), several years before the world would learn about the Riady and Lewinsky families or about the threat of Saddam's weapons of mass destruction. Isolationism, I wrote, is alive and well in our beloved post-Cold War America, adding: "And who knows it better than that infamous draft dodger, the wimp himself, Bill 'Don't Get Killed, Get a Blow Job' Clinton?" When it comes to foreign policy, this president is just my kind of guy. I also noted many pundits had pre-

dicted that Clinton would become a new Woodrow Wilson, a moralist interventionist, an idealist statesman who would try to make the world safe for democracy. What we are getting instead, I explained, is "a Warren Harding, a pragmatic neo-isolationist, a corrupt politician who wants to make the world safe for business — kind of a global Arkansas." And I concluded my article by arguing that the continuing reign of "Hilarious Hillary and Horny Bill" in the White House would help erode the credibility of the presidency and weaken the power of the political class. Now, did you read all of that in *The New York Times*, *The Washington Post*, *The New Republic* or *The Economist*? Well, did you?

I rest my case. And I thank you for your kind applause.

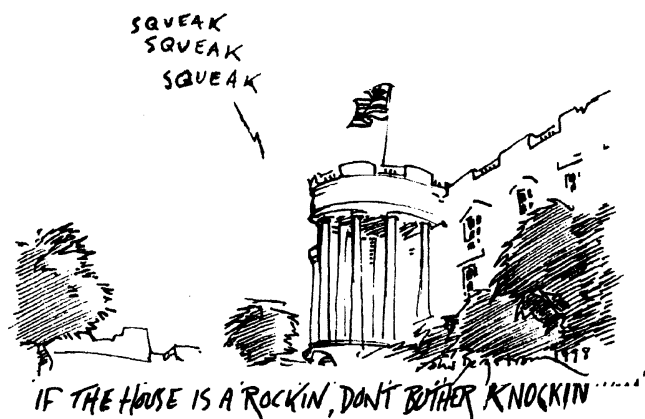
Little Ventured, Nothing Gained

R. W. Bradford

In some circles the runup in the polls that the president has enjoyed as the uglier aspects of his criminal behavior became more widely known is puzzling. So was his easy reelection in 1996, at a time when most Americans were well aware that the president is, well, ethically-challenged. The reason for this support, the pollsters tell us, is that the economy is doing swell.

Incumbent presidents have lost only three of the past 20 elections, and in each case the economy was a major factor. In 1932, Americans ousted Republican Herbert Hoover as the nation suffered from its greatest depression. In 1980, America was again in recession and Ronald Reagan said, "Ask yourself, are you better off today than you were four years ago?" There was recession again in 1992, and the famous sign on the wall of the Clinton campaign headquarters read "It's the economy, stupid." In 1996, Clinton boasted that as chief executive, he had lowered unemployment, boosted stock prices and profits, and nearly balanced the budget.

The obvious implications of this cause despair for some advocates of free markets. Most Americans believe that whoever is president is responsible for their personal prosperity. They seem to think of the U.S. economy as a gigantic corporation with the president at its helm. How can we ever hope to restore a free economy if most of our fellow citizens believe anything this dumb? Why can't people realize that the American economy is not a single, centrally-controlled enterprise, but the complex unplanned interplay of millions of producers and consumers?



I am not among those upset. There is another way to explain these phenomena.

I suspect most Americans believe that politicians have relatively little to do with their prosperity, or much else in their lives. How they vote or view the president is a very small matter to them. After all, virtually no elections are decided by their personal vote and what they tell pollsters matters even less. And the consequences of having candidate A in office rather than candidate B are neither obvious nor, in most cases, significant. So why invest much time in deciding how to vote or what to tell pollsters? That vote is of so little actual value to most Americans that they don't bother to cast it at all if the weather is bad on election day. And about half of those who qualify to vote don't turn out even when the weather is good.

Americans' personal prosperity, on the other hand, is of great concern to them. So why not support the incumbent when times are good and oppose him when times are bad? All their lives, Americans have heard incumbents take credit when times are prosperous, and challengers blame incumbents when times are bad. Whether they believe this or not, they know their own vote is of insignificant value. So it's quite sensible to cast it on the basis of their own prosperity: if the politicians are right, their vote may help bring prosperity. If the politicians are wrong, they've wasted an asset that is worth almost nothing.

¡Viva Richard Scaife!

Chester Alan Arthur

Apologists for the president have charged that an obscure Pennsylvania zillionaire, Richard Mellon Scaife, has bankrolled an effort by *The American Spectator* to get dirt on President Clinton. According to these reports, Scaife gives the *Spectator* \$600,000 a year, which the *Spectator* uses to investigate the president. This is a terrible thing, Clinton's hirelings moan. Why should anyone be subject to such scrutiny?

I refuse to join this chorus. In fact, I wish that some obscure millionaire would give \$600,000 per year to sic lawyers and

private investigators on every president. If a conservative Republican holds office, he could give the cash to *The Nation* instead of the *Spectator*. Of course, we cannot expect every investigation to strike such a rich vein of corruption as the *Spectator* found in Arkansas. But chances are we'd find out a lot more about the backgrounds of our presidents and quite possibly a lot of them would have to resign. Even if a president is as pure as the driven snow (fat chance!) no real harm would come of such an investigation, and if it distracted him from doing his business (i.e. invading other countries, drafting mischievous legislation, raising taxes), all the better.

As far as I'm concerned, if these charges are true, it doesn't mean that Richard Scaife is some rightwing crackpot conspiring against the president. He is a benefactor to all Americans, a true patriot. Let a million Scaifes bloom!

Talking "Head"

Rex F. May

By the time this sees print, Slick Willy may be deposed, divorced, and desolated, or he may have been declared President for Life and Holy Roman Emperor. But be that as it may, I witnessed something unexpected during the first ten days of Schmuckgate. The talking heads were embarrassed. They were first of all forced by circumstances to discuss the possibility that their idol had feet of clay. That's bad enough, but they were also forced to talk about semen-stained dresses and fellatio *on the air while looking at each other*. They resented it. They were pissed off at Willy for making them do it. Not that all this will make them honest, but it certainly has led many of them to yearn for Al Gore. It's much easier on Eleanor Clift to talk about corrupt Japs than corrupted JAPs.

"Tailgate" and the America-Haters

Richard Kostelanetz

Nothing recently illustrates the decline of America, the sheer trashiness, more than Tailgate, as the scandal-licking American press has come to call it. In late January, it was discovered that a young woman who had worked at the White House had a crush on the president, which is scarcely surprising or objectionable, and may have had some kind of modest sexual relations with him. The "evidence" for this last charge includes copies of books he inscribed to her, such as Walt Whitman's *Leaves of Grass* (which was illiterately portrayed as hetero porn) and her chatty telephone calls to another White House employee known for devious behavior — an aspiring tape-recording book-author beholden to a New York "literary agent" previously close to Richard Nixon. The intellectual status of such second-hand girl-gossip is "hearsay" — no more, no less — especially if the source, the former White House intern, seems boastfully "boy-crazy" and "disturbed," to put it mildly. (It's hearsay to me until I can hear it.) Obviously, if the object of all this innuendo-upon-innuendo was not the President of the United States, nobody would have cared for more than two sec-



SO, EVENTUALLY WE GOT TIRED OF MR. STARR
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Why the Great Depression Lasted So Long • Are you tired of hearing people discourse on how Roosevelt and big government "saved us" from the Depression? Now you can hear brilliant economist **Robert Higgs** debunk this key myth of American statism. Not to be missed! (audio: A213; video: V213)

The Nazification of the Money Supply • **J. Orlin Grabbe** is the author of the standard reference on international financial markets. Here he explains how and why the government has seized control of the banking system — and how you can foil their plans and get your privacy back. (audio: A132; video: V132)

Searching for Liberty Around the World • Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear **Doug Casey**, *Investment Biker* author **Jim Rogers**, international journalist **Bruce Ramsey**, and travelers **Scott Reid** and **Ron Lipp** — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A103; video: V103)

Searching for Liberty in Small Town America • Fed up with the impersonality, rootlessness, and intrusive regulations of the big city, **Bill Bradford**, novelist and critic **Bill Kauffman**, and life-extension scientists **Durk Pearson** & **Sandy Shaw** escaped to small towns across America. Hear their thoughts on the blessings and difficulties of life in small towns from Washington state to Nevada to New York. (audio: A102; video: V102)

How to Write Op-Eds • If you're puzzled as to why your opinions aren't getting published in your local paper, or just want to be able to set down your thoughts accurately and concisely, get this tape from professional journalist **Jane Shaw** on the nuts and bolts of getting your point across. (audio: A136; video: V136)

Libertarianism As If (the Other 99% of) People Mattered • **Loren Lomasky** shows how to communicate effectively with the obstinately anti-freedom population of virtually everywhere. (audio: A204; video: V204)

Do Short-Sighted Corporate Decision-Makers Screw the Future? • Collectivists claim free markets destroy society and the environment, because companies only think on a quarter-to-quarter basis. Economist **Richard Stroup** takes on this charge. (audio: A145; video: V145)

Why Not Hang 'em All? • Everyone's talking about crime and punishment, but few ever take an economist's

approach — or approach the topic without an unrealistic trust in government. **David Friedman** explains the benefits of apparently inefficient punishment, with a historian's eye for how different societies have dealt with criminals in the past. (audio: A149; video: V149)

What Libertarians Can Learn From Environmentalists • Libertarian **Randal O'Toole** has worked with environmentalists for years, observing the strategies of one of this century's most successful political movements. In this fascinating talk, he applies his insights to the battle for freedom. (audio: A152; video: V152)

Has Environmentalism Run Its Course? • The honeymoon is over for green giants like the Sierra Club and the Wilderness Society. But what about the environmental movement as a whole? And are free-market environmentalists getting anywhere? **Fred Smith**, **Randal O'Toole**, **Jane Shaw**, **Rick Stroup** & **R.W. Bradford** debate. (audio: A157; video: V157)

Anarchy via Encryption • The days of the government snoop are numbered. **David Friedman** discusses the practical workings of new privacy technology — and speculates on its long-term consequences, both inspiring and frightening. (audio: A116; video: V116)

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The DEA Wishes Me a Nice Day

by Peter McWilliams

If you've got cancer you can smoke marijuana in California,
but that won't stop your house from being invaded.

On December 17, 1997, I was working in my living room-office on my computer next to a fire — sort of high-tech meets Abe Lincoln. It was not yet dawn, and I had been working most of the night. Leonard Cohen's "Famous Blue Raincoat" begins, "It's four in the morning, the end of December." It's a special time of night and a special time of year. The rest of the world has gone quite mad with Christmas, and I am left alone to get some work done.

A hard pounding on the door accompanied by shouts of "Police! Open Up!" broke the silence, broke my reverie, and nearly broke down the door. I opened the door wearing standard writer's attire, a bathrobe, and was immediately handcuffed. I was taken outside while Drug Enforcement Administration (DEA) agents ran through my house, guns drawn, commando-style. They were looking, I suppose, for the notorious, well-armed, highly trained Medical Marijuana Militia. To the DEA, I am the Godfather of the Medicine Cartel. Finding nothing, they took me back into my home, informed me I was not under arrest, and ordered me — still in handcuffs — to sit down. I was merely being "restrained," I was told, so the DEA could "er.force the search warrant."

However, no search warrant was immediately produced. Over the next hour, one page after another of the warrant was placed on a table nearby. I was never told the reasons a federal judge thought it important enough to override the Fourth Amendment of the Supreme Law of the Land and issue search warrants for my Los Angeles home of eleven years, my new home (two doors away), and the offices of my publishing company, Prelude Press, about a mile away. The reasons, I was told, were in an affidavit "under seal."

In other words, I have no way of determining whether this is a "reasonable" search and seizure. The DEA agents could have written the judge, "We've never seen the inside of a writer's house before and we'd like to have a look. Also, those New York federal judges are very touchy about letting us go into New York publishing houses, so can we also have

a look at Prelude Press here in L.A.?"

Whatever the reason, I was in handcuffs, and the nine DEA agents and at least one IRS Special Agent put on rubber gloves and systematically went through every piece of paper in my house. (Were the rubber gloves because I have AIDS, or are they just careful about leaving fingerprints?)

I should point out, as I promised them I would, that I was never "roughed up." The DEA agents were, at all times, polite, if not overtly friendly. During the three hours of their search, the DEA agents asked me tentative, curious questions about my books, as though we had just met at an autographing party. They admired my artwork, as though they were guests I had invited into my home. They called me by my first name, although I am old enough to be the father of any of them.

A DEA *Special Agent* (not just one of those worker-bee agents) made it a point to tell me that the DEA has a reputation for busting into people's homes, physically abusing them, and destroying property, all in the name of "reasonable search and seizure." This, he reminded me on more than one occasion, was not taking place during this search and seizure. I agreed, and promised to report that fact faithfully. I have now done so.

Patriots

I suppose the DEA considers this a step up, and I suppose I agree, but it was eerie to see bright (for the most part), friendly, young people systematically attempting to destroy my life. I do not use the word "destroy" lightly. DEA agents are trained to fight a war, the War on Drugs, and in that war I am the enemy — a fact I readily admit. The DEA, therefore,

fight me with the only tools it has — going through my home, arresting me, putting me in jail for the rest of my life, asset-forfeiting everything I own, selling it, and using the money to hire more DEA agents to fight the War on Drugs. From these young people's point of view, invading my home is an act of patriotism.

In a DEA agent's mind, because I have spoken out against the War on Drugs, I'm not just an enemy, but a traitor. In 1993, I published *Ain't Nobody's Business If You Do: The Absurdity of Consensual Crimes in Our Free Country*. In this libertarian tome — endorsed by a diverse group including Milton Friedman, Hugh Downs, Archbishop Tutu, and Sting — I explored in some detail the War on Drugs' unconstitutionality, racism, anti-free market basis, deception, wastefulness, destructiveness, and un-winnability. I see it as one of the darkest chapters in American history, and certainly the greatest evil in our country today.

My view is at odds, obviously, with the last line of DEA Administrator Thomas Constantine's 1995 essay, "The Cruel Hoax of Legalization": "Legalizing drugs is not a viable answer or a rational policy; it is surrender." According to Administrator Constantine, I and "many proponents of drug legalization," are "wealthy members of the elite who live in the suburbs and have never seen the damage that drugs and violence have wrought on poor communities, and for whom legalization is an abstract concept." An abstract concept. Like life, liberty, and the pursuit of happiness.

Given my outspoken opposition to the Drug War, I shouldn't be surprised that the DEA wanted to search my home. The Drug War is another Vietnam. Most of the drug warriors know it, and they have no intention of losing this war and becoming the homeless people so many Vietnam veterans have tragically become. Smart drug warriors. So, to

It was eerie to see bright (for the most part), friendly, young people systematically attempting to destroy my life.

the DEA, I'm part of the nation's enemy. And I must admit, by DEA standards, I have been pretty bad.

But when I got sick, I got even worse.

In mid-March 1996 I was diagnosed with both AIDS and cancer. (Beware the Ides of March, indeed.) I had not smoked marijuana or used any other illicit drug for decades prior to this (a decision I now regret). But since 1996 I owe my life to modern medical science and to one ancient herb.

And so I became an outspoken advocate for medical marijuana. In 1996, before the passage of California Proposition 215 (the Medical Marijuana Act), I donated office space to a cannabis club so it could sell marijuana to the sick. I also started the *Medical Marijuana Magazine* on-line in February 1997; testified in favor of medical marijuana before the California Medical Examiners Board and the National Academy of Sciences; and appeared as a medical marijuana advocate in or on numerous media, including CNN, MSNBC, *The Los Angeles Times*, Associated Press, United Press International, CBS Radio Network, and dozens more.

For a sick guy, I've been around. (Actually, I've been

around, and that's how I got to be a sick guy, but that's another story.) Most disturbing to the DEA, I would guess, was my strong criticism of it in a two-page ad I placed in the December 1, 1997, *Daily Variety*. I denounced Administrator Constantine's threat to criminally investigate the creators of *Murphy Brown* for Murphy's fictional use of medical marijuana. Having made comments such as, "The DEA gives the phrase 'ambulance chasing' a whole new meaning," I'm surprised it took the DEA 17 days to find my house — but, then, they are part of the government.

Confiscation

About two weeks before my DEA Christmas visitation, the *Medical Marijuana Magazine* on-line announced it would soon be posting portions of a book on medical marijuana that I've been working on, *A Question of Compassion: An AIDS Cancer Patient Explores Medical Marijuana*. My publishing company announced that books would ship in January. This

Most of the drug warriors know that the Drug War is another Vietnam. And they have no intention of losing this war and becoming the homeless people so many Vietnam veterans have tragically become.

brings us back to my computer and the DEA agents' almost immediate interest in it.

My computer and its backup drives, which the DEA also took, contained my entire creative output — most of it unpublished — for the nearly two years since my diagnosis. My central project has been the above-mentioned book and a filmed documentary with the same title. Being a fair, balanced, objective view of medical marijuana in the United States, the book is scathingly critical of the DEA.

So they took the computer, backup copies of my computer files, and most of my research materials on medical marijuana. William F. Buckley, Jr. said, "That is the equivalent of entering *The New York Times* and walking away with the printing machinery." If I don't get my computer and files back, it will take at least six months additional work to get back to where I was, and redoing creative work is disheartening at best.

Not only am I in shock from having been invaded and seeing my "children" kidnapped (writers have an odd habit of becoming attached to their creative output), but every time I go for something — from a peanut butter cup to a magazine — it's not there. Something is there, but it's not what was there 24 hours earlier. Everything reeks of nine different fragrances — like the men's cologne department at Macy's. My address books were also taken — not copied, taken. As you can imagine, all this is most disorienting, especially for a born-again marijuana addict like me.

How the DEA Works

A few random observations:

- While rummaging through my publishing company, a DEA agent told the publishing staff, "You guys had better

start looking for new jobs. If the DEA doesn't take this place for marijuana, the IRS will. The government will own this place in six months." Such a statement does not just have a chilling effect on a publishing company; it is like putting an iceberg in front of the *Titanic*.

- The DEA took a microcassette tape from the recorder next to my bed. On the tape I had dictated a letter to President Clinton (dictating to President Clinton in bed seemed appropriate), asking him to rise above politics and show his compassion by making medical marijuana available to the sick. I may never get to mail that letter now, but I certainly hope the DEA agent who listens to it will transcribe it and send it to his or her boss's (Constantine) boss's (Reno) boss (Clinton).

- I have precisely three porn magazines in my house, hidden deep away in my sock drawer. (Who has enough socks to fill a whole drawer?) The magazines were removed from their stash and placed on top of random objects before photographing them. A jury, looking at these photographs, would think I have pornography all over the place. Frankly, I don't mind if a jury thinks this, because my view of pornography agrees completely with that of Oscar Levant: "It helps."

- When the DEA agents found a collection of *Playboys* at the offices of Prelude Press (the Playboy Forum is, in fact, one of the best anti-prohibition information sources around), I am told (as I was not there) that three of the male DEA agents spent a great deal of time testosteroneically pawing through and making typically sexist comments about portions of the magazine that have nothing to do with drugs — but that are obviously addictive nonetheless.

- An invasion of nine people into the world of someone with a suppressed immune system is risky at best. DEA agents come into contact with criminals and other DEA agents from all sorts of international places with all sorts of diseases. Some of these diseases don't infect their young federal bodies, but the agents pass them along. I think of certain strains of tuberculosis, deadly to people with AIDS and rampant in certain quarters — quarters where I make it a point not to go, but quarters in which the DEA seems to thrive. Since my diagnosis, I have lived the life of a near hermit, especially during flu season, which is now. Thundering into my sterile home surrounded by the clean air of Laurel Canyon is the equivalent of germ warfare. At least two of the agents were sniffing or coughing. Six of them handled me in some way. I kept flashing back to the U.S. Cavalry passing out smallpox-infested blankets to shivering Native Americans. Have these people no sense of the struggle AIDS sufferers have in fighting even ordinary illnesses, and the lengths some of us go to avoid unnecessary exposure to infection? (Naive American question, huh?)

Prospects

Philosophically, or at least stoically, one could say all this is part of my research into medical marijuana and those who oppose it — especially into those who oppose it. The problem is that I'm not sure what I've learned. Two scenarios surface, each more frightening than the other.

Scenario One: The DEA, angered by my criticism and fearful of more, decided to intimidate me — and to have a free peek at my book in the bargain.

Scenario Two: In July 1997, the DEA invaded the home of a man named Todd McCormick, destroyed his marijuana research plants (one of which had been alive since 1976), took his computer (which had notes for a book he is writing), and has not yet returned it. Perhaps the DEA — caught in a blind, bureaucratic feeding frenzy — is just now, five months later, getting around to investigating my connection as possible financier of Todd's "Medical Marijuana Mansion" or even — gasp! — that I grew some marijuana for myself. This means that in order to justify the arrest of Todd McCormick, a magnificent blunder, they are now coming after me, a magnificent blunder.

Whichever scenario is correct, if the DEA and IRS have their way I may spend the rest of my life in a federal prison, all expenses paid (and deaths from AIDS-related illnesses can be very expensive, indeed). Truth be told, prison doesn't

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Answering the Unanswerable

In his essay "The Cruel Hoax of Legalization," DEA Administrator Thomas Constantine throws down the gauntlet: "Let's ask proponents some of the hard questions that arise from their simplistic proposal." All right, let's.

Here, then, in order, are the withering questions Administrator Constantine dares us, the "legalizers," to answer. I shall venture where wise men have already tread and submit myself to the Administrator's withering scrutiny.

"Would we legalize all drugs — cocaine, heroin, and LSD, as well as marijuana?"

Yes.

"Who could obtain these drugs — only adults?"

As with cigarettes and alcohol, sale would be restricted to adults, but we can't pretend children will have any less access to drugs when they are legal than they do today when they are not. We can hope only that if we tell kids the truth about drugs — all drugs — they will listen when we advise them not to take any drugs, except medicines, until their nervous systems are fully developed. As with driving a car, voting, or not having to learn anymore, some pleasures are reserved for adults. Those young people who do not follow this sound advice will at least have access to the information necessary to distinguish between drugs that are the least harmful (marijuana) and those that are the most harmful (inhaling airplane glue, PCP and, long-term, tobacco) and experiment accordingly.

"Who would distribute these drugs — private companies, doctors or the government?"

Oh, not the government, please. Did you ever try to buy a bottle of good wine in a state where alcohol is sold only in government-run stores? "Red wine is in the cooler over there, white wine is over here, and pink wines are in the middle." So, please, not the government.

Doctors should certainly be able to prescribe whatever medication they think patients need, but most drug use is recreational and educational, not medicinal.

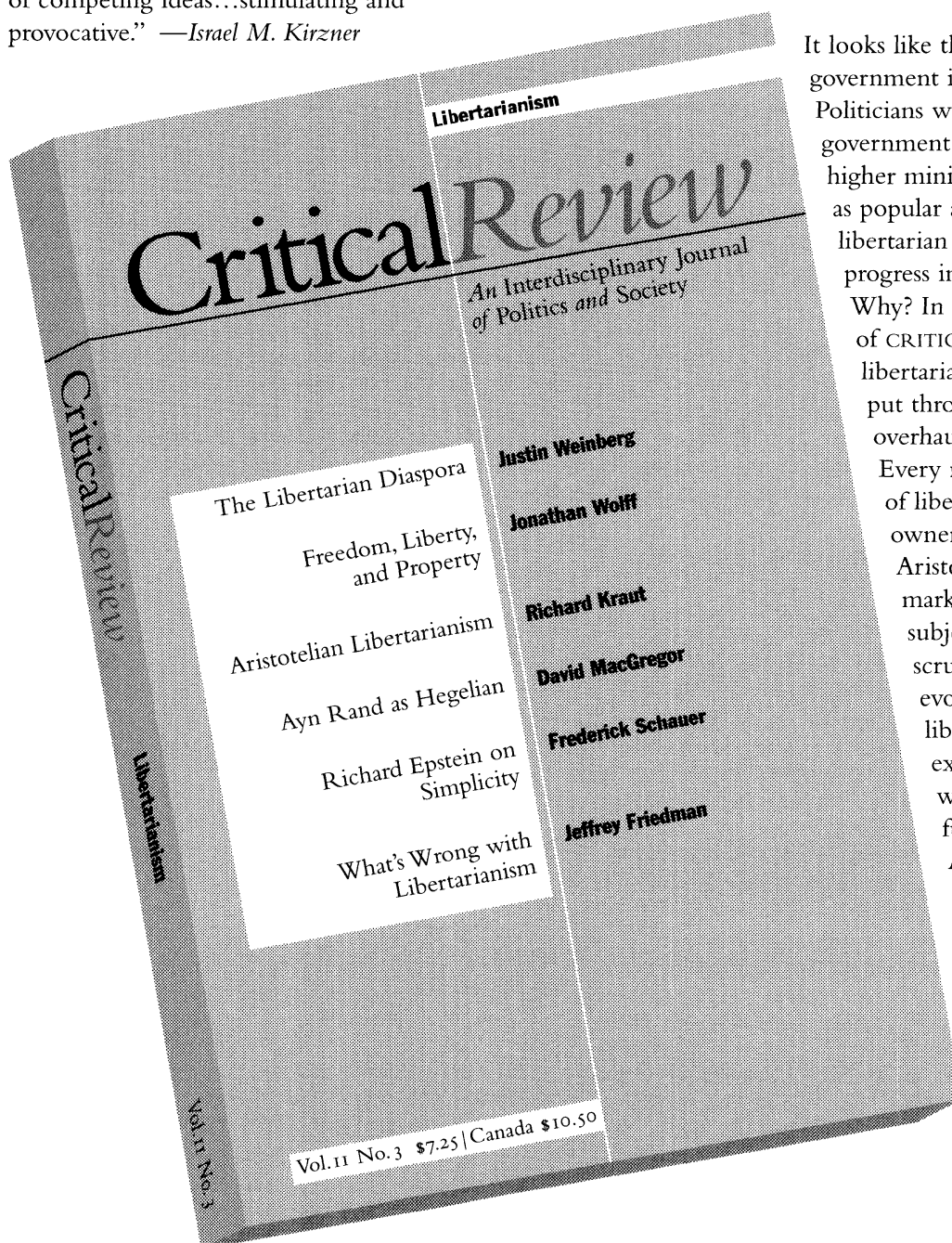
That leaves — hooray! — "private companies." Yes, free enterprise, capitalism, the open market will take care of manufacture and distribution, create new jobs, and remove the criminal element almost overnight. We could expect private

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What's wrong with libertarianism...

...And how to fix it

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It looks like the era of big government isn't over after all. Politicians who favor new government programs and higher minimum wages are as popular as ever. Nor have libertarian ideas made real progress in the universities. Why? In this special issue of *CRITICAL REVIEW*, libertarian philosophy is put through a complete overhaul and tune-up. Every major version of libertarianism—self-ownership, Objectivism, Aristotelianism, and free-market economics—is subjected to rigorous scrutiny, and the evolution of modern libertarianism is examined to see why it has not fulfilled its potential. A must-read for anyone who takes libertarianism seriously. *Also available: a new special issue devoted to F.A. Hayek.*

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particularly frighten me. All I plan to do the rest of my life is create things — write, mostly. I've been everywhere I want to go. It's my time of life for didactic pontificating. It is a phase writers go through immediately preceded by channel surfing and immediately followed by channel surfing. Or hemlock.

If the DEA has seized my computer to silence me, it has failed, as I hope this article illustrates. The DEA's next oppressive move, then, would be to arrest me.

(Some have cautioned me about assassination, which I find difficult to comprehend — but then I thought my book was so safe I didn't even have a backup in a Public Storage locker somewhere. I should, I suppose, state that I am not in any way suicidal about this — or anything else, for that matter. So if I should die before the DEA wakes and they claim my death was a suicide, don't you believe it. I plan to go

about as quietly into that good night as Timothy Leary did. Still, as a naive American, this concern is far from my mind.)

If the DEA intends to come after me as the financier of Todd McCormick's medical marijuana empire, the DEA knows full well I took credit for that immediately after Todd's arrest — which made a lie of the DEA's claim that Todd purchased his "mansion" with "drug money." Yes, I gave him enough money to rent the ugliest house in Bel-Air and, being Todd McCormick, he grew marijuana there. The money I gave him was an advance for a book on cultivating marijuana.

Todd cannot use medical marijuana as a condition of his bail-release. He is drug-tested twice weekly. He cannot go to Amsterdam where he could legally find relief from the pain of cancer. Todd now faces life imprisonment — a ten-year mandatory minimum — and a \$4 million fine, for cultivating

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Questions About Drugs...

firms to compete to provide the safest drugs — as well as the least expensive. Best of all, it won't cost the taxpayers a cent. In fact, the drug companies will even pay taxes. This may not be a comfortable thought to Administrator Constantine — who uses "libertarian" and "open society" as pejoratives, the way Senator McCarthy used "communist" — but capitalism is the economic system we fought a 40-year Cold War to maintain, so why not use it?

"Should the inner city be the central distribution point, or should we have drug supermarkets in Scarsdale, Chevy Chase, and the Main Line?"

What a fascinating plan to rejuvenate the inner cities! Since the War on Drugs turned ghettos into war zones and death traps, why not let the inner cities profit from the influx of entrepreneurial money that is sure to follow legalization? Turn every Enterprise Zone into a Legal Drug Zone. The trouble with this plan, of course, is that it would require a government program, which means things will only get worse.

Enough government meddling. Legalize drugs and let the free market determine where the drug supermarkets will be, just as it determines the location of bars, liquor stores, and pharmacies.

"How much are we willing to pay to address the costs of increased drug use?"

The Administrator just doesn't get it, does he? The costs of "increased drug use" — should there be any increased drug use, and should there be any costs involved with this increased use — would be borne by the individual users, who would no longer be paying outrageously inflated drug prices and who would get to keep the taxes normally collected and wasted on the \$50-billion-a-year War on Drugs.

"How will we deal with the black market that will surely be created to satisfy the need for cheaper, purer drugs?"

No, no, Administrator Constantine, it's called a "free market" — not a "black market." A black market is *what we have now* because you and your Special Agents have driven a much-demanded commodity underground. Legalization will create a free market again, where drugs will be pure, dosages known, strengths uniform, and prices very reasonable, as

determined by the laws of supply and demand. (As Director Constantine is obviously not a reading man, perhaps someone should send him a videotape of Milton Friedman's PBS series *Free to Choose*. Label it "Advanced Drug Intervention Techniques," just to make sure he watches it.)

"And when the legalizers answer all these questions, ask them this: . . ."

Oh, boy, the \$50-billion, 700,000-prisoner question. Give me a moment to compose myself. All right, Administrator Constantine, shoot. No, wait, I mean *give me the question*.

" . . . Can we set up a pilot legalization program on your block?"

Oh, absolutely! I'll make a fortune just selling roadmaps to my neighborhood. In fact, I'll finance the whole endeavor. Give me a government-guaranteed monopoly on legal drug sales for, say, the next five years. Consider it your "pilot program." I'll let you know how it works out.

Alas, it is painfully evident that Administrator Constantine, having spent a lifetime in governmental bureaucracy, simply does not understand there is no need for a "pilot legalization program" — any more than we needed a "pilot let-women-vote program" in 1920 or a "pilot make-alcohol-legal-again program" in 1933. The government needs only to get out of the way and let the free market take it from there.

Thus endeth Administrator Constantine's series of questions no "legalizer" could possibly endure. As none of my answers are in any way new, one must wonder if the Administrator has ever read any of these answers before. In this country alone, they go back to Thomas Jefferson ("A wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement"), didn't miss Lincoln ("A prohibition law strikes a blow at the very principles upon which our government was founded"), and even touched George Bush when William Bennett wasn't around ("You cannot federalize morality").

(I plan to stage Othello someday with George Bush as Othello, William Bennett as Iago, and drugs as Desdemona.)

—Peter McWilliams

Essay

Freedom and Madness

by Thomas S. Szasz

To commit violent and unjust acts, it is not enough for a government to have the will or even the power; the habits, ideas, and passions of the time must lend themselves to their committal.

—Alexis de Tocqueville

Psychiatric slavery — that is, confining individuals in madhouses — began in the seventeenth century, grew in the eighteenth, and became an accepted social custom in the nineteenth century. Because the practice entails depriving individuals innocent of lawbreaking of liberty, it requires appropriate moral and legal justification. The history of psychiatry — especially in its relation to law — is largely the story of changing justifications for psychiatric incarceration. The metamorphosis of one criterion for commitment into another is typically called “psychiatric reform.” It is nothing of the kind. The bottom line of the psychiatric balance sheet is fixed: Individuals deemed insane are incarcerated because they are “mentally ill and dangerous to themselves and/or others.”* For more than forty years, I have maintained that psychiatric reforms are exercises in prettifying plantations. Slavery cannot be reformed, it can only be abolished. So long as the idea of mental illness imparts legitimacy to the exercise of psychiatric power, psychiatric slavery cannot be abolished.

Power is the ability to compel obedience. Its sources are force from above, and dependency from below. By force I mean the legal and/or physical ability to deprive another person of life, liberty, or property. By dependency I mean the desire or need for others as protectors or providers.† “Nature,” observed Samuel Johnson, “has given women so much power that the law has very wisely given them little.”‡ The sexual power (domination) women wield (over men who desire them) is here cleverly contrasted with their legal powerlessness (a subservience imposed on them by men).

To distinguish between coercive and non-coercive means of securing obedience, we must distinguish between force and persuasion, violence and authority. Alfred North Whitehead put it thus: “[T]he intercourse between individuals and between social groups takes one of these two forms, force and persuasion. Commerce is the great example of intercourse by way of persuasion. War, slavery, and govern-

mental compulsion exemplify the reign of force.”² When Voltaire exclaimed, “*Ecrazez l’infame!*” he was using the word *l’infame* to refer to the power of the Church to torture and kill, not to its power to misinform or mislead.

The potency of power as force, symbolized by the gun, rests on the ability to injure or kill the Other; whereas the potency of power as influence rests on the ability to gratify the Other’s desires. The individual who depends on another person for the satisfaction of his needs — or whose needs/desires can be aroused by another — experiences the Other as having power over him. Such is the power of the mother over her infant, of the doctor over his patient, of Circe over Ulysses. In proportion as we master or surmount our desires, we liberate ourselves from this source of domination.

The main source of psychiatric power is coercive domination, exemplified by the imposition of an ostensibly diagnostic or therapeutic intervention on a subject against his will. Its other source is dependency, exemplified by individuals defining themselves as unable to control their own behavior and seeking psychiatric controls. Involuntary psychiatric

* In this essay, I limit myself to a critique of the civil commitment of persons not charged with crimes. I consider the insanity defense and other (ab)uses of coercive psychiatry in several of my other books especially *Law, Liberty, and Psychiatry*; *Psychiatric Justice*; and *Insanity: The Idea and Its Consequences*.

† The spheres of legitimacy for power and dependency, respectively, are defined by law, custom, and tradition.

interventions rest on force, voluntary psychiatric relations on dependency. Equating them is as absurd as equating rape with consensual sex.*³

When a person suffers — from disease, oppression, or want — he naturally seeks the assistance of persons who have the knowledge, skill, or power to help him or on whom he projects such attributes. In ancient times, priests — believed to possess the ability to intercede with gods — were the premier holders of power. For a long time, curing souls, healing bodies, and relieving social-economic difficulties were all regarded as priestly roles, utilizing both coercive and cooperative interventions. Only in the last few centuries have the roles of priest, physician, and politician become differentiated, as Religion, Medicine, and Politics — each institution allotted its “proper” sphere of influence, each

The history of psychiatry the story of changing justifications for psychiatric incarceration. The metamorphosis of one criterion for commitment into another is typically called “psychiatric reform.”

struggling to enlarge its scope and power over the others. Moreover, only in the West has the power of the priest been reduced to the same level as the power of the people, that is, to the opportunity to persuade willing listeners.

The separation of Church and State — that is, withdrawing from religious authorities and organizations the legal authority to use force and denying them funds extracted by force (taxes)[†] — represents a sharp break in the history of mankind. Although paying lip service to an Almighty, the American Constitution is, in effect, a declaration of the principle that only agents of the state can exercise power legitimately, and that the sole source of the government’s legitimacy is the “happiness of the people,” insured by securing “the consent of the governed.” Gradually, other western states have adopted this outlook. The Argentinean poet and novelist Adolfo Bioy Casares satirized the resulting “happiness” thus:

Well then, maybe it would be worth mentioning the three periods of history. When man believed that happiness was dependent upon God, he killed for religious reasons. When man believed that happiness was dependent upon the form of government, he killed for political reasons. After dreams that were too long, true nightmares . . . we arrived at the

* Some psychiatric critics — opposing the use of psychiatric drugs, electric shock treatment, or psychotherapy — advocate the legal prohibition of one or another method or relationship, on the ground that people need the protection of the state from the “exploitation” intrinsic to the practices of psychiatrists and psychotherapists. However, coercive protection from psychiatric treatment is just as patronizing and inimical to dignity-and-liberty as coercive protection from psychiatric illness.

† Many Americans erroneously believe that this condition obtains in all modern democracies. In Britain there is no formal separation of church and state. In Germany and Switzerland, religious bodies receive monies collected by the state.

present period of history. Man woke up, discovered that which he always knew, that happiness is dependent upon health, and began to kill for therapeutic reasons.⁴

Among these therapeutic reasons, the treatment of mental illness occupies a unique place.

We Withhold These Truths

In the modern West, slavery qua slavery is of course as dead as the proverbial dodo. Reviewing a book about Jefferson, Brent Staples declares: “Slavery and the Declaration of Independence can in no way be reconciled. . . . The natural rights section of the Declaration — the most famous words in American history — reflected the belief that personal freedom was guaranteed by God Himself.”⁵

Alas, if only it were that simple. The words “freedom-slavery,” like the words “right-wrong,” are by definition antithetical. Hence, asserting that they cannot be reconciled is a pleonasm. But it is a pleonasm only in principle. In practice it is a temptation — a challenge to people’s ingenuity to reconcile irreconcilables — to which many yearn to yield. All that is needed to accomplish the task is hypocrisy and demagoguery: Would-be dominators can then “discover” that the persons they seek to enslave are child-like, the victims of one or another calamity from which they need to be protected. This formula explains why chattel slavery and the Declaration of Independence could coexist for nearly a century; why racial and gender slavery and the Declaration of Independence could coexist well into the twentieth century; and why psychiatric slavery and the

While most mental patients are now housed in buildings not called “hospitals,” they are still deprived of liberty, typically by court-ordered “outpatient commitment” and “drug treatment,” euphemisms that disguise their true status more effectively than ever.

Declaration of Independence can now coexist in perfect harmony.

Although modern governments repudiate slavery as the grossest violation of “universal human rights,” they continue to exert far-reaching controls over personal conduct, typically justifying coercive paternalism as *the protection of victims from themselves*. Today, the mental patient does not lose his liberty because the state deprives him of it; he loses it because the state declares him to be the beneficiary of a new “constitutional right.” In *O’Connor v. Donaldson*, the justices of the Supreme Court discovered such a new right, heretofore hidden in the Constitution. They declared: “[A] State cannot constitutionally confine [in a mental hospital] *without more* a nondangerous individual . . .”[sic]⁶ Psychiatrists lost no time dubbing this “[something] more” the “mental patient’s right to treatment.” It is important to emphasize that the “treatment” the court had in mind was, by definition, involuntary: It applied *only to involuntary mental patients*.

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plus my book *The Return of Common Sense* (\$14.95, Sunrise Communications). Begin to promote FREEDOM and LIBERTY as effectively and as strongly as you love it. Why not profit from an improved worldview? Why not profit from your love of FREEDOM and LIBERTY? And why not bring more people to an enlightened view of these critically important concepts all at the same time?

Libertarian Eric Szuter has put aside his career in mechanical engineering to found Sunrise Communications, a publishing company dedicated to promoting a better understanding of the science and technologies of human freedom and societal liberty.
(eric.szuter@aol.com)



Many, if not most, of us libertarians, endlessly study and analyze political economy issues down to the last minutia. We watch coercion-based government programs rumble down the runway with four flat tires, huffing and puffing, engines backfiring and leaking oil — we are not surprised that they won't fly — but does this advance us one iota toward greater FREEDOM and LIBERTY? No way!

For a moment, imagine you are back in the year 1900 looking at one of the many airplanes that was not capable of flight. You wouldn't spend a lifetime studying every detail of a machine that is known not to work? You might learn a few important things, but to establish sustained and controlled flight you need to go far beyond that — like the Wright Brothers did!

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Who was Kenneth Donaldson and how did he become entangled with the psychiatric system? Briefly, he was an unemployed and unwanted guest in his father's house. When Donaldson refused to remove himself, his father turned to the psychiatric system to remove him. Thus did Kenneth Donaldson become a "guest" of the psychiatric hospital system, officially called a "patient." Ensnared in his new home, Donaldson refused "treatment": He insisted that he was not mentally ill and claimed he was a Christian Scientist. Notwithstanding the internally contradictory character of Donaldson's subsequent complaint — that his psychiatrists failed to treat his illness — the Supreme Court accepted the case, presumably as an opportunity to reinforce the legitimacy of psychiatric slavery. To be sure, the "complaint" was not really Donaldson's: The real protagonists were his handlers, self-anointed reformers of mental health policy, who fabricated an absurdly hypocritical strategy to advance their own misguided agenda. Donaldson was merely their foil.

Why did the Donaldson case arouse so much professional and popular interest? Partly because it reopened — in the context of the new psychopharmacological treatment of mental illness — the question of what constitutes proper ground for civil commitment; and partly because Donaldson's malpractice suit reached the Supreme Court. Today, the case is an arcanum in the history of psychiatric reform. The issues it raised are, however, of continuing interest and importance.

Although the long-term confinement of mental patients in buildings called "mental hospitals" — as Donaldson had been confined — is no longer fashionable, this does not mean that the uses of coercive psychiatry have diminished. On the contrary. While most mental patients are now housed in buildings *not* called "hospitals," they are still deprived of liberty, typically by court-ordered "outpatient commitment" and "drug treatment," euphemisms that disguise their true status more effectively than ever.⁷ Since the Donaldson ruling, psychiatrists routinely invoke claims such as that patients' "rejection of treatment is itself a symptom of their illness";⁸ that the "cause [of the 'revolving door syndrome'] may be the result of efforts to protect patients' civil rights — sometimes at the cost of their 'treatment rights'";⁹ and that a "180-day outpatient commitment" policy should be widely adopted because a person who "is suffering from a severe mental disorder . . . lacks the capacity to make an informed decision concerning his need for treatment."¹⁰

The importance of the Donaldson ruling lay in the fact that it ratified psychiatry's latest medical and therapeutic pretensions. By recognizing the administration of psychoactive drugs to mental patients as bona fide medical treatment, the Supreme Court once again lent the weight of its authority to literalizing the metaphors of mental illness and mental treatment. In addition, by defining involuntary psychiatric interventions — epitomized by involuntary drugging — as bona fide medical treatments, the court redefined involuntary psychiatric interventions from serving the needs of the

public to serving the needs of the denominated patient.

The catastrophic implications of these ideas have not yet begun to dawn on American lawmakers, much less on the American people. The "new Nero," C. S. Lewis warned, "will approach us with the silky manners of a doctor."¹¹

Today, almost a quarter of a century after the Donaldson decision, the Supreme Court is considering whether a terminally ill patient has a constitutional right to physician-assisted suicide. Never mind that the term "terminally ill" is dangerously elastic; that suicide is illegal, prohibited by the *mental health law* of every one of the fifty states; or that because suicide is illegal, it cannot be "assisted," it can only be "accomplished." These are but minor roadblocks retarding our triumphant march toward the full realization of the Therapeutic State. "Even if the treatment is painful, even if it is life-long, even if it is fatal, that" — mocked Lewis — "will be only a regrettable accident; the intention was purely therapeutic."¹²

Chattel Therapy

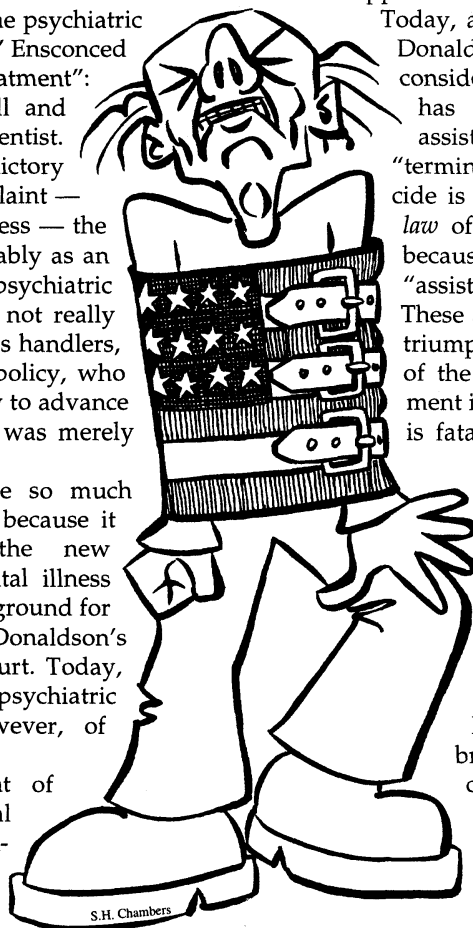
Psychiatric slavery rests on civil commitment and the insanity defense. Each intervention is a paradigm of the perversion of power. If the person called "patient" breaks no law, he has a right to liberty. And if he breaks the law, he ought to be adjudicated and punished in the criminal justice system. It is as simple as that. Nevertheless, so long as conventional wisdom decrees that the mental patient must be protected from himself, that society must be protected from the men-

tal patient, and that both tasks rightfully belong to a psychiatry wielding powers appropriate to the performance of these duties, psychiatric power will remain unreformable.

Some people do threaten society: they commit crimes — that is, acts that deprive others of life, liberty, or property. Society needs protection from such aggressors. What does psychiatry contribute to their management? Civil commitment, inculcating the innocent, and the insanity defense, exculpating the guilty. Both interventions authenticate as "real" the socially useful fictions of mental illness and psychiatric expertise. Both create and confirm the illusion that we are coping wisely and well with vexing social problems, when in fact we are obfuscating and aggravating them. Psychiatric power thus corrupts not only the psychiatrists who wield it and the patients who are subjected to it, but the community that supports it as well. As Orwell's nightmarish vision of *Nineteen Eighty-Four* nears its climax, O'Brien explains the functional anatomy of power to Winston thus:

[N]o one seizes power with the intention of relinquishing it. Power is not a means; it is an end. One does not establish a dictatorship in order to safeguard a revolution; one makes the revolution in order to establish the dictatorship. The object of persecution is persecution. The object of torture is

concluded on page 48



The Temptation of Bill Gates

by Brien Bartels

The Devil who demands to be obeyed offers rewards, too.

For those with a mind for history, the current anti-trust case against Microsoft might recall the contest between Bukharin and the Stalinist prosecutors in Moscow, 1937. Those with a literary bent might imagine ominous parallels with certain scenes in *Atlas Shrugged*. The war on Microsoft appeals to the mythos of the individual versus the state, the Nietzschean idea of the strong shackled by the weak, and the simple dichotomy of Good Businessmen and Evil Regulators. Whether it is perceived as ending in triumph or tragedy, the press releases, books, list servers and conventions of the nation's individualists will be permeated with the pathos of the struggle.

What we admire in Microsoft may turn out to be its greatest weakness. It is the nature of entrepreneurs, like Bill Gates, to put their self-interest first. Government, in its benevolence, puts many temptations before the entrepreneur. The Small Business Administration administers all sorts of loans to . . . well, to small businesses, while loftier departments support commodity prices for agribusiness and provide an array of subsidies for practically everyone else. The government has the power to crush a business's competition through protectionism and regulation. And regulators can entice entrepreneurs to cooperate in the regulation of their industries; this is not always detrimental to them personally or professionally. So, if the trust-busters decide that they must ensure "fairness" and "level playing fields" in the electronic frontier, will Gates struggle on in the free-market path and continue his role in the computer revolution? Or will he lead the personal computer into a Babylonian captivity of regulation and stagnation?

The substance of the match between Microsoft and the Department of Justice is this: In 1994, the Justice's Antitrust division got Microsoft to agree to a consent decree which, among other things, "forbade Microsoft from leveraging its near-monopoly in Windows to benefit its other products," applications like its Excel spreadsheet or Explorer internet

browser. It was an attempt to keep Microsoft from forcing the PC manufacturers who license Windows 95 to carry Microsoft applications and exclude other companies' products. In October 1997, the Justice Department, goaded by Microsoft's competitors Netscape and Sun Microsystems, sought to pin a contempt finding, and a mind-boggling million-dollar-a-day fine, on Microsoft for violating that consent decree. Microsoft triggered this action by bundling its internet browser, Internet Explorer, with Windows 95, and requiring PC manufacturers to display the browser's icon on their product's desktops. A federal judge blocked this practice with a preliminary injunction, but declined to fine the company. In response, Microsoft offered the manufacturers neutered versions of Windows that, quite justifiably, none of them would touch. Microsoft had followed the letter of the injunction, it was said, but not the spirit.

What the government got "was classic Microsoft," wrote Tim Steinert-Threlkeld in *Interactive Week Online*, "a pragmatic settlement that really lets it go on doing what it intended to do all along."

The PC makers preferred to continue licensing the software that had been foisted on them, with the controversial Explorer icon perched happily on the desktop. That, and the fact that Microsoft included the browser software free with the operating system, while chief competitor Netscape charged computer manufacturers for its browser, made Microsoft's "victims" unwilling to change the status quo. Again, the DOJ called for a contempt citation and fine.

So on January 22, Microsoft agreed to cooperate more

fully with the federal judge who holds its fate, agreeing to distribute Windows without an Explorer icon.

On April 21, Microsoft will again stand tall before The Man, this time seeking to reverse the injunction against bundling. The corporation's lawyers, having apologized for their former "disrespectful, belligerent and difficult" attitudes (that is, acting like good capitalist heroes), will try to pave the way for the release of Windows 98, which will include a fully integrated browser. That product is outside the consent decree's purview, but not necessarily immune to government scrutiny.

Picture Microsoft's decision tree for a moment, from the perspective of the now-besieged brain trust. The company seems to have abandoned their aggressive, almost contemptuous defense of their prerogatives. There are two possible

The observers, mostly untutored pundits, who attack Microsoft's "monopoly" point out the mischief that Microsoft might do.

outcomes of a deferential strategy. The judge, charmed by their new respectful attitude, could reverse the injunction. That would incite the anti-trust authorities to take more drastic action. Or the judge, still smarting from the "defamatory" and "trivial" defense gambits of the old Microsoft strategy, could issue a permanent injunction. And then the Microsoft brain trust would perceive that they are more vulnerable to their enemies. Not merely "in the Bull's eye," as Sen. Ted Kennedy said at the Senate hearing Mar. 3, but at ground zero of an anti-monopoly action.

For a clue as to what might be feeding this paranoia, consider the man whom the government retained as a consultant, David Boies. Although he worked for IBM during the computer giant's 13-year prosecution under the Sherman Act, Boies should be remembered for his last star turn for the government. As a partner at Cravath, Swaine, & Moore, he helped the government loot \$1.1 billion in civil penalties from Drexel Burnham Lambert and the other investment banks during the post-Michael Milken pogrom on Wall Street. The firm took \$17 million or so in compensation. Today, Boies is letting himself go at half his \$550 an hour fee. He will lead the government's legal team if litigation is called for. He is just the sort of attorney to hire to send a grim message to a defendant.

Survive!

Countless professional thinkers have commented on the Microsoft will to power, the urge to win and the paranoia that starts in the fevered brain of William Gates III and penetrates, undiminished in intensity, the whole organization. Microsoft's stock value is commensurate with the will of the organization to survive. Faced with huge civil fines, the possible break-up of the company in anti-trust proceedings, possible regulation of the industry if Congress decides to "solve" the problem courts and lawyers won't, and a market position that some advanced thinkers believe it will not occupy much longer, Microsoft faces the temptation to cop a

plea. They could surrender the right to integrate software. Or, in dire straits, they could actually become a midwife for regulation of the computer industry. Microsoft would be reduced to the status of a publicly managed utility, the Windows monopoly intact but managed for the public good. *Götterdämmerung* for Bill Gates, but for his competitors and critics too. That's also pragmatism.

Microsoft would not be the first market leader to be seduced by the Dark Side. Consider the railroads. By the 1880s, two decades of amazing growth and competition had given America the most extensive rail network in the world. But that competition and growth made life precarious for the railroad owners; their fates were like that of Netscape and Sun today: work and invest for years and see your lunch eaten by bigger, better-positioned competitors from above, and nibbled by smaller upstarts from below. When the efforts of Populists, Grangers, farmers and manufacturers managed to get legislation authorizing freight price regulation in the late 1880s, the railroad magnates did not appeal to natural law to defend their right to make an honest profit for the vital transportation services they were providing. They did not try to educate the howling mobs and the magistrates of the positive social consequences of the railroads' consensual activity. They didn't talk about Adam Smith or William Graham Sumner. Instead they acquiesced to the creation of the Interstate Commerce Commission, which set rates for freight where once competition and fragile cartels had pursued equilibrium. And the Interstate Commerce Commission was made up of . . . the railroad men who were to have their predatory profit-seeking instincts beaten into respectful submission. They did not require much convincing to see that their self-interest might be better served by the government's protective hand than by the fickle invisible hand. So the industry's major players insulated themselves from change, and the railroads stagnated. Rates were high, competition low, and entry restricted. And the customers were materially worse off than before the regulation.

Microsoft, with its will to survive, sure of its right not merely to compete but to dominate the market, might extend its pragmatism and cooperativeness to the full regulation and rationalization of the computer software market. Regulation is something that Sun Microsystems's CEO Scott McNealy has said "would be a disaster for everyone." Given a few years to think it over, the Microsoft brain trust might not see why it would be so disastrous.

History, Opportunity, Motive

Surely, the heroic Mr. Gates would not, *could not* be so nefarious as to collaborate with the forces that want to stifle competition and trample the consumer's right of free choice. Let's examine that in an orderly way. Well, why not? The antitrust division's powers provide the opportunity for Microsoft to effect a mammoth reorganization of the computer industry. The motive is survival. What is the suspect's history?

Let's start with the founders of Microsoft. The devotion of Bill Gates and Paul Allen to the pristine market is far from clear. Gates provided both his money and, on one occasion, his commanding telegenic persona (a possible exaggeration) to support initiatives for gun control, and to stop initiatives

for tax limitation and school choice in Washington state.

The evidence against Paul Allen is even more solid. In 1997, Allen sought the help of the public in "saving" the Seattle Seahawks, a football team which he wanted to purchase. To save "our team," it was not only necessary to pay owner Ken Behring to go back to L.A., but to build a new stadium for the team. The new stadium would cost far more than its effect on revenue would justify, so Allen went to the state legislature asking for a gift of a few hundred million dollars to finance it. The legislature obliged, but gave the public the right to stop the huge subsidy by public referendum. The first referendum — held only in King County, whose taxpayers would foot the bill — failed to support the stadium by a substantial margin. The legislature obliged again, this time with a measure to put the tax burden on all Washington taxpayers. Allen financed a lavish advertising campaign, and the measure survived the referendum.

The personal decisions of the two founders of Microsoft seem to suggest that they find little problem with cooperating with the agents of coercion, if it serves a positive end. But that's an opinion that they share with 80 percent of the private citizens of the United States. What about Microsoft's strategy for survival in a state-run world?

Microsoft had no significant presence in Washington, D.C., until its run-in with the DOJ in 1994. Since then, it opened a virtual subsidiary on the banks of the Potomac. A move of self-defense, obviously, excusable on the ground that the government aggressed upon them and may again. And the entire industry has become more active. Congresspeople used to complain about the paucity of contributions from high-tech firms. Maybe their complaints registered. Political donations increased 52 percent between 1992 and 1996.

But Microsoft became quite proactive after that. In fact, their subsidiary became a profit center.

As always, Microsoft hired from the honor roll. Among other, lesser names, Microsoft retained Grover Norquist, chief of Americans for Tax Reform, to influence the Republican majority in Congress. There is a type of code that

The urge to win and paranoia starts in the fevered brain of William Gates III and penetrates, undiminished in intensity, the whole organization.

he was expert in writing that not even the geniuses at Microsoft could hack: tax code. Norquist was one of many lobbyists who helped install the Software Export Equity Act into Tax Bill 97 via an interface with the House Ways and Means committee — a move that will save Microsoft hundreds of millions over the next ten years. Since then, Norquist has used his influence with Republicans to prevent restrictions on immigration that might harm Microsoft's ability to hire talent from overseas, and to educate lawmakers on the software encryption front. This last might be construed as concern for the privacy of Americans, but was played in Washington as a move to preserve the competitiveness of software products Made in the U.S.A. By one accounting,

Microsoft spent \$1.1 million on lobbying in 1996, an investment they surely mean to recoup.

So. We know that Microsoft is capable of collaboration. They have the history. They have the opportunity. But why should Microsoft play the game with the regulators when they hold all the cards in the free market? What about the monopoly on the operating system?

Monopoly Myths

The monopoly on the operating system that Microsoft "forces" everyone to use originates in the license agreement between the company and IBM in 1981. It created a standard for the industry, an open architecture in which the corporate clients of the first PCs could add a mix of software that was suited to their unique operations. Microsoft DOS and later

Bill Gates provided both his money and his commanding telegenic persona (a possible exaggeration) to support gun control and to fight tax limitation and school choice in Washington state.

Microsoft Windows became the *lingua franca* for the commercial world's computer revolution. It was not a pure monopoly. IBM and other companies introduced competing operating systems; and Apple's Macintosh operating system continued to hold a significant market share.

Some economists pointed out that the Microsoft standard was a benign monopoly, since it increased opportunity for smaller companies to make applications for the existing operating system architecture. As Gates himself pointed out, the open architecture allowed myriad other producers to invest in and innovate on the IBM/Microsoft system, resulting in much more investment than the hardware and software giants could have devoted by themselves. And innovation flourished.

The revenue from operating system sales amounts to only small part of total software sales. The rest of the industry's cash flow comes from applications, and some of Microsoft's applications have fallen flat. Oracle was able to steal market share in the database segment. Microsoft's product line for the Macintosh was viewed by Mac users as evidence of actual malfeasance. A recent review of improved Microsoft Office for Macintosh software was headlined "Microsoft repents!" (*MacWorld*, February 1998) The reviewer's take was that the Microsoft engineers who wrote the original version did not actually study the Mac environment, an inept way to conquer a new market.

And despite the hype about Microsoft tactics in the browser war, as of the end of 1997, Netscape Navigator still held a larger market share. And the proprietary browser of internet service provider America On-Line has the largest market share of all. Meanwhile, IBM has recovered from its funk to become, in Gates's opinion, Microsoft's most powerful competitor. Although IBM is perfectly happy to install and service Windows NT networks, its Lotus Notes, a

collaborative software for communicating on local networks, is ahead of Microsoft Exchange. And IBM is investing heavily in Java, the language developed by Sun Microsystems that supposedly has Bill's boxers in a bunch.

The observers, mostly untutored pundits, who attack Microsoft's "monopoly" point out the mischief that Microsoft *might* do, such as unilaterally changing its operating system to shut out the small software producers. Or they quail about the one thing they think they know about monopolists: monopolists jack up prices and "force" people to buy. The Windows licensing agreement has an aspect of this in its mandatory nature, but where is the monopoly pricing? *Gates was giving his browser software away.* And in general software prices have fallen constantly despite his "monopoly."

The Economics 101 answer is that monopolies fail, either due to changes in the competitive environment or due to technological breakthroughs. To say that Microsoft's "monopoly" on operating systems may fall is not to say that suddenly, consumers and PC manufacturers are going to demand more of O/S 2 Warp. The threat, as described in

Microsoft's own internal communications, is Java.

Java'ed to Death

According to a Microsoft memorandum, Java could be the key to "a virtual operating system. Windows will become devalued, replaceable." Java could be the new *lingua cyberia* that destroys that necessity for the One Big Operating System. There might not be a pressing need for an industry standard. And that would dissolve Microsoft dominance.

Today, Microsoft and most other industry leaders downplay the utility of Java-flavored network computers that IBM and Sun are investing in. Possibly, it is a similar mind set that caused IBM to stick to production of mainframes while the Bill Gates's and the Andy Groves's of the 1970s saw that microprocessors and PCs would mean the end of the mainframe era.

But those external threats are limited. As the critics of Microsoft and the critics of Gates point out, all of them could be co-opted, bought out, or made irrelevant by Microsoft's anticipated countermeasures.

A First Amendment Issue, Not a Mere Antitrust Case

Microsoft is now in a legal battle with the United States Federal Trade Commission (FTC) and the U.S. Justice Department (not a very accurate name) over whether the company is engaging in anti-competitive practices and attempting to monopolize the Internet browser software market by bundling its Internet Explorer browser with its Windows operating system. Microsoft is in an administrative law court in which the Federal Trade Commission is judge, jury, and executioner.

But the Microsoft case is being tried under the wrong law. This is a First Amendment issue in which the Constitution, the law, and the facts are strongly on Microsoft's side, and the case should therefore be in the Federal District Court of Washington, D.C. on First Amendment issues and on its way to the U.S. Supreme Court, not in an FTC administrative law court. The FTC cannot alienate First Amendment rights with a consent decree!

Microsoft no doubt has exceptionally talented anti-trust lawyers who are earning their fees. Unfortunately, these lawyers are unlikely to have sufficient expertise in First Amendment jurisprudence to realize that it places very stringent restrictions on how the FTC can limit the actions of someone who is giving away cyberspace newspapers and printing presses — often called web browsers.

It is extremely important that Microsoft begin fighting with the right legal defense: their browser — the cyberspace equivalent of a newspaper — is both speech and press protected by the First Amendment. It is particularly important because the real reason the federal government is pursuing this issue is not really because of a supposed anticompetitive effect of Microsoft's Internet browser; it is because the feds want a consent decree that will allow them to block Microsoft's announced plans to integrate strong public key encryption into Windows 98, its integrated operating system/browser. The federal government will fight tooth and

nailed to prevent the spread of strong encryption and, therefore, real privacy and untaxable commerce in cyberspace. (The fact that an internet columnist broke the Monica Lewinsky story might be another reason why the Administration would like to gain some control over the Net.) This FTC investigation, harassment, and lawsuit may also have something to do with generous fundraising activities for Democratic National Committee by certain of Microsoft's competitors. Perhaps this suit is also intended as a message that you, too, should donate a few million dollars to Al Gore and the Democratic National Committee in 1998.

Is a Browser a Newspaper?

The editor of a newspaper decides what information he wants and tells his reporters to go out, search for it, and bring it back in written and graphic form. A person using a browser is doing the same thing. The editor then searches through the reports for the information he wants, edits it, and displays it on a glass screen or prints it on paper. Again, a browser does the same thing. The editor — the browser user — may want to publish it on the Net, which he can do with the browser by transmitting the information via electronic mail. Your free Internet Explorer and the Net allow everyone to publish information for the whole world and at vastly lower cost than any hundred-ton cast iron printing press ever built. As Judge Dalzell of the Washington, D.C. District Court concluded, in declaring the "indecent communications" section of the Communication Decency Act of 1996 unconstitutional, that the Internet — as "the most participatory form of mass speech yet developed," is entitled to "the highest protection from governmental intrusion." The U.S. Supreme Court included this quote of Judge Dalzell's in upholding the decision of the three-judge panel by 9-0. (*Reno et al. v. ACLU et al.*, U.S. Supreme Court, 96-511, decided June 26, 1997.)

Microsoft's Internet Explorer is not a spreadsheet, not a

A more oblique but more dangerous threat materialized recently at a different federal court, overshadowed by the anti-trust case. The U.S. Supreme Court refused to review a Ninth Circuit court decision against Microsoft in the case of *Microsoft v. Vizcaino*. Microsoft was attempting to uphold a contract clause under which freelance employees would give up the right to purchase stock. When the IRS ruled the freelancers weren't freelancers at all, the quasi-contractors immediately sued for the right to Microsoft employee stock benefits. At stake was not merely a measly few shares of discounted stock. The real risk was that Microsoft would ruin its reputation as a good place to work, and thus its attractiveness to the pool of genius coders. The Microsoft mystique, and the Microsoft compensation plan, is, as one observer put it, "its single biggest competitive advantage."

Microsoft Tempted by the Devil

Sooner or later, Bill Gates's empire will totter, either because of an error in judging the competition, or because of Microsoft's loss of vitality. At that point, the temptations offered by government's privileges and protections will be most keenly felt.

"mere item of commerce" which can be regulated in interstate commerce under the Constitution's Commerce Clause. It is speech. It is the press. It is peaceable assembly. And as the First Amendment says, "congress shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble . . ."

The Justice Department is likely to argue that the less stringent "commercial speech doctrine" standards of court review of the government's regulatory powers apply (See *Rubin v. Coors Brewing Co.*, U.S. Supreme Court (1995) and *Liquormart, Inc. v. Rhode Island*, U.S. Supreme Court (1996)), but since millions of browser users are not just engaging in interstate commerce, but are indeed engaging in political speech (perhaps to the displeasure of some in the federal government), you should argue that the most protective political speech standards apply. The feds have no Constitutional authority to stop you from giving away newspapers and printing presses. In fact, the First Amendment prohibits such interference.

There is a lot more at stake in the Microsoft case than you're hearing from the FTC, the Justice Department, the media, and even from Microsoft's lawyers: *everyone's* freedom of speech (not just Bill Gates's and Microsoft's) is at risk.

The first step to protect both your freedom and ours is to file for a stay in the Federal District Court for the District of Columbia to hold the antitrust issues until the First Amendment issues are decided — an argument that is likely to go all the way to the U. S. Supreme Court, but will be very well worth your time, effort, and money in the long run. Perhaps a century from now, Bill Gates will be remembered as the man who saved freedom in cyberspace with a landmark First Amendment decision in the year 2000, rather than as the systems programmer who wrote MS-DOS back in the early '80s and became a billionaire.

—Durk Pearson & Sandy Shaw

The disaster that Sun's McNealy speaks of, regulation, is not yet an explicit threat. But even the worst case scenario, a commission charged with setting standards and prices to ensure level playing fields, has enough potential beneficiaries to make to politically attractive. For the politicians who currently hold the anti-trust division's chains, software industry regulation is a bold initiative at a time when the marginal cost of new programs is high in terms of political capital. The public might initially perceive the stabilization of the industry

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the way they initially perceived health care reform: a simple way to achieve fairness while lowering costs to the consumer. And besides that, the slowing of innovation under regulation might be attractive to Americans tired of buying upgraded software every six months. For the "capitalist robber barons," regulation offers the chance to leave their "dirty" commercial enterprises and enter the pristine realm of public service as advisors and experts. Innovation will become, in part, contingent on politics. Investment in new and better computing systems would likely grind to a snail's pace, perhaps even a halt, since the "official" operating system, Windows, licensed by the software commission, must continue as the standard. From this beginning point it is but a short step to midnight raids by armed enforcers searching for unlicensed software.

This is not a scenario that today's neo-liberals in the DOJ like to talk about. Instead they stick with platitudes of level playing fields and the encouragement of innovation. Anti-trust chief Joel Klein has composed whole rhapsodies on these themes; read his quotes in the papers every time his team tightens the screws on Microsoft. They are selling the "benefits" of regulation. But protection and privilege result from the most timid injunctions and the most Stalinist nightmares. And that is the temptation that blurs the line we'd like to maintain between our Good Businessmen and Evil Regulators.

When the government remains in its proper bounds, leaving the consumers and producers free to achieve their objectives by the customs of the markets, innovation is "encouraged" by the desire of entrepreneurs to succeed. That desire, sometimes called greed, sometimes feared because of its power, has constantly uplifted society. For thousands of years people have lived by that desire to improve their circumstances through success in commerce. Adam Smith observed it. Hayek and Mises dignified it. Generations of entrepreneurs, beginning with the International Business Machines and continuing with Sun and Oracle and Microsoft today, have proven its efficacy with the computer revolution.

Will Bill Gates eschew further collaboration, even if it means more harassment? Even with the knowledge that what he has worked to build may be swept away by the tempestuous market? It is a finely balanced contest. □

The Empire Strikes Out

by Alan W. Bock

Global cop? Sole remaining super-power? No, *empire*.

Now that the cold war is over and the era of the “sole superpower” struggles to be born, it is possible to talk about empire without having the discussion dominated by Leninist understandings and shibboleths. More people have less interest than in times’ past in concealing the fact that America is an empire; they are now apt even to debate the pros and cons of maintaining or expanding it.

It is hardly novel, of course, for various paleos, conservative and libertarian, to bewail the growth of an American empire and to call it by its proper name. But to find frank discussion of an American empire in places closer to the belly of the beast is refreshing and, I hope, a harbinger of things to come. Last summer *The National Interest*, published by Irving Kristol and edited by the former Australian diplomat Owen Harries, printed a fascinating piece by James Kurth, who teaches political science at Swarthmore and is associated with the American Enterprise Institute, called “The Adolescent Empire.” The reference was to the American empire in its current manifestation, and what Mr. Kurth viewed as its dim prospects for continuing domination.

Drawing on European perceptions, which have always viewed the United States more as an imperial power than as the idealistic republic we naive Yanks prefer to see, he compared the American version of empire to past recent empires in terms of “the empire’s particular vision of politics, economics, culture, and ultimately of such fundamentals as human nature and the meaning of life itself. These together comprise its imperial idea.” Thus the Hapsburg Empire was built around a Roman Catholic vision, the British Empire around a Protestant and commercial ideal, the French Empire around the ideal of the Rational Nation-State, and so forth.

Key to Kurth’s imperial morphology was the “ideal human type” each empire promoted and valued. The Hapsburg’s ideal honored experience and mature judgment, found in men-of-the-world in their fifties. The British valued

the mature soldier and civil administrator in his forties. The French thought the rational ideals needed to rule others wisely could be acquired more through education than experience, thus treasured people of action in their thirties. The Nazis and Soviets valued courage, strength and loyalty amounting to blind obedience, typically found in twenty-somethings.

The modern American empire that grew during and after World War II, Kurth says, was founded by unusually mature and experienced Europhiles — the Marshall-Acheson-Kennan “wise men” who were “present at the creation,” and flexed America’s hegemonic muscles during a period when Europe was also run by mature conservatives like Adenauer, Churchill and DeGaulle. In its present manifestation, however, “while the peace component based upon military protection is becoming more ambiguous and the prosperity component based upon open economies is becoming more dubious, the ‘soft power’ component of popular entertainment based upon global media is becoming more pervasive.” And American culture’s ideal type is the popular entertainer or sports star. “In short, the ideal human type of the American imperial idea is the adolescent.” And “in the end — in its erratics, its entertainments, and its emptiness — an adolescent empire will be no empire at all.”

He didn’t go so far as to note the appropriateness of the Adolescent Empire being presided by the Perpetual-Adolescent-in-Chief, but I don’t mind.

The neo-imperialists (they’ve been neo-everything-else, so why not?) at the *Weekly Standard* found all this alarming

enough to devote a recent article to the dread phenomenon of resurgent isolationism on the right, citing Kurth along with the Buchananites for insufficient zeal for the world-cleansing reformist potential of a Sole Remaining Superpower in the right guiding hands — or even in bedraggled Clintonian hands so long as the right people are viewed as real players in the imperial city.

And, in a sense the *Weekly Standard*'s fears were not groundless: budding oppositionist heresies from quarters both predictable and surprising botched the build-up to Bill and Al's Excellent Adventure in what could have been a splendid little make-believe war against the Evil Saddam.

At first it seemed that only foreigners opposed the idea of a first strike against the Saddam, but that foreign opposition seems to have legitimized latent questions among Americans. And, sure enough, the first time lieutenants of the imperial expeditionary force, Madeline Albright, William Cohen, and Sandy Berger, placed themselves in contact with some actual American citizens — at a "Town Meeting" staged in Columbus, Ohio, for CNN — they were hooted off the stage.

Even more damaging than the delightfully noisome hecklers were the reasonably searching and informed questions asked by more outwardly polite members of the audience — much better questions, not so incidentally, than are asked by media professionals at most Washington news conferences — to which the top national security officials in the government had no coherent answers. Indeed, the meandering babble of the Curly-Moe-Larry troika in Columbus did more to undermine the usual unquestioning support by Americans for a president's foreign designs than either the hecklers or Boris Yeltsin. The erosion of what had been expected to be automatic support was more important in the decision to accept the results of U.N. Secretary General Kofi Annan's mission to the Beast of Baghdad than anything contained in the meaningless piece of paper he brought back.

Does this nascent popular opposition to lofting bombers over Baghdad indicate a widespread recognition of and opposition to the imperial ambitions of our titular leaders? Probably not. At least as many of the doubters in Columbus — and elsewhere if my unscientific soundings mean anything — were probably of the Saddam-needs-his-butt-kicked-but-Clinton-ain't-the-guy-to-do-it school as of the it's-none-of-our-business school. But even hawks of that brand will not provide a reliable constituency for future imperial adventures. The American desire for quick, decisive military encounters rather than long struggles, the almost universal demand that an "exit strategy" be in place before a commitment is made, have been noted often enough to sound clichéd, but this cliché seems to hold some truth.

The truth is that most Americans outside a relatively tight circle of foreign-policy professionals (and academics who study them and media that cover them) have no desire at all for this country to be an imperial power. We can get whipped up over thugs like Saddam or by media coverage of famine or civil war for a while, but most Americans are much less eager to try to fix all those problems than are our sole-superpower deep thinkers. Furthermore, most Americans have little confidence that those running foreign policy institutions have the knowledge, expertise or compe-

tence to fix those problems even if they had the resources they think they need. Whether this arises from legendary American insularity and self-absorption or from a sophisticated understanding of just how deep and particular are the roots of many of the world's conflicts, how unlikely they are to yield to well-meaning but bumbling outside intervention, there's a solid if not always self-conscious bias against American imperialism.

Indeed, the builders of the American empire studiously avoided that word, as aware as the next person of the

Most Americans outside a relatively tight circle of foreign-policy professionals (and academics who study them and media that cover them) have no desire at all for this country to be an imperial power.

country's roots in rebellion against empire and devotion to some variant of the founding myths of individualism and democratic zeal. Woodrow Wilson built the foundations of empire on a rhetoric of anti-colonialism, FDR expanded it through a crusade against fascism, and the cold warriors expanded it further on the need to cooperate to contain the historically unprecedented threat of communist imperialism. With that threat removed, today's imperial advocates have to speak in the language of spreading the blessings of democracy and free markets, crusading for universal political and spiritual values and protecting the innocent victims.

As the emotional dust from February's drumbeat for war clears, however, more Americans may find time to grapple with a disturbing fact that marks the proposed bombing of Baghdad as a quintessentially imperial enterprise. At no time during the propaganda build-up did anybody wonder very publicly if there shouldn't be at least a pretext other than defiance of U.N. inspectors, so it could at least be billed as a response to aggression. George Bush's Iraq adventure followed an actual Iraqi invasion of a neighboring country. The anticipated Clintonite bombing would have been a clear case of unprovoked — except in the most abstract of senses — aggression by the United States of America, the land of the free.

Administration spinmeisters didn't even bother to try to make a case or construct a scenario in which the American bombing could be viewed as an essentially defensive response to aggressive behavior. Saddam displeased us by defying the U.N. (never mind that the U.N. itself wasn't particularly upset), and the sole remaining superpower has certain responsibilities and prerogatives in the world it dominates. That includes, apparently, first strikes or unprovoked aggression against countries we find unsettling or annoying.

Now those who have fancied themselves our masters have more than once eagerly desired to get the United States involved in war and have maneuvered shamelessly to make it happen. Until now, however, they have had the decency, the respect for the ideals and myths the country cherishes about itself, to arrange for the wars to be initiated or

expanded by some aggressive act by another country, even a phony one like Tonkin Gulf in Vietnam. Until now, Americans have preferred to believe they only responded to aggression, that they weren't the type of country to initiate it.

An idealistic protector of recognized national rights and sovereignty might not initiate aggression, but an imperial power that believed it had a mission to protect stability and put down disturbances might well consider the kind of punitive strike the compassionate Clintonites had in mind for Iraq.

If this way of viewing the incident gains credence, more

Americans might be pushed to consider whether they really want their country to be the policeman, or even the sheriff (presumably a more limited role) of the world on the taxpayers' dime. An increasing acknowledgment that the United States has become an imperial power, despite our history and ideals, could cause more Americans to consider foreign policy issues in the context of imperial ambition or overstretch rather than viewing them as ad hoc, isolated crises. If they do, perhaps Americans will find ways to let their leaders know that they want no part of being an empire or running the world. □

Reflections, continued from page 18

Julian saw his work and (may I suggest) the work of Heritage, Cato, *Liberty*, *Reason*, CEI, and the other voices for economic and individual liberty, as the instruments to bring about those institutional changes, those critical reforms which would further liberate the human spirit. Mankind — Julian Simon's *ultimate resource* — would create and develop the institutions of freedom necessary to liberate more and more of man's creative powers, allowing more and more of us to contribute more to a more prosperous and fulfilling future, to enjoy even more the full rapture of life. Each of us would play a part in that liberating effort — and that would ensure Julian's "beautiful resource future."

Julian's work is a strong argument in favor of this thesis. He did not survive to the end of this war. His ideas have not yet prevailed against the Doomsday Class. Others have to continue this battle. But Julian did it first and he did it most completely. His work will continue to influence this debate and it will ultimately prevail.

Still, he will be missed profoundly. The minority of intellectuals who speak for the individual is much weaker in his absence. —FLS

Mancur Olson and Yale Brozen, R.I.P. —

Two other individuals, both academics, both challenging elements of the modern statist ideology, died in the last few days — Mancur Olson and Yale Brozen. Olson was an honest scholar whose works — *The Logic of Collective Action* and *The Rise and Decline of Nations* — contributed to a better understanding of the potential of a world of spontaneous order and the threats to that order.

The Logic of Collective Action addressed the logical paradox spun by the Chicago school economists — public goods, it was asserted, would not be produced adequately because each person would benefit whether or not they themselves had contributed to the production of that good and therefore all would be free riders. Yet, Olson observed, the world was well populated with charity groups, trade associations, environmental and old age groups that shouldn't exist, according to Chicago theory. How could this be? Olson's explanation was that such organizations combined private and public goods in packages — the American Association of Retired Persons, for example, would offer older people lower insurance or travel rates (a private good) but then use the profits from that transaction to advance the specific policy agenda believed right by the AARP leadership, a public good (or bad). This explanation undoubtedly accounts for much of the

vibrancy of many public interest and trade groups. But not all. The private value of the CEI newsletter or the Cato benefactor summit seem too low to justify existing levels of support for classical liberal efforts. Like most economists, Olson placed too little weight on ideology, on the theological value of public interest organizations. Still, this work did act as a nice empirical antidote to the belief that any market failure argument justified an expanding government.

The Rise and Decline of Nations focused on the tendency of the political process to be captured by special interest groups, parasitic forces that weaken society. This broad public choice criticism of western democracies made major inroads into the academic world, weakening statism, the dominant secular religion.

For my tastes, Olson was too eager for intellectual approval to ever break ranks with the intellectual establishment. He liked to think he was a real scientist and he was uncomfortable with arguments that economists might be driven by ideology (by religious beliefs in effect) just like other interest groups. Unlike Julian Simon, Olson also constantly sought recognition from mainstream economists (and often succeeded, although his greatest successes were probably with other disciplines). Like many closet libertarians, Olson viewed recognition from fellow intellectuals as important validation, as evidence that his views were respected. Julian Simon's standard was truth — a harder metric, but one that I find more agreeable. Even so, Olson was one of the few in the academy to question even tentatively the pessimistic forces dominant today.

Yale Brozen, a leading Chicago school economist, worked most deeply in the field of antitrust regulation. It was his work *Concentration, Mergers and Public Policy* that took the libertarian critiques of antitrust into the academic mainstream. Antitrust policy *almost* always (he was still in the academy, we should note) involves an effort by some business firm to suppress his more consumer-friendly competitor. Brozen's work, along with Robert Bork's *The Antitrust Paradox*, did much to temper and seemingly de-fang this most anti-competitive interventionist policy. The recent rebirth of antitrust, in the form of assaults on Microsoft, Lockheed, MCI and others, indicates just how great is the need for more such scholars. Intellectual wars are never won — the battle lines merely move forward or back. Brozen played a key role in seeing that for a while, economic freedom advanced on one front. It was a worthwhile accomplishment. —FLS

How the EPA Says It Makes Us Rich

by Ben Bolch & Bradford Pendley

The strange alchemy of environmentalism turns losses
into profits, red ink into black, and lead into gold.

In an attempt to justify the Clean Air Act and its amendments, the EPA has released what may be its most ludicrous piece of self-aggrandizement to date: "The Benefits and Costs of the Clean Air Act." Among other findings, this study asserts that "[t]he total monetized benefits of the Clean Air Act realized during the period from 1970 to 1990 range from 5.6 to 49.4 trillion dollars, with a central estimate of 22.2 trillion. By comparison, the value of the direct compliance expenditures over the same period equals approximately 0.5 trillion dollars." When we recall that the people of the United States spent less than \$4 trillion on personal consumption expenditures in 1990, this estimate that the Clean Air Act alone could command a net value of more than a decade of 1990 consumption makes one wonder why we bothered to work at all — more environmental regulation could have made us all richer yet.

Who is responsible for these great benefits? The EPA begins its explanation with a self-serving whopper: there would have been no progress in pollution abatement without the Clean Air Act. Indeed, things would have gotten so bad that 60 metropolitan areas would have had total suspended particulate matter higher than Moscow's. Doomsday predictions such as these are the stock and trade of the EPA, which is happy to ignore such minor matters as the entire history of energy production, where markets moved (without the EPA) away from dirty and unsafe fuels toward clean and safe ones (wood to coal to natural gas). It gives no credit to the massive and continuing cleanup efforts of industry prior to the Act, to progress which preceded the Clean Air Act in states such as California, and to contributions by local governments and non-profit organizations. As usual we are told that our gratitude for this largess should go to the Federal Government.

And what are the benefits? Here the study notes that the two greatest benefits of the Clean Air Act are in the areas of lead removal and the reduction of particulate matter (soot).

In both cases the study assumes a direct causal relationship between soot and morbidity/mortality. Yet for fine particulate matter, the study admits that 19 of 21 members of EPA's own Scientific Advisory Committee believe that no causal mechanism has ever clearly been established. Furthermore, although numerous epidemiological studies have investigated whether a link between particulate matter exposure and mortality exists, the entire particulate matter mortality analysis is based on a single 1995 study by Pope, *et al.*

In the area of lead removal, the twists, turns and statistical sophistry leave one reeling. There is a causal path alleged to have been identified that winds its way from lead emissions (mostly from automobiles) to IQ reduction, to a reduction in lifetime earnings and to increased education costs. As in the rest of this study, statistically significant and insignificant results are mixed together with great nonchalance and with *ad hoc* justifications that would make a sophomore statistics student blush. At long last, after slugging one's way through a statistical swamp where estimates of one study are plugged into another, we are told that the loss of a single point of IQ is worth \$3,000. Presumably, if everyone in the United States lost one point of IQ (a reduction well below the error of measurement of that number) we would amass a large stack of IQ some 270 million units high and worth \$810 billion.

And who receives these benefits? The EPA's assumptions here are laughable. Let us grant for the sake of argument that soot reduction extends life. Whose life? It turns out that the

clearest evidence is that the greatest impact is on the elderly and the sick whose life expectancy has already been shortened from causes unrelated to soot. Should we not adjust the benefits of soot reduction by use of a life-years-lost calculation in order to account for these and other age-related matters? No, says the EPA, it would be tantamount to suggesting discrimination against the old and the sick. Instead, the EPA uses what it calls the "value of a statistical life." Consider the EPA's explanation of this novel calculation:

... [S]uppose that a given reduction of pollution confers on each exposed individual a decrease in mortal risk of 1/100,000. Then among 100,000 such individuals, one fewer individual can be expected to die prematurely. If each individual's WTP [willingness to pay] for that risk reduction is \$50, then the implied value of a statistical premature death avoided is $\$50 \times 100,000 = \5 million.

But how is one to know whether one falls into the exposed group? Convincing the prospective customer that he is at hazard is the hardest sell of all for the casualty insurance agent. And for how long will the decrease in risk last if one pays \$50 — one minute, one day, fifty years? And what does willingness to pay mean? Does it mean that one actually pays this sum, or that one only indicates a willingness to pay this sum? It turns out that the EPA means the latter. But there is a difference, you know — it's called the market test.

This study is so bad that peer review approval was with-

held by other Clinton Administration agencies. According to the EPA, these agencies objected to (1) the assumed event to which air would have deteriorated in the absence of the Act, (2) the methods used to estimate premature death, (3) the methods used to value health risks, (4) the methods used to value non-health related risks. In short, like us, these other agencies object to the entire study.

If one insists on studies of this kind, at least they could be done by agencies that are independent of the EPA. For example, the widely cited study of T.O. Tengs, *et al.* (*Risk Analysis*, vol. 15, no. 3) shows that the EPA causes median expenditures (direct and indirect) of \$7,600,000 per life-year extended. This sum compares with a mandated \$23,000 per life-year extended by the Federal Aviation Administration. Clearly, the Tengs methodology would have left the Clean Air Act looking as cost ineffective as it really is.

"The Benefits and Costs of the Clean Air Act" represents in microcosm the depths to which science can sink because of political pressure. Under court order, and with great urgency to justify past regulations, these people produce, with taxpayer dollars, a report that is nonsense. Of some credit to them is that they say, in effect, time and again: "What we are doing is nonsense, but we are going to do it anyway. Court order, you know." In the 19th century, people used to call this sort of thing an enormity. Now, thanks to Section 812 of the Clean Air Act Amendments of 1990, we can expect such an evaluation every two years. □

McWilliams, "The DEA Wishes Me a Nice Day," *continued from page 32*

medical marijuana, which is specifically permitted under the California Compassionate Use Act of 1996.

The DEA, at the federal level, and California Attorney General Dan Lundgren (with Governor Pete Wilson smiling his approval from on high) should have opposed Proposition 215 in court. In court they had the right — and the responsibility, if they truly believed it a bad law — to challenge the law and ask a judge to stay its enactment. They did not. Instead, the DEA is fighting its War on Drugs in the sick-rooms of Todd, me, and countless others.

Our government is not well.

What Our Patriots Are Doing Today

As I write this, I feel myself in mortal combat with a gnarly monster. Then I remember the human faces of the kind people who tried to make me comfortable with small talk as they went through my belongings as neatly as they knew how.

It reminds me, painfully, that the

War on Drugs is a war fought by decent Americans against other decent Americans, and that these people rifling through my belongings really are America's best — bright young people willing to die for their country in covert action. It takes a special kind of person for that, and every Republic must have a generous number of them in order to survive.

But instead of our best and our brightest being trained to hunt down terrorist bombs or child abductors — to mention but two useful examples — our misguided government is using all that talent to harass and arrest Blacks, Hispanics, the poor, and the sick — the casualties in the War on Drugs, the ones who, to quote Leonard Cohen again, "sank beneath your wisdom like a stone." It is the heart of the evil of a prohibition law in a free country.

After all, picking on someone with AIDS and cancer is a little redundant, don't you think?

On the way out, one of the DEA agents said, "Have a nice day."

I believe the comment was sincere. □

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The Pontiff's Polemic

by James M. Vinoski

The Vicar of Christ comforts Castro and condemns markets.

In the Mass culminating his visit to Cuba in January, Pope John Paul II spoke out forcefully against capitalism. His remarks offered undeserved comfort to dictator Fidel Castro and undermined his previous calls for the establishment of political freedoms for the citizens of Cuba. They also showed that the pontiff, despite his long history of crusading against communism and its destruction of human dignity and liberty, suffers from a woeful lack of understanding of the differences between free-market capitalism and its collectivist opposite.

John Paul condemned "the resurgence of a certain capitalist neoliberalism, which subordinates the human person to blind market forces and conditions the development of people on those forces." Now, this neoliberalism he denounced was not the technocratic welfare-state liberalism that Michael Kinsley and James Fallows and Gary Hart preached a decade ago. It is the European term for a revived, somewhat watered-down classical liberalism, which in America we might think of as moderate libertarianism. The pope, in prefixing "market forces" with the word "blind," follows the current fashion in neoliberal bashing. But is there anything substantive here? Just how "blind" are market forces?

For over two centuries economists have shown how *responsive* markets are to human desires and abilities. As neoliberal prophet F.A. Hayek put it in his essay, "The Use of Knowledge in Society," the market order is a "marvel." Indeed, Hayek was "convinced that if it were the result of deliberate human design, and if the people guided by the price changes understood that their decisions have significance far beyond their immediate aim, this mechanism would have been acclaimed as one of the greatest triumphs of the human mind."

I would think any person of faith who was also knowledgeable of the way free markets function would credit God for the creation of this natural system, a system of solving what would otherwise be a hopelessly intractable problem for mankind. (The many experiments in central planning

constitute a living proof that the problem of economic calculation is indeed intractable when man tries consciously to solve it.) That the pope instead attacks it as an evil underscores his lack of understanding of basic economic principles.

And what could John Paul possibly have meant when he opined that capitalism "conditions the development of people on those [market] forces"? If he believes that money is the only source of fulfillment in a capitalist economy, he's simply wrong. Though some citizens may "worship the dollar," many others eschew monetary gain and creature comforts. In between, of course, are millions who strike their own balance between material wealth and other pursuits: family, friends, hobbies, charity, and yes, religion.

If the pontiff is instead decrying the role of money in education and training or in the individual's overall opportunities, then it can only be agreed that market forces indeed play their part in these areas. But what's the complaint? That monetary calculation is a bother? Or perhaps John Paul is attacking the market as a source of alienation from what he sees as the "true business" of mankind — but that's the stuff of religion, not of economics. If we mix the two, and try to "fix" economics — even with the best-intended religious intervention — we wind up with totalitarianism, the very evil John Paul castigated in Castro's Cuba.

More troubling still are the words John Paul uttered in his very next breath: "Hence, at times, unsustainable economic programs are imposed on nations as a condition for further assistance. In the international community, we thus see a small number of countries growing exceedingly rich at

the cost of the increasing impoverishment of a great number of other countries; as a result, the wealthy grow ever wealthier, while the poor grow ever poorer." The first sentence is clearly a swipe at the conditions set for the bailout of the Asian economies now suffering from economic meltdown. A diversity of opinion exists on these matters; certainly anyone believing in the efficiency of free markets can find a great deal to disagree with in the substance of those bailout agreements, if not with the whole concept of such bailouts in general. Still, the pope's apparent preference for offering vast

What dictator will heed John Paul's call to change his ruthless stripes when he can more easily blame his problems on exploitation by the "rich?"

sums to ailing nations *without* substantive reform requirements tied to those funds is unsettling.

But it is the pope's zero-sum picture of the wealth of nations that is the most disturbing. This notion contradicts the pope's basic ideology. If John Paul truly believes that the wealthy nations become so at the expense of the impoverished, how can he possibly recommend democracy as a model for the personal liberties he so desires? For it is certainly the democratic nations that are the richest.

Why would John Paul believe this caricature of wealth creation?

Perhaps he's fallen prey to the idea that limited natural resources are the basic source of a nation's wealth. If so, he ignores the examples of the Asian economies, which built tremendous wealth despite a dearth of natural resources. That they are faltering is not an indictment of the sources of that wealth creation, but instead a result of poor government decisions in banking and the directing of industry; in short, a

lack of economic liberty. Alternately, were the presence of natural resources the sole arbiter of a nation's wealth, Russia would be the richest country on earth. Instead, Russia totters with no immediate promise for turnaround.

Or maybe the pope has bought into the idea that the rich nations "exploit" the low-paid laborers of impoverished countries. But this is fallacy. If the manual labors of a technologically backward country can compete with the industrial efficiency of a nation like the United States, Americans benefit by having more of their earnings to apply to other needs, and more capital and labor to apply to economic endeavors at which they are more efficient. And the low-paid laborers benefit by having a job, where there would otherwise likely be none. Wealth is created for both nations, and we are all the better off for it.

Regardless of the source of his ill-conceived notions of wealth, the pope's errors here are the most serious. For such a clear contradiction as this gives comfort not only to Castro, but to any despotic regime the Catholic Church ostensibly wants to see changed. Instead of clearly communicating that the poverty of a nation is the result of poor governance, the pope has signaled that it is instead caused by American and European hegemony. What dictator will heed John Paul's call to change his ruthless stripes when he can more easily blame his problems on exploitation by the "rich?"

Pope John Paul II has long been a hero in the fight against the failed socialist and communist experiments the world over. His influence in Poland helped win that subjugated people their freedom after decades under the Soviet Union's oppressive shadow. Even so, his comments in Revolution Plaza indicate that His Holiness fails to understand that capitalism provides the freedom he beseeches Castro — and so many others — to grant to the long-suffering people under totalitarian control. A mere handful of remarks have gravely damaged his case. We should all hope (and the religious among us should pray) that he will reconsider such poorly reasoned opinions. □

Szasz, "Freedom and Madness," *continued from page 36*

torture. The object of power is power. Now do you begin to understand me?¹³

The empire of psychiatric slavery is more than three hundred years old and grows daily more all-encompassing. But we have not yet begun to acknowledge its existence, much less to understand its role in our society. □

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This essay is excerpted from the preface to Syracuse University Press's new edition of *Psychiatric Slavery*, 1998. Reprinted with permission.

Reviews

The Dark Side of Camelot by Seymour M. Hersh. Little, Brown & Co., 1997, x + 498 pages.

The Fading Myth of JFK

R.W. Bradford

Suppose that on that fateful day in September 1963, President John F. Kennedy had not grabbed one of his sexual partners while frolicking poolside during a West Coast campaign trip. Then he wouldn't have hurt his back, and his physician wouldn't have had him wear, in addition to his regular back brace, a contraption holding him stiff from groin to shoulder. And when the first bullet fired by Lee Harvey Oswald pierced his neck while he rode in an open car in Dallas two months later, he'd have slumped forward. And the second bullet Oswald fired at him — the bullet that killed him — would have missed.

Just how would our lives have been different over the past 35 years, if Kennedy had survived that assassination attempt?

Of course, the course of human events is far too complex — not to mention chaotic — to allow us to answer counterfactual historic questions in a definitive fashion. But that doesn't mean that speculation about such questions isn't instructive and thought-provoking. And besides, let's face it: this sort of inquiry is also a lot of fun.

Would JFK have escalated the war

in Vietnam? Would he have attempted another invasion of Cuba? Would he have confronted the Soviet Union with nuclear weapons? Would he have pursued a vast increase in welfare spending? Would he have pushed for further civil rights legislation?

Speculation about how the world would have been different had Oswald's bullet failed to kill him is particularly interesting because there is a huge difference between the legend and reality of John F. Kennedy.

The crafting of the legend of John F. Kennedy began nearly 20 years before he was elected president. His father, Joseph P. Kennedy, possessed both indescribable wealth and an infinite lust for power. But it was not his wealth and powerlust alone that set him aside from other political aspirants: it was his experience as a stock manipulator and Hollywood producer. For it was as a stock market operator and Hollywood mogul that he learned how to manipulate the press to create potent public images. "It's not what you are that counts," Joe Kennedy explained to his offspring, "but what people think you are."

During the 1930s, he pursued his own ambition to be America's first Catholic president. As an Irish Catholic, he was, of course, a Democrat, so he could not openly pursue his goal so

long as the immensely popular Franklin Delano Roosevelt was president. Roosevelt was aware of Kennedy's powerlust, and thwarted it. Kennedy's opposition to World War II and what appeared to be his sympathy for Hitler put an end to his political career, but not to his political ambitions. If he couldn't be president, his sons could.

Joe Kennedy's legend-building of Jack began when Jack was still at Harvard. Joe got one of Jack's term papers published as a book and then, in Jack's words, "saw to" it that it "sold like hotcakes." (This feat was repeated in 1956, when Joe bought thousands of copies of *Profiles in Courage*, a book ghost-written for JFK by a team of writers and scholars, headed by Theodore Sorensen, and organized a successful campaign for the Pulitzer Prize.)

Joe intervened again in 1943, after Jack had botched a PT-boat mission, getting his boat rammed and sunk, with the loss of two men. In the aftermath of the disaster, Jack acted bravely, though not necessarily wisely. Joe got his friend, Undersecretary of the Navy James Forrestal, to intervene to assure Jack a medal instead of a reprimand. Shortly thereafter, Kennedy friend John

"It's not what you are that counts," Joe Kennedy explained to his offspring, "but what people think you are."

Hersey wrote an article for the *New Yorker* portraying Jack as a hero. Joe later pressured *Reader's Digest* to publish a condensed version of the article. Still later, Joe arranged for a highly flattering feature film of the episode, with Jack himself picking Cliff Robertson as its star.

By the late 1950s, young John F. Kennedy was treated by the public more like a movie star than a politician.

"Why is it that when his picture is on the cover of *Life* or *Redbook* that they sell a record number of copies?" Joe Kennedy crowed to a writer in 1959. "You advertise the fact that he will be at a dinner and you will break all records for attendance. He will draw more people to a fund-raising dinner than Cary Grant or Jimmy Stewart and anyone else you can name." The public relations efforts continued throughout Kennedy's presidency. It continues to this day.

Joe Kennedy and his lavishly financed public relations experts micro-

JFK was capable of great personal kindness, but he also participated in the cold-blooded murder of an old friend (Ngo Dinh Diem, president of South Vietnam) and plotted the assassinations of two other heads of state.

managed Jack Kennedy's public image until the day in 1961 when Joe was felled by a stroke. Of course, all politicians seek to portray themselves in a favorable light. But the public relations campaign on JFK's behalf was much more successful than any before or since. His father's money and expertise were only part of his relative advantage. He also benefited from the fact that the press was far less sophisticated and more easily fooled in his day than subsequently. Today, the best way for a reporter to get ahead is to break major stories; in Kennedy's day, reporters prospered by currying the favor of politicians.

Compare the experiences of, say, Bob Woodward and Theodore H. White. In the 1970s, Woodward made his reputation and career by breaking important stories about Watergate. In the 1960s, Theodore White made his reputation (and won his own Pulitzer Prize) with his account of Kennedy's presidential campaign, an account White himself later admitted lacked objectivity because of his loyalty and affection for Kennedy.

To say that the imagemakers were successful is an understatement. As

president, JFK was portrayed as an extremely hard worker; in fact, he was rather lazy, spending hours each day in sexual horseplay with two staffers in the White House swimming pool. An article in *Life* magazine falsely claimed he read 1200 words per minute, and a nation-wide speed-reading craze was born. He was portrayed as a devoted family man, when in fact he was what today would be called a sexual predator, an executive whose staff regularly procured prostitutes for him.

In *The Dark Side of Camelot*, Seymour Hersh explores JFK's life, focusing on those aspects that diverged most egregiously from his carefully constructed legend, and paying particular attention to the impact of his peculiar personality on his political and policy decisions. It is in no sense a systematic biography: after briefly considering the careers of Kennedy's father and grandfather and discussing a JFK wartime romance dutifully recorded by the FBI, Hersh skips ahead to Kennedy's attempt to get the 1956 vice presidential nod. There's hardly a word about his election to the House (in 1946) or the Senate (in 1952) or even his military experiences.

Hersh is a reporter, not a biographer, and he has both the strengths and weaknesses of a reporter. While *Dark Side* lacks the scope of a biography, it illuminates important and hitherto unknown details of Kennedy's career. Like any good reporter, Hersh was determined to get his story and to get it right, and toward this end, he followed up thousands of leads, talking to hundreds of people who knew Kennedy or had first-hand knowledge about his career.

But the purpose of biography is to help its reader understand its subject and his place in history, and *Dark Side* contributes mightily toward this goal. Hersh discovered lots of new information, complementing the portrait of Kennedy that emerges from biographies. And his accounts of certain episodes in JFK's career are far more detailed than those found elsewhere.

The portrait of Kennedy that emerges is decidedly unpretty. The private JFK was capable of great personal kindness, but he also participated in the cold-blooded murder of an old friend (Ngo Dinh Diem, president of South Vietnam) and plotted the assassinations

of two other heads of state (Rafael Trujillo, who was killed in 1963, and Fidel Castro, who survived JFK's plots). Like Mao Tse Tung, he suffered from venereal disease, a fact he never disclosed to his hundreds of sex partners. He was willing to take great risks in his sex life. His sex partners included the wives of diplomats, an East German woman who had been a member of various Communist Party organizations, college students, actresses, and the mistress of one of the most powerful figures in organized crime, as well as common prostitutes, of course.

Some critics have dismissed *Dark Side* as mere sensationalism because it divulges details of Kennedy's sex life. But Hersh's account of Kennedy's sex life is a relatively small portion of the book. And it is very relevant to his record as president, on two counts.

First, it is quite plausible that a man who thrives on taking sexual risks may also be inclined also to take great military risks — and Kennedy was

There's never been another president like Jack Kennedy: never a president who was more like a movie star than a politician, never a president whose character and behavior were so at odds with the public's perception.

obsessed with the Cold War. Secondly, one of Kennedy's paramours was a go-between with the Mafia, transporting bags of cash from Kennedy to the mob and arranging for joint Mafia-CIA meetings to plot the assassination of Fidel Castro.

A few days before the 1962 congressional elections, JFK learned that the Russians were secretly establishing missile bases in Cuba, only 90 miles from the U.S. Kennedy responded by mobilizing the U.S. for war with the Soviets and giving the Russians an ultimatum: remove the missiles or face nuclear war. After several extremely tense days, the Russians agreed to remove the missiles. "We're eyeball to eyeball," Secretary of State Dean Rusk

said in a phrase that has come to summarize the resolution of the crisis, "and I think the other guy just blinked."

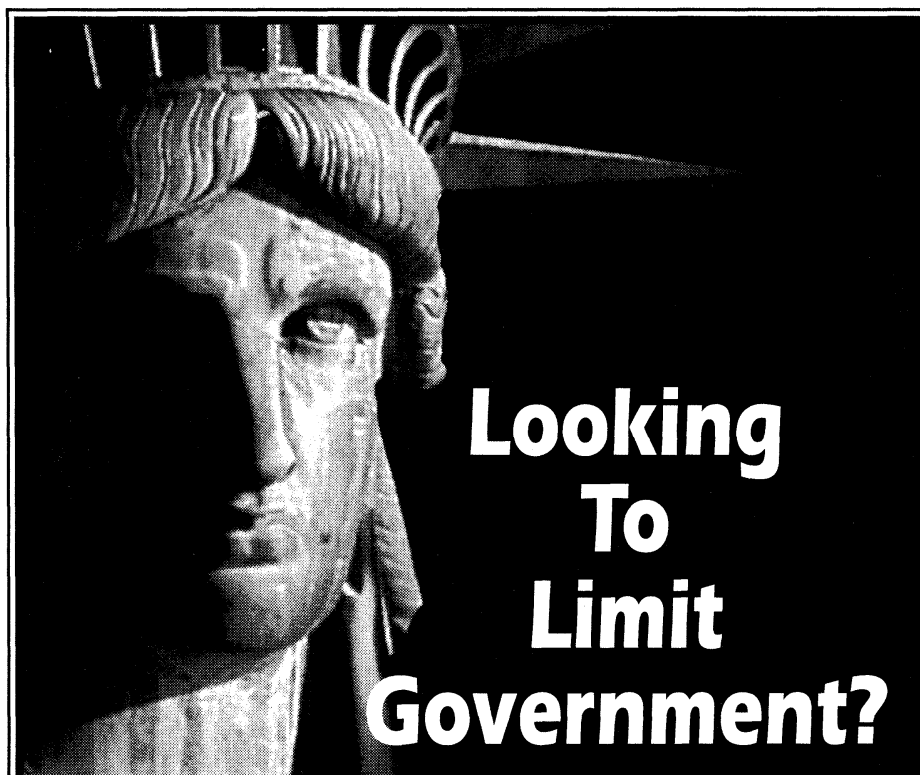
That's the official story. But, Hersh explains, it's not what actually happened.

Soviet Premier Khrushchev, who had bested Kennedy in several other personal confrontations, refused to back down, so Kennedy suggested a compromise: he'd agree that the U.S. would remove its missiles from Turkey. The U.S. concession would be kept secret because JFK had always campaigned as a saber-rattling militant anti-Communist. His biggest campaign theme was that the Republicans had allowed the Soviets to gain the upper hand militarily and would not commit the U.S. sufficiently to the defense of Quemoy and Matsu, two tiny islets in the Formosa strait that were occupied by Taiwan (or "Free China," as Kennedy preferred to call it). Backing down would have strengthened the hands of the Republicans in the upcoming presidential election — not to mention the 1968 election campaign of JFK's younger brother Bobby. This made the Kennedys vulnerable to Soviet blackmail:

For the next fourteen years, therefore, the men running the Soviet Union . . . would have the means to publicly devastate the Kennedys by putting lie to their inspiring victory in the missile crisis. The president and his brother were true existentialists at that moment, bargaining their way out of an immediate crisis by putting their future credibility in the hands of Soviet leadership.

The Russians weren't the only ones for whom Kennedy made himself vulnerable to blackmail. Hersh makes a convincing case that J. Edgar Hoover of the FBI used his extensive files on Kennedy's mob connections and sexual antics to force Kennedy to re-appoint Hoover to his position. (Hoover's files on JFK dated back to the early 1940s, when the FBI kept him under surveillance for possible use against his father.)

Hersh also solves the mystery of why JFK chose Lyndon Johnson as his running mate. On the surface it was an extremely strange choice. During the campaign, LBJ had, in Bobby Kennedy's words, "compared my



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father to the Nazis and [Johnson supporters] John Connally and India Edwards lied in saying my brother is dying of Addison's disease." Kennedy arrived at the Democratic national convention with a deal already made: Sen. Stuart Symington of Missouri would be his running mate. It made sense politically: Kennedy needed a liberal to balance his ticket and he certainly didn't need a Southerner. LBJ wasn't even on Kennedy's list of second choices.

But then, without warning, Kennedy chose LBJ. The sudden and shocking turnabout has never been explained in a coherent way, though many different and contradictory accounts have been offered.

Once again, according to Hersh, Kennedy succumbed to blackmail. In support of this rather startling hypothesis, Hersh cites the testimony of Hy Raskin, a close advisor to JFK. Raskin confirmed that Kennedy had decided on Symington when he met with LBJ and House Speaker Sam Rayburn on the morning of his nomination. The two Texans "made an offer he could not refuse." Kennedy explained his about-face: "You know we had never considered Lyndon, but I was left with no choice. He and Sam Rayburn made it damn clear to me that Lyndon would be the candidate. Those bastards were trying to frame me. They threatened me with problems and I don't need more problems." In his unpublished memoir, Raskin would only hint at the information that Johnson had on Kennedy: "The substance of the revelation was so astonishing that if it had been revealed to me by anyone other than Jack or Bob, I would have had trouble accepting it."

The Kennedys were not the sort of people who took things like this lying down. They used their resources to dig up dirt on LBJ, which they leaked to Republicans in Congress. On the very day JFK was assassinated, insurance broker Donald Reynolds, from whom Johnson had extorted "gifts," was testifying to a congressional investigator. (The testimony — and the investigation — ended abruptly when a secretary burst into the room and told everyone that the president had been shot.)

How would the world be different if JFK had not died in Dallas on that day? Many people familiar with Kennedy the man (as opposed to Kennedy the

legend) believe that he might have started a nuclear war, and it's easy to see why they think so. Kennedy hated communism, believed (correctly) that Soviet Premier Khrushchev had repeatedly gotten the better of him in negotiations, felt a strong need to "stand up" to Russia, loved winning, hated losing, gloried in revenge, and took tremendous risks in his personal life. But I have my doubts: JFK did all these things, but his major personal motive was the acquisition and wielding of political power. When he went "eyeball to eyeball" with the Russians, it was he who blinked, making a key concession to the Soviets in order to increase his chances of retaining the presidency in the 1964 election.

What about Vietnam? Would he have escalated the "police action" the way LBJ did? This is a tougher call. The Vietnam War was his idea, undertaken to demonstrate to Khrushchev that he wasn't a wimp who could be intimidated by the Russian premier. But he was also very sensitive to public opinion, and a case can be made that he'd have de-escalated once the war turned unpopular. But I doubt it. By the time opinion turned against the war, the U.S. was deeply committed, and it's difficult to see JFK pulling out and facing the charge that he was "soft on communism."

What about the War on Poverty and the Great Society? I don't think Kennedy ever would have started programs like these. He was the scion of a wealthy family, protected from the risk of poverty by a trust fund. More to the point, in private, he showed little sympathy for poor people, though of course he sought their votes. He first sought office as a conservative (like his father) and evolved toward a left-liberal position as the electoral climate changed. While it's quite possible that incentives within the Democratic Party would have moved him toward such positions, it is at least as possible that he'd pretty much ignore domestic policy issues.

What about civil rights? I suspect he'd have gone down this road very slowly. One of his former lovers told Hersh that while Kennedy was capable of "acts of personal kindness," he had a "deeply ingrained . . . acceptance of inequality at every level — that women were not equal with men, that African-

Americans were not equal with white people, that Jews were not equal to gentiles." Those attitudes were fairly common among wealthy white males at that time, of course. And they're not the sorts of views that would put him in the forefront pushing civil rights legislation.

There's never been another president like Jack Kennedy: never a president who was more like a movie star than a politician, never a president whose character and behavior were so at odds with the public's perception. And there probably won't be. The United States has changed since the

1950s. Reporters ask tougher questions and are more cynical about politicians. Voters are wise to the public relations tricks that Joe Kennedy and his hirelings used to make Jack Kennedy a star. His presidency was brief and largely ineffective, but his impact on popular imagination enormous.

Seymour Hersh has helped fill in the details, helped to give us a better idea of the kind of man that John F. Kennedy was. *The Dark Side of Camelot* cannot replace Thomas Reeves's *A Question of Character* as the definitive Kennedy biography. But it is a fine companion. □

***The Secret of the League*, by Ernest Bramah. Specular Press, 1995 (1907), ix + 292 pages.**

Fool, Britannia

Martin Quoilé

London, England. A socialist Government has recently come to power. Change is everywhere and none of it is for the better. After many years of uninterrupted rule, the Conservative Party has been reduced to an ineffectual rump so that, for all practical purposes, there is no longer any Parliamentary Opposition. Government accountability has evaporated. Cabinet ministers have come to occupy what are essentially ceremonial posts leaving the real decision-making to anonymous party strategists. Elsewhere, beyond Parliament, the state operates through scowling, unpleasant officials. Police officers, for example, now carry guns and are as disrespectful towards the public as the public is towards them.

Falling standards have accompanied these changes. The press is tackily sensationalist and full of misrepresentation whilst education has, under state control, become a business of rote learning and general "dumbing down."

"Snap," a slang influenced by the inanities of advertising, has begun to supplant Standard English (and to rival profanity) as the principal mode of expression: "Feel chippy? Then champ chip-chunks," that's Snap. (Chip-chunks, incidentally, are a new snack food aimed at people too lazy to eat and therefore similar to Isabella, a soap for people too lazy to wash). Is this 1998? Surprisingly, not. It's 1918. Or, rather, it is a speculative vision of 1918 first published in 1907; it is Ernest Bramah's *The Secret of the League*.

The Secret of the League is a kind of comic political speculation written from a right-wing perspective. It describes a socialist government motivated by uncomplicated class hatred and of such bumbling incompetence that eventually it provokes its own (somewhat) violent overthrow. This latter *coup d'état* is the work of the Unity League, a Tory conspiracy nominally helmed by Sir John Hampden but actually organized and engineered by a shadowy character called George Salt.

Although *The Secret of the League* was originally published ninety years ago,

this Specular Press edition is, I believe, the first since the 1920s. In the interim, both author and book have been largely forgotten. This is a pity. Bramah's primitive, dystopian vision, hostile to socialism at a time when socialism's star was rising, inspired *Nineteen Eighty-four*, George Orwell's later, more chilling (but equally anti-socialist) speculation. (Snap is a kind of comic Newspeak). And Ayn Rand may have been influenced by *The Secret of the League*. George Salt and John Galt have more in common than a similar sounding name. Both are mysterious figures who have abandoned previously conventional lives in disgust at the socialistic turn of events. Both have resolved to restore the status quo ante. And both advocate boycott and non-cooperation as a means of unseating the incumbent régime. Moreover, in *The Secret of the League* as in *Atlas Shrugged*, there is an unstated assumption that the toppling of socialist administrations is so *a priori* moral an end that it justifies almost any means, even a sinister, elitist *putsch* that brings misery and worse to people too ordinary to excite the author's sympathy.

Speculative fiction, like much historical fiction, invariably says less

George Salt and John Galt have more in common than a similar sounding name. Both are mysterious figures who have abandoned previously conventional lives in disgust at the socialistic turn of events.

about the time in which it is purportedly set than it does about either the times in which it was written or the concerns of the person who wrote it. *Nineteen Eighty-four* is really a book about the totalitarian aspects of war-time and postwar Britain; *Brave New World* is really about the politics of a leisure society; and *Atlas Shrugged* is really about America post-New Deal. Likewise, *The Secret of the League* is not about 1918 at all. It is really about 1906, the year in which it was most probably written. Significantly, therefore, Bramah's Unity League aims, not sim-

ply to erase the period 1910–18 (i.e. the years during which the author imagines Britain governed by socialists), but the past as far back as 1906. This much is clear enough from the League's electoral slogan: "As in 1905." So what was special about 1906?

Nineteen hundred and six was a bad year for the British Conservative

One clear difference between the Conservative Bramah and, say, Ayn Rand, is that Bramah's heroes are not, in the main, achievers, people who have succeeded in life through hard work or unique talent.

Party, much worse than 1997. It was the year when the Liberal Party (which by that time retained only vestiges of its classical liberal heritage) managed to get itself re-elected on a wave of anti-Conservative resentment. Backed by the fledgling Labour movement and the Irish Parliamentary Party, the new administration's majority was unassailable, its capacity to radicalize British society relatively limitless. This new government thus threatened all of the certainties which had arisen over the preceding ten years. Liberal anti-imperialism, for example, clashed with the Conservative aspiration of a "Greater Britain" encompassing Australasia, Canada, Southern Africa and, a few dared hope, the United States. Similarly, Norman Angell's liberal pacifist thesis "The Great Illusion" might, had it been taken up by government, have jeopardized British naval supremacy and, thereby, Britain's ability to set the terms of international relations.

But it was the presence of Labour members in the Liberal entourage which probably aroused the greatest immediate apprehension. With Labour backing, the Liberals had become a kind of social democratic party committed to a series of socialistic reforms. This was the government which laid the foundations for the British welfare state; which enabled trade unions to collect a political fund for sponsoring parliamentary candidates and to evade

legal liability for commercial losses incurred during a strike; and which legislated to have members of parliament paid salaries out of public funds thereby opening the House of Commons to people other than those with private incomes. All this, coupled with an expanding franchise, made Labour a more credible political force, one that might conceivably step out from behind the Liberal shadow and win elections in its own right. And if Labour were to win elections in its own right many believed full-blown socialism could not be far behind.

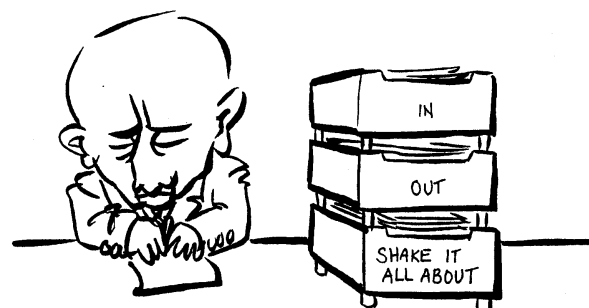
The Secret of the League plays on all of these fears. Set just twelve years on from the Liberal "landslide," the Liberal Party it describes has already fizzled out of political contention whilst the Left, electorally uncatchable, has split into "Moderate Labour" and "Socialist" factions with the Socialists dominating the new Government. Central to its program is a lavish system of social welfare funded through punitive rates of taxation borne principally by the upper class. This "revolutionary finance" has "made the rich well-to-do, the well-to-do just so-so, the struggling poor, and left the poor where they were."

This is a sharp enough indictment of spendthrift welfare statism as anyone who lived in Britain in, say, the 1970s could attest. But finance is not the only thing Bramah imagines radicalized by this woolly enlightenment. Foreign policy, too, has been changed in line with the dictates of pacifism. In Bramah's 1918, disputes between nation-states are not settled violently but, following Angell, are instead put to international arbitration which, of course, never finds in Britain's favour. At the same time, the scaling down of the Royal Navy has left the country militarily enfeebled, no longer able to resort to gunboat diplomacy. In fact, its military position has become so parlous that it is now more likely to be bullied than to bully. Fittingly, therefore a new spirit of defeatism is abroad in government; the Socialist defense minister has on the wall of his office a painting depicting the

British surrender at Majuba Hill, not Agincourt, Culloden or Waterloo. Small wonder that this Government is eventually toppled by a tiny fraction of its own population.

It is this military (or rather militarist) issue which is central to Bramah's argument. All else is secondary. Hence, although Specular Press is marketing *The Secret of the League* as a "capitalist fiction," this is to my mind a lazy reading of the book's actual message. Bramah, no Mises, offers little in the way of knockdown arguments for capitalism over socialism. The ideological position he upholds is essentially the Tory Imperialism of Britain in the late nineteenth and early twentieth centuries which was, in turn, an extreme form of nationalism. Capitalism was quite incidental to this worldview. (By 1900, the Conservative Party Bramah would have known had gone protectionist and was advocating the oxymoronic "Empire Free Trade"). Bramah's main concern is not the harm that he envisages a socialist government doing to the market but the harm it will do the British nation-state. That harm is not simply or even mainly economic. For Bramah, the nation and its relative standing in the world are everything; the economic system, nothing in particular. Had he seen some nationalist potential in socialism, he might have written a very different kind of book, but it would have been no more a socialist fiction than is *The Secret of the League* a capitalist fiction. Bramah, a nationalist, wrote a nationalist fiction.

It is my belief that, in writing this particular nationalist fiction, Bramah had a particular national issue on his mind. It is an issue which was on a great many minds in Britain in the early 1900s. And it is most definitely not the volun-



SHCHAMBERS

tary exchange of goods and services. Bramah never states explicitly what it is that is on his mind but it is visible enough between the lines. It is Germany. By the early 1900s, Germany had become Britain's most obvious rival in European power politics. It was therefore increasingly accepted by policy makers in London that an Anglo-German War was inevitable and that Britain would need to initiate it soon before the balance of power grew unfavorable. Every advantage must be maximized. One such was Germany's numerically powerful Marxist party, early on identified by London as a weakness which might undermine a German war effort. (Future Foreign Secretary Sir Edward Grey, writing pseudonymously in 1901, called it "a powder magazine such as is to be found in no other country.") *The Secret of the League* is based on an inversion of this possibility. Bramah speculates that Britain itself, not Germany, might be undermined by socialism, and warns that the United Kingdom has its own powder magazine equally ready to explode. In this respect, *The Secret of the League* belongs with books like Erskine Childers's *The Riddle of the Sands* or William Le Queaux's *The Invasion of 1910*, both of which regale their readers with tall tales of a German takeover. It is pre-war propaganda.

It is not just its Tory Imperialist agenda which makes *The Secret of the League* a deeply Conservative text. One clear difference between the Conservative Bramah and, say, Ayn Rand, is that Bramah's heroes are not, in the main, achievers, people who have succeeded in life through hard work or unique talent. Rather, they are aristocrats and near aristocrats (Hampden, a baronet, is the former; Salt, a retired senior naval officer, the latter). But Bramah's villains are "working class." (The "middle class" scarcely appears in this simplistic, but very British, conceptualization.) Bramah's Britain is thus not so much a capitalist as a feudal society in which the serfs have managed, temporarily, to take over. At the heart of the crisis the book describes is not a government which has dabbled in unsound economics, but a government which has tried to tamper with an allegedly traditional order.

This is no small part of Bramah's

critique of socialism qua socialism; he seems genuinely horrified at the prospect of some populist inversion of what he sees as the way things should rightly be (i.e. that the aristocracy should rule and the people in general should have little say in the matter). Hence, the oafishness of the book's proletarians; they are beings clearly incapable of operating or even electing a government and who are, it is at times implied, ignorant of the practicalities of managing their own lives. Even their adherence to socialism proves ultimately fickle; Salt easily subverts it with an appeal to more basic, nationalistic passions.

It is, then, a society based on inherited status — high for a few, low for most — not classical liberalism, which *The Secret of the League* advocates. The Unity League's slogan "As in 1905" implies a great deal more than might first appear. In particular, a thoroughly Conservative revision of political changes then in prospect. In Britain, in 1906, "As in 1905" would have meant retaining an electoral franchise restricted to property owners as well as a House of Commons largely composed of gentleman amateurs and a powerful second chamber — the House

of Lords — made up of unelected peers and capable of striking down any piece of legislation, however popular or progressive it might be.

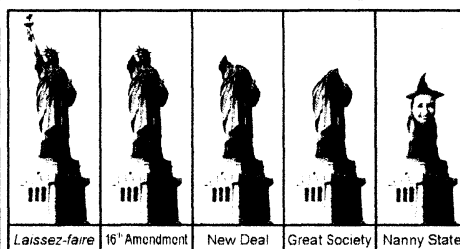
All of this makes *The Secret of the League* a reactionary book but I would reject George Orwell's opinion that it is a gleeful advocacy of fascism. A British political movement governing on the principle "As in 1905" would have been fascist only in the sense that almost any state can, with some imagination, be described as "fascist." It would have been elitist, certainly, but it would not have been particularly restrictive or repressive. The British state in 1905 almost certainly regulated and scrutinized a great deal less of the lives of ordinary British citizens than the current British state and in a much less sophisticated way. Moreover, although Bramah makes the Unity League nationalistic, he does not have it offer the populist blend of nationalism and socialism that characterized Italian and German fascism and which was also a characteristic of the British state during both world wars and for which Orwell was an enthusiastic supporter at the time of his comments on

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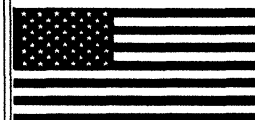


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The Secret of the League.

Which brings me to book's central irony. As a forecast of the probable consequences of the Liberal landslide of 1906, it is difficult to imagine a book getting it more comprehensively wrong. In power, and contrary to Bramah's fears, the Liberals proved to be more nationalistic and belligerent than their Conservative predecessors. It was they, not the Tories, who moved Britain decisively away from its previous isolationism and closer to France and Russia in a developing anti-German alliance. And it was under Liberal supervision that an extensive armaments program was embarked upon during which private citizens, with tacit state encouragement, organized and lobbied both for conscription and still greater arms expenditure. The mass support for this Anglo-German arms race was such that it even became the subject of popular songs. (When music hall audiences sang "We want eight and we won't wait," they were referring to *Dreadnought*-class battleships).

It was in this context that Britain's initial social welfare legislation — pensions and compulsory health and unemployment insurance — was introduced, at least in part in imitation of similar populist measures which had been implemented in Germany. And though there was an aristocratic revolt of sorts in 1909, it was no Unity League. Peaceful and ultimately unsuccessful, it was motivated by the objection of a majority of Britain's landowners to the extra taxes the Liberals' welfare/warfare state required. Later, moreover, the Liberal government sanctioned Britain's entry to the First World War and saw to it that, on the home front, collective patriotic fervor was aroused whilst many individual liberties were, at the same time, suppressed. These things, I reckon, have more in common with fascism than anything a government of nostalgic snobs and elitists could manage.

The Secret of the League is a propagandist work from a period in history which could be doing with much closer scrutiny than it has, of late, received. But it is no "capitalist fiction." In fact, its almost accidental advocacy of capitalism, buried within a context of nationalism does capitalism and its advocacy no favors whatsoever. □

The Costs of War: America's Pyrrhic Victories. Edited with an introduction by John V. Denson. Transaction, 1997, xviii + 450 pages.

A Public History of the Campaigns That Failed

Mark Brady

As Randolph Bourne observed, "War is the health of the state." The truth of this adage has been demonstrated repeatedly since the Civil War, from the Spanish-American War through two world wars, subsequent hot wars in Asia, and numerous other interventions. Even for the victors the outcome of war has rarely been much like what they had originally envisioned or hoped for.

Sadly, the classical liberal perspective on war and foreign policy gets short shrift these days. Far too many professed libertarians never mention the subject and are oblivious of its importance and relevance for achieving a genuinely free society. Worse still, some self-proclaimed exponents of the free market defend U.S. war-making and celebrate American global hegemony.

Although the Cato Institute to its lasting credit came out against the Gulf War, sadly *Reason* magazine equivocated on the issue. And even among those many libertarians whose gut reaction is to oppose U.S. intervention abroad and demand massive cuts in military spending, there is a striking ignorance of both the historical record and the arguments behind the classical liberal position.

The Costs of War: America's Pyrrhic Victories could go a long way toward remedying this problem. This handsomely produced volume traces the history of America's wars from the founding of the republic to the Allied "victory" in 1945 and the postwar establishment of American world dominance, providing intellectual support

for a classical liberal foreign policy that avoids foreign political entanglements, military intervention, and war.

As John Denson, its editor, explains in his introduction, the "costs of war" go far beyond the horrific suffering on the battlefield. They include the subsequent suffering that veterans endure, often for the rest of their lives, and the harmful long-term consequences for the economy and civilian society, especially the loss of liberty, that continue long after every participant in a particular war has died. This point was well-illustrated in Clyde Wilson's "War, Reconstruction, and the End of the Old Republic," which shows that the Civil War engendered a massive growth of the size and, more importantly, the scope of government, which were only partially reversed in subsequent years. Another fateful consequence was a profound and seemingly irreversible shift in attitudes toward intervention, from one of great suspicion to one of ambivalence and even support.

Early chapters in the book include Justin Raimondo's exploration of the anti-interventionist tradition in American politics and Murray Rothbard's lively and provocative defense of the proposition that there have been two — and only two — just wars in American history: the American Revolution and what he not unreasonably calls the War for Southern Independence. In his essay Joseph Stromberg explains how the Spanish-American War was an important precursor of the U.S. involvement overseas that has characterized so much of American foreign policy in the twentieth century. The book also reprints an article by Murray Rothbard in which he argues convincingly in his

inimitable and trenchant style that World War I represented not the denial but rather the apotheosis of Progressivism in American life. Amen.

I must record my disappointment that the War of 1812 and the Mexican-American War receive only passing reference in this book. However, this is not surprising as the contributors focus on U.S. expansion overseas and either ignore continental expansion or, in Raimondo's case, even applaud this development as necessary for the security of the American republic. In this context I recommend Richard W. Van Alstyne's *The Rising American Empire* (1960), Frederick and Lois Bannister Merk's *Manifest Destiny and Mission in American History: A Reinterpretation* (1963), and Professors Morison, Merk, and Freidel's *Dissent in Three American Wars* (1970), a neglected but fascinating book of essays.

Ralph Raico's "Rethinking Churchill" introduces a new audience to a fully updated version of the thoroughly revisionist analysis that he wrote over twenty years ago. Having been born and raised in Britain after the war at a time when there were two institutions beyond criticism, namely Winston Churchill and the National Health Service, I enormously enjoyed reading Raico's original article at the time it was published, and I encourage

The classical liberal perspective on war and foreign policy gets short shrift these days. Worse still, some self-proclaimed exponents of the free market defend U.S. war-making and celebrate American global hegemony.

you to read this corrective to the received wisdom.

Robert Higgs, author of *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (1987), explains the crucial role that mass conscription has played in the huge expansion of the American state in the twentieth century. Bill Kauffman surveys American writers' opposition to war. And Paul

Fussell, the celebrated author and veteran of World War II, provides a short piece on how war impacts society. However, this is no substitute for reading his excellent books on the subject, notably *The Great War and Modern Memory* (1975) and *Wartime: Understanding and Behavior in the Second World War* (1989).

Unfortunately, *The Costs of War* makes little mention of the Korean, Vietnam, and Gulf Wars and almost no discussion of the Cold War, focusing instead on the historical record leading up to and including World War II, rather than venturing beyond to a discussion of the very real "hot" wars in East Asia, the Cold War itself (which has had enormous consequences for America), and its aftermath, including the Gulf War.

The penultimate chapter by the Austrian school economist Joseph Salerno looks at how fiat money inflation may be used to finance war in an effort to conceal from the public the full extent to which resources are being sequestered by the state to fight the war, and the necessary consequences of such a policy. The final chapter by another Austrian school economist, Hans-Hermann Hoppe, is a characteristically provocative essay in which he seeks to demonstrate that the legitimization of democracy in the twentieth century has led to much more terrible wars since the restraints that limited the power of monarchs do not restrain the modern democratic state. Hoppe's interesting thesis is accompanied by an uncharacteristically non-Austrian diagram which I found needlessly abstruse and in any case is quite unnecessary.

Historically, except for the Vietnam conflict and arguably the War of 1812, U.S. participation in war has culminated in victory in the conventional sense that the enemy was defeated. It is therefore not surprising that there has always been a high level of public support for this bloody record and a willingness to trust the federal government as it makes preparations for future wars. It would appear that publicly articulated doubts about U.S. interventions abroad, which arose from U.S. failure to prevent the North Vietnamese takeover of South Vietnam, have been largely silenced by the conspicuous success of U.S. military prowess in the Gulf

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War. According to the prevailing consensus among commentators across the political spectrum, this conflict has enabled America to overcome the Vietnam syndrome, or some such nonsense. Recent events where the United States threatened yet again to bomb Iraq in order to "punish" Saddam Hussein for his refusal to accept American orders remind us once again of the continuing relevance of the lessons that this book seeks to impart. Too bad then that the book does not make those connections

between the past and the present and so take the story up to the present day.

As with many collections of essays, the quality of the individual contributions varies considerably and certain themes and topics are not explored either at all or else as thoroughly as one might wish. That said, the book contains a number of well-written and well-argued essays that address various aspects of a crucially important but currently neglected subject for libertarians. □

***Simple Rules in a Complex World*, by Richard Epstein. Harvard University Press, 1995, 361 pages.**

Simplicity Rules

John Hospers

The application of general laws to particular cases is a matter of great complexity. If one reads a book such as Philip Howard's *The Death of Common Sense*, one fears for the future of not only the business community but the ordinary citizen, in the face of such conflicting interpretations of a law that one has no idea whether one will succeed in one's ventures or be totally bankrupted by some adverse legal judgment. And if one reads a book such as James Bovard's *Lost Rights*, one soon feels powerless against such an infinitely detailed set of regulations that even a specialist in the law cannot state with confidence what the law really says.

Nevertheless, says Richard Epstein in his *Simple Rules*, there is a set of principles, few in number and easy to understand, which tells us what the law ought to be. The entire corpus of the law, he contends, is subsumable under six general principles, which should be the *fons et origo* of all legal decisions. Briefly stated, the six principles are as follows:

1. *The principle of self-ownership.* Each person, as John Locke said, has property in his own body, over which no one but himself has any dominion. Each person should be the sole determinant of what is done with his own body; another person may assist in this only with the first person's voluntary consent.

This principle is, of course antithetical to any form of slavery. Indeed, the principle may seem too obvious to be questioned, but Epstein defends it in a pragmatic way. If one person can determine the course of another person's life, who is going to be that determiner, and by what principle is that determiner to be selected? Shall conquest decide the outcome? If life is a lottery in which a roll of the dice decides who is to be on top, each person has a 50% chance of being master and 50% chance of being slave. The chances of being a slave are too great to provide any comfort: the chance of being a master is not worth the risk. It is far preferable to be certain of being a self-owner, even though this involves a limitation on one's power over others. Epstein calls this the Principle of Autonomy.

Some have held that there should

collective (not individual) ownership. In John Rawls's system of justice, for example, people with fewer talents should be made part-owners of people with great talents, so as to achieve an equality of opportunity among human beings. But some of these conditions cannot be changed, or cannot be changed without an enormous expenditure of money and effort and in any case we spare ourselves an enormous administrative burden if we renounce any claim to the assets of others; this enables us to get on with the business of living, without attempting to determine how much a person of inferior mental or physical endowments is owed by others.

2. *The rule of first possession.* Some theorists have said that no one should be permitted to own anything apart from oneself: no one should own land, or houses, or furniture, or clothing. These things "belong to everybody." But in that case, shouldn't the permission of everyone be required before any of these things can be used? And this, of course, is impossible. Who is to say who, and under what circumstances, may till the land, occupy the house, wear the clothes?

Even the U.S.S.R. permitted people to own clothing, books, and furniture;

The trouble with the police power, says Epstein, is that it very quickly gets out of hand.

what was not permitted was ownership of land. Under what conditions then may land be owned? If anybody could grab as he wished, and thereby be entitled to keep it, there would be constant war by those who were trying to take it from him. Thus we arrive at a principle similar to Locke's: a person must earn land (as well as clothing and furniture) by his labor. Doesn't this restrict the behavior of other persons, who might desire to own the same piece of land? Yes, says Epstein, the actions of a second claimant are limited by the actions of the first one, who earned what he now possesses; the second one may have to settle elsewhere. This, however, is a small price to pay for an immense benefit, security of possession. Only

with security of possession can men be strongly motivated to labor; moreover, with this secure possession they can plan ahead and make gainful exchanges, impossible economic stabilizers and the accumulation of wealth.

3. *The principle of contract.* "The basic mechanism of contract," says Epstein, "is something very simple, powerful, and universal. It essentially involves your surrendering something that you value in exchange for something else that you value even more" (p. 72). Thus each party to an exchange gets what he prefers, and there is a great increase in overall well-being.

In many voluntary exchanges between A and B, there are negative externalities to C, D, and so on. The exchange will affect others who did not participate in it. C may in some cases be worse off, e.g. if he did not get to trade with A because B did so first. Still, society in general is better off because individuals have an opportunity to enter into exchange with one another. Similarly, the trade between A and B may negatively impact C and D because it adds to air pollution, or the spread of a disease, or the damming of a stream which flows through B's field and prevents C from obtaining the water. In such cases, however, another principle comes into play:

4. *Protection against aggression.* The basis law of tort is, if something is not yours, keep off — no murder, rape, larceny, trespass, no interference with voluntary exchange.

It is not always clear, however, to what lengths a person may go to protect himself. May an innocent man try to escape the secret police by shooting, even if this involves the probability of killing innocent bystanders? May you protect your property with an electrified fence, giving a strong shock to whoever touches it, however innocently? And so on, for an endless array of possible situations.

The law requires that we take "reasonable care." Failure to do so is negligence, for which one can be made to pay damages. If you back your car out of the garage and hit a child, you are presumed not to have taken reasonable care — unless there was no way for the accident to be avoided by taking care. Car manufacturers are regularly sued for improper design — but the accident may have had nothing to do with the alleg-

edly defective part or design, but only with the "nut behind the wheel." Each case should be judged on its own merits. Sometimes there is negligence by both parties: the Coast Guard was negligent in failing to maintain a breakwater light, but the captain was also negligent in passing another ship during a storm when he knew the light was not functioning.

Sometimes the criterion used is not negligence, which is often extremely difficult to determine, but *strict liability*: by engaging in a certain kind of action, such as fumigating or handling

"If we stick with the six basic principles," Epstein writes, "the overall level of complexity will be reduced and resources will be freed from the multitudinous legal tangles imposed on them by thousands of boards, bureaus, regulations, and controls."

poisons, one is strictly liable for any injury of damage, regardless of whether or not one was negligent. The plaintiff would usually prefer it if the defendant is held strictly liable ("liability without fault"), but such a judgment may still be unfair if the defendant was not negligent. There is a continuing battle between negligence and strict liability as criteria for settlement.

There is also an important distinction between harm and offense. To harm someone is actionable, to merely offend someone is usually not. Still, it is not clear that one has harmed someone by sunbathing nude in one's back yard in sight of neighbors, or repeatedly using foul language to them, although most neighbors would find such actions offensive and would prefer them to be prohibited by law.

Thus far, we have a legal system with strong and well-defined rights to persons and property, complete freedom of exchange, and strong protection against the aggressive actions of others. But these are still not quite enough:

5. *Limited privilege for cases of necessity.* If your wife is deathly ill and the

pharmacy is closed for the night, you may break in and steal the medication you need to save her life, provided you reimburse and pay damages later. If a man almost dead of thirst staggers up to you and begs for something to drink, you must not say "OK, I'll do it for a million dollars" and hold out till person is dead. There should be provision in the law for emergency cases such as this: it is more important to save a life than to lose some income. Epstein asks, Before the event, would you rather have the absolute right to exclude under all circumstances, only to be excluded by others? Or would you rather be subject to the duty to admit such cases of necessity, which might save your life?

There is a caution, however: it is easy to keep expanding the concept of necessity. He brings out this danger with examples: San Francisco was devastated by the earthquake of 1906, but never changed its property laws because of it. New York City, by contrast, claiming a massive housing shortage after World War II, imposed a strict system of rent controls. San Francisco had a viable housing market a month after the earthquake, whereas New York still has rent controls fifty years after they were introduced in order (allegedly) to ease the housing shortage.

6. *Taking with compensation.* This is the main subject of Epstein's excellent earlier book, *Takings*. The government may take a piece of property, such as your house and yard, to make space for a freeway, but it must pay (as the Constitution specifies) "just compensation" for all such takings.

The government also exercises what is called the *police power*. If A is about to attack B, B may disarm A without compensating him for the loss of his weapon: the act of aggression triggers the right of self-defense.

The police power is now used far more broadly than this, however. It is used to prevent a farmer from using his own land, by declaring it a wetland, or alleging that there are members of endangered species there. It may even fine or imprison the land-owner for dumping gravel or refuse on his own land.

The trouble with the police power, says Epstein, is that it very quickly gets out of hand. A man may be prevented from building a house on an already-

bought beachfront property, because neighbors complain, or because it blocks their view, or because the State wants to get it free of price by confiscating it under the RICO Act, and in no such case is there compensation for the loss. The police power must be carefully defined and drastically limited, he says, in order "to stem Leviathan."

Taxation is a "taking," but it is justified, says Epstein, because "we can never achieve unanimous consent about the funding of necessary public services, e.g. national defense and maintenance of law and order." Nor can we attach a meter to people's skulls to measure the benefit that each person receives from government expenditures.

"If we stick with the six basic principles," he writes, "the overall level of complexity will be reduced and resources will be freed from the multitudinous legal tangles imposed on them by thousands of boards, bureaus, regulations, and controls." Nevertheless, his approval of eminent domain and emergency cases represent — to some "pure" libertarians — a strategic retreat from a strong libertarian position which imposes obligations on individuals only for wrongful conduct.

Questions of Application

It would be difficult to deny that these six principles — the first four, at the very least — are fundamental to a legal system designed to respect the rights of individuals. (Modern liberals would say that the six are not enough — that the State is justified in engaging in many more activities than these principles would permit.) Unfortunately, however, acquaintance with these principles does not always tell us how they are to be applied to individual cases. I shall mention here only a few of the questions that came to mind while I was perusing Epstein's pages, where it was not clear to me from what Epstein said what he would have to say about the practical application of the six principles.

1. If one owns oneself, what about children? Parents surely do not own their children in the sense of being the parents' property, i.e. having the right to use and disposal. If you own a certain book, you may mark it, scar it, burn it, sell or give it to someone else — none of which you may do with

your children. Are not parents stewards, not owners, of their children, supporting them and guarding them against harm until they are of the age when they can care for themselves? Clearly not everything goes — though it is far from clear what does: corporal punishment? Incarceration in a dark closet? Threats of dire punishment for some minor infraction?

2. There is also the problem of ownership of animals, a subject on which Epstein says nothing. Do you own your dog or cat? Is it any more permissible to torture them, or leave them to starve if you tire of them, than in the case of children?

3. There are countless unmentioned problems concerning ownership of land. If settlers from Europe displace native Americans, do the settlers now own the land? If not, should it all be returned to the descendants of the displaced Indians? (Did the Plains Indians treat it as property, since they did not settle there permanently but "squatted" till they had used up the game and fish, and then moved on elsewhere? What constitutes ownership?) If Israelis moved in where Palestinians had been, do the Israelis now own it? Or are they trespassing on land which is not theirs? Or do they own it because their ancestors tilled that soil during Biblical times? If a piece of land has been taken from others, then occupied and farmed by the takers for several generations, can they now be said to own it?

An Oregon farmer discovers some Indian artifacts buried in his land. He digs them up and claims them as his, since they were found on the land he owns. But native Americans claim the relic since their ancestors made them (mixed their labor with them). And an anthropological society wants them placed in a museum, since only thus can they be displayed for all to see ("don't they belong to everyone?"). Can we say which of them is right?

4. There are countless other problems about disposition of property. If Mr. and Mrs. Smith decide to separate, should she receive half his income (including his property), including what he owned before he knew her? Should she receive not only part of his income to date, but part of his projected income in the future, since she stood by him while he worked to earn it? If there is implicit contract between them about

such things, how are they to be decided and what is the basis for such a decision? Do the six principles tell us, or imply any conclusion about it?

5. How far may the State go in restricting the use of someone's property? The Health Department closes a restaurant because cockroaches have been found there. Is this a justified activity? What if they closed it because the building had become dilapidated, or was too close to the sidewalk, or was painted a color that was not in accord with the other buildings on the block?

Mr. B builds a house in the hills above Mr. A's house, though doing so is fraught with danger of mud slides when the rains come. Should he build it and then face lawsuit when the mud slides occur? Or may the city forcibly prevent him from building it in the first place? May the city prevent a roofer from putting a combustible roof on someone's house, or should the roofing material be applied and the neighbors be free to sue if a fire results? May the State stop him from engaging in forestry on his own land because there are redwood trees there, or for some other reason?

6. There are problems about the regulation of labor. Can an employer, in the absence of a contract, fire any worker he chooses to at any time? May he summarily dismiss him when the employee is injured on the job, leaving him without benefits though he has worked for the company for thirty years — as often happened in the 19th century? If a mining company owns an entire town, and there is no reasonable opportunity for workers to go elsewhere, may the owner reduce the wages to starvation level and otherwise make life impossible for employees?

When a landlord raises the rent, and the elderly and infirm tenant cannot pay, may he evict her for non-payment of rent, or must he keep her on for a specified period at reduced rent or no rent if she has no family or relatives and is now an invalid? Does this constitute "necessity" as in Rule # 5, and if so how far is the concept of necessity to be extended?

A Sensible Libertarianism?

I am not clear how Epstein would handle these questions, along with many others, based on the six princi-

ples. One thing seems clear, however: he does not attempt to limit the regulative act of the State as many "orthodox" libertarians would do. He believes in limited regulation — restaurants and aircraft companies cannot be expected to police themselves. He approves of eminent domain. (One must not be forced to move without just compensation — which is not the same as saying that his consent to move is required). He believes, unlike many libertarians, in patent and copyright. Most of all, he does not question the legitimacy of the State: like Rand and unlike anarchist

libertarians, he approves of certain minimal functions of the State: police, armed forces, courts. What we have in these pages is a nicely crafted legal framework for what might be called "a sensible libertarianism" — sensible in spite of the fact that some important questions are not addressed: does South Carolina, for example, having been admitted to the Union, have a right to secede? We are not told; but what we are told is usually helpful in threading our way through the jungle, even if it is not always enough to enable us to get out of it. □

Cartels of the Mind: Japan's Intellectual Closed Shop, by Ivan P. Hall. W. W. Norton and Company, 1997, 208 pages.

The Closing of the Japanese Mind

Michael Oakes

During my graduate school days, I took a class from Professor Michael Jensen, the resident god at the University of Rochester Business School. Jensen said of lot of good things I soon forgot (which may explain why I did not follow most of my classmates to Wall Street). His definition of fair and unfair, however, stuck.

Some students had objected that however rationally functioning the market for executive talent appeared to be, the results — huge compensation packages for CEOs of firms that are laying off factory workers — were unfair. Jensen asked us what fair and unfair really mean. After predictably sophomoric responses from us, he wrote the two words on the board. Next to fair he wrote, "I like it." Next to unfair, "I don't like it."

Jensen's dramatic display replayed in my head throughout Ivan P. Hall's *Cartels of the Mind: Japan's Intellectual Closed Shop*. Hall clearly has a grasp on some very irritating elements of

Japanese society. His book describes well how the central government in Tokyo supports "severe professional restrictions placed upon foreign lawyers, journalists, and academics working for the long term in Japan — restrictions that do not apply to their Japanese counterparts active in the West." For anyone involved in the Japan-analysis industry, it offers additional ammunition in the continuing battles to make Japan become what the analysts think it should become.

Cartels of the Mind suffers, however, from Hall's over-reliance on descriptive analysis and from an understandable but uninformative attachment to "unfair." What he describes is correct: Japan's legal, journalism and academic markets are largely closed to foreign participants. But he stops there and simply frets that this is horribly unfair. It's unfair that Japan should be such an economic force without allowing foreign intellectuals and researchers equal access to its domestic idea network. It's unfair that Japan campaigns for a seat on the UN Security Council without first delivering on its stated policy to

"internationalize" and become a "normal country."

The source of Hall's frustration is institutional barriers traceable to central government control. Foreign lawyers, for example, are essentially banned from practice in Japan. In 1986, legislation enabled Japan-based U.S. law firms to assist Japanese companies (and their legal representatives) with investments, arbitrations and commercial transactions in the U.S. The American lawyers are not permitted to provide reciprocal services for U.S. clients wishing to pursue business in Japan. While Japanese law firms can hire the services of U.S. lawyers, Japanese *bengoshi*, the equivalent to U.S. trial lawyers, are not allowed to practice their trade if they are employed full-time by a foreign firm.

Recent updates to that 1986 legislation removed some minor restrictions — foreign lawyers can now use the name of their U.S. firm on their business cards — and spelled out "a progressive-sounding but virtually unworkable device known as 'joint enterprise'" which is supposed to give foreign lawyers greater access to the talents and specialized skills of the *bengoshi*. But this set up is little more than a "space-sharing arrangement." The Japanese lawyers in the joint enterprise must have no connection with the foreign home office. "Advice on Japanese law and third-country legal matters remains the exclusive prerogative of the Japanese *bengoshi* in the joint venture, and Japanese litigation has to be handled outside the joint venture altogether by the Japanese law firm."

As a result, there are only about 45 foreign law firms in Tokyo, the largest metropolitan area in the world and capital city of the second largest national economy. And only two tried the joint enterprise arrangement.

Foreign journalists, fortunately, are actually allowed to write in Japan, though their ability to work is severely curtailed by denying them access to "kisha clubs." It is through these clubs that official, on-the-record press conferences, as well as important off-the-record background sessions, are administered. Kisha club reporters generally share space with, and use desks, telephones and other equipment provided by, the sources. (In practice, as Hall points out, this very often means at tax-

payer expense for the government ministry and agency clubs).

The clubs are open to institutions and organizations, rather than individual reporters. Only recently have a few foreign news organization been admitted. In contrast, press conferences in the U.S. are open to anyone with press credentials, and individual sources are available to the extent any journalist chooses to pursue them.

Japanese defend the club system by arguing it helps move news more "efficiently and fairly" compared to some of

It's not so surprising that the barriers exist, but rather that they exist so blatantly and without attracting much attention.

the chaotic press conferences and source-chasing in other countries. It also builds great trust between sources and club reporters, allowing each to discuss sensitive matters without the concern that comments could be misconstrued. The reporters "more than make up in long-term insight whatever they might be losing in ego-building exclusives splashed across tomorrow's front page." Foreigners don't fit into this well, the argument continues. Many often have poor language skills, usually cannot devote full-time efforts at any one kisha club, and "with their free-wheeling, doggedly probing manner, Western (and other Asian) newspeople cannot be trusted to maintain club confidences."

When Toyota announced its first Kentucky facility in 1985, U.S. reporters were barred from the press conference. The room was too small, officials said. When All Nippon Airways announced it was purchasing an entire fleet of jets from Airbus, European reporters were excluded from the press conference. (They got the news, Hall said, from the Japanese papers the next morning.) Only two foreign reporters managed to make it through restrictions to the press conference announcing Sony's purchase of Columbia Pictures.

Similar nonsense burdens higher education. Foreign instructors are

divided into two classes, neither of which is legally or in practice on par with their Japanese colleagues (and that's regardless of the foreigners' residency status). Those classes are defined by central government legislation. Long-term contracts for foreign professors hardly exist. Recently, in fact, based on a directive from the Ministry of Education (Monbusho), many older foreign instructors have been forced to quit. The old ones are being replaced by younger ones who "would be more representative of contemporary American culture" as one Monbusho official told an American Embassy representative.

Higher education best exemplifies the insularity in Japan which frustrates many foreigners living here. In 1995, there were only 66 foreign tenured-type professors in Japan's approximately 120 prestigious national universities and research institutes. (The national universities enroll more than 40 percent of all college students). In contrast, Hall counts 68 foreign professors, at or above the associate rank, at a single medium-sized U.S. university, George Washington University.

The totals look no better. Combining the two categories for 1995, Japan's national universities employed not quite 850 foreign instructors, almost all of those involved in language and area studies teaching. If the less prestigious private and public universities follow suit, not a bad assumption given Monbusho control, that might place total foreign instructors at the university level in Japan at around 2,500. In 1996, Harvard University nearly matched that number by itself. There were more than 60,000 foreign instructors in the U.S. in 1996 — 5,300 from Japan alone.

As with barriers against foreign lawyers and journalists, the separate faculty system to handle foreigners seems discriminatory and xenophobic. One official at a university involved in disputes with terminated foreign professors explained their refusal to fill permanent positions with foreign scholars: "Why do we need to have foreigners teaching things that Japanese are capable of handling?"

These barriers clearly block opportunities for foreign lawyers, journalists and educators. They insulate insiders from competition, or at least make it

difficult for outsiders to become competitive. It's not so surprising that the barriers exist, but rather that they exist so blatantly and, until Hall's book anyway, without attracting much attention.

But Hall's descriptive analysis gets him only so far. First, he fails to follow through on the cartel label. While foreigners certainly face institutionalized discrimination in Japan, these cartels also keep out other Japanese competitors. A national qualifying exam for the bengoshi (trial lawyer) track, for example, permits only about 700 students a year to squeeze through. That trickle alone is enough to guarantee the legal status quo a comfortable, stable system. Hall points out these numbers but then gets back to the impact this has on U.S. lawyers wanting more business in Japan.

The kisha clubs consist of the elite news organizations. That keeps out foreigners — but it also closes the door to a much larger group of Japanese journalists who do not belong to the top newspapers, TV stations or magazines.

Whatever the lost opportunities to specific groups of foreign professionals, the real costs of the cartels — the real costs of Japan's insularity — are borne by the Japanese themselves.

In fact, Japan has a thriving journalism market, outside the elite circles, which is often responsible for digging up scandals or revealing corruption that the elite media had known about but ignored. Hall mentions this, too, but only in a passing description of the overall system. At Japan's universities, tenure protects the established academics from professional competition, foreign or Japanese.

I doubt Hall would disagree with these effects the closed groups have on other Japanese. But he nevertheless gives the impression he's not opposed to cartels generally so much as he is opposed to cartels that work especially effectively against foreigners.

Second, Hall fails to make much of a

case that these intellectual closed shops have a wider impact on foreign interests. He argues that "the United States, by failing to push now for the dismantling of Japan's cartels of the mind, risks their eventual export to the rest of Asia in a rolling emulation effect." The absence of an internationally integrated higher education system in Japan "impedes a genuine two-way intellectual flow between Japan and the rest of the world because the traffic at universities is precisely in ideas," Hall says. Further, "this imbalance in academic employment opportunities has had a subtle if largely unnoticed impact on political, trade and historical issues . . . by giving Japan a stronger rhetorical footing in America than the U.S. enjoys in Japan."

The impact has been unnoticed for good reason: there's not much of one. Whatever the lost opportunities to specific groups of foreign professionals, the real costs of the cartels — the real costs of Japan's insularity — are borne by the Japanese themselves. Amazingly, for Hall is a long time participant in Japan discussions, he spends little time relating the existence of the closed shops to Japan's economic, political and social troubles throughout this decade. Yet these deeply-rooted problems clearly stem from layers upon layers of cartel-type structures, and from an unmanageable system of now fossilized central controls.

Japanese citizens are worse off because their choices in conflict resolution are limited; because in cozying up to sources and conforming the resulting news to a kisha club communal standard, the "elite" news organizations legitimize an unhealthy denial of bad things; because the absence of an open higher education system saddles the country with a pathetically un-intellectual, and in places openly bigoted, training ground for future business executives, bureaucrats, politicians, and housewives. This is not a secret to the rest of Asia. Exporting Japan's cartels of the mind will be much tougher than exporting Toyotas and Walkmans.

Closed systems don't work. Once, several decades ago perhaps, it was possible to believe some might. But as everyone except North Korean leaders, Japanese bureaucrats, and Apple Computer executives now seem to have learned, insularity protects only tempo-

rarily, and then it protects only a fading snapshot of the intended goal. The rigidity and narrow-minded attitudes it nurtures have little value in a world where progress requires creativity, flexibility and adaptability. Japanese citizens are paying a heavy price for this today. Their systems have become so stale and rigid that they have begun to crack.

Worse, the insularity leaves the Japanese without the references or structural tools to affect systematic change. Like Third Republic France, as described by Stanley Hoffmann, Japan is a "stalemate" society with "plenty of brakes and not much of a motor."

In any case, the absence of opportunities in Japan for certain American (and other foreign) professionals is no reason for U.S. professions to adopt sim-

ilar policies toward Japanese, as Hall suggests. Yes, Japanese lack an official sense of reciprocity for the freedoms their individuals and businesses enjoy overseas. That's a particularly nasty side of the country. (It's also an interesting counterweight to the pride Japanese take in their obsessively reciprocal gift-giving custom.) As foreign professors were being dumped from their long-held jobs at national universities, their Japanese colleagues — many of whom had ten or more years experience as fully-accepted members of U.S. institutions — stood by silently and gave their foreign friends zero support.

Banning Japanese reporters from press conferences might prompt some changes in the kisha club system. Asking Japanese professors at U.S. universities to step down from their

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posts would horrify them, of course, just as it would horrify — I hope — most Americans. But these are silly ways to promote good ideas. Rather than communicate important values of

openness and equal opportunity, these measures signal that our principles are simply tokens for game-playing whenever we think we are being treated “unfairly.” □

***Ayn Rand: A Sense of Life*, written and directed by Michael Paxton. AG Media Corporation, Ltd. & Copasetic, Inc., 1997, 143 minutes.**

Making Sense of a Life

R. W. Bradford

There is an awful lot to like about *Ayn Rand: A Sense of Life*, the documentary that was recently nominated for an Academy Award. Thanks to the cooperation of the Ayn Rand Institute and the Estate of Ayn Rand, its producer-director-writer Michael Paxton had access to Ayn Rand's photo album, her manuscripts and letters, and the right to quote from her writing. A parade of photos of young Rand laughing, posing solemnly with her family in Russia, and trying to look glamorous or mysterious according to the Hollywood precepts of the day while narrator Sharon Gless reads from Rand's words — this may not be a recipe for a box office hit, but I like it a lot.

Unfortunately, thanks also to the cooperation of the Ayn Rand Institute and the Estate of Ayn Rand, there's a lot not to like as well.

The great flaw of *A Sense of Life* is that it is not committed to the truth, to showing Rand the way she really was, in all her complexity. Instead, it is committed to portraying Ayn Rand as Leonard Peikoff, Rand's heir, wants her portrayed, and to putting both of them in a glaringly, but ultimately uninterestingly, favorable light. Thus Rand is depicted as not only the greatest philosopher and greatest novelist of all time, but also as an individual entirely consistent in her thinking at every level. Consequently, she led a nearly perfectly happy life. The

film does grudgingly admit that, as anyone would suspect, she was unhappy after her husband died in 1979, but it fails to mention that she suffered almost constant depression for the final 25 years of her life.

Of course, Rand herself engaged in a good deal of self-mythologizing, and much of *A Sense of Life's* portrayal of her is consistent with her self-made myth. Thus Rand's long familiar story about her brilliant confrontation with philosophy Prof. N.O. Lossky is repeated, despite the well-known recent research of Chris Sciabarra which casts very serious doubts on its truth. So is Rand's dramatic fib about Mussolini's suppression of *Noi Vivi*, the unauthorized film version of her novel *We The Living* filmed in Italy during World War II. (On this issue, see *Liberty*, November 1988.)

It is easy to understand *A Sense of Life's* indulgence of Rand's ability to tell a good story. But it is much harder to fathom its treatment of Rand's emergence as a philosopher. Here is how the film claims Rand got her start in the field:

Through conversations with Leonard Peikoff, Ayn saw that many of her philosophical principles were not self-evident to those around her. She realized a more detailed elaboration of her philosophy was needed. Now that Howard Roark, Dagny Taggart, and John Galt existed, she had accomplished what she had set out to do in fiction and was ready to begin writing in the field of philosophy.

The notion that conversations Rand may have had with Peikoff had anything to do with her starting to write is simply wrong. Rand regarded herself a philosopher long before she met Peikoff, though she postponed writing formal philosophical essays until she finished her novel *Atlas Shrugged*, a few years after she had met Peikoff. Her first work of philosophy, *For the New Intellectual* (1959), is made up mostly of passages from *Atlas Shrugged*, as well as her earlier novels. During this period, Peikoff was very much a junior member of her circle of admirers, a member whose relationship with Rand was that of student to teacher. “His philosophical discussions with Ayn were usually his admissions of his failure to understand essential aspects of Objectivism,” recalls Barbara Branden. Rand's more serious philosophical discussions were with Nathaniel and Barbara Branden and John Hospers, who, unlike the others, was an established academic philosopher.

Equally hard to understand is the documentary's treatment of the person who was Rand's closest associate, both socially and intellectually, Nathaniel

Rand is depicted as not only the greatest philosopher and greatest novelist of all time, but also as an individual entirely consistent in her thinking at every level, and who, consequently, led a nearly perfectly happy life.

Branden. He was the emotional center of Rand's life from the day in 1950 when she received an unusually impressive fan letter from the 19-year-old, through years of an intense sexual relationship and collaboration, until the day in 1968 when, learning of his sexual infidelity, she humiliated him in front of his friends and banished him from her life.

In a documentary running approximately 143 minutes, Rand's relationship with Nathaniel Branden gets a total of 3 minutes and 30 seconds. For most of that time, Rand's final designated heir Leonard Peikoff speculates about how

Rand's husband, Frank O'Connor, coped with his knowledge of his wife's sexual relationship with the much younger Branden — though somehow Peikoff fails to mention that Frank began an affair of his own at this time, with a liquor bottle — and explains what a rotten person Branden "was." (Peikoff speaks of Branden only in the past tense, as if he were dead, which, I suspect, Peikoff wishes he were.)

Barbara Branden, Joan and Allan Blumenthal, Henry and Erika Holzer, Bob Hessen, Edith Efron, John Hospers, and Alan Greenspan also played very important parts in Rand's life, but none of whom are on speaking terms with Peikoff today. None of them is even mentioned at all in the film, though one can occasionally spot them in photographs. The camera focuses again and again on Leonard Peikoff and the others who surrounded her after Joan and Allan Blumenthal bowed out in 1978; the film gives the distinct impression that they were Rand's only close associates (aside from the pernicious Branden).

Near the end of the film, Peikoff describes Rand's ability to answer questions from students as that of a philosophical and psychological genius:

She not only answered the questions — she told you what errors you made that led you to that question, why you weren't able to answer it yourself, what confusions would arise in your mind tomorrow when you thought over her answers and what the answers to those were and then what to read to consolidate your thinking even more clearly. So it was like an entire course — it wasn't just a yes or no answer. Every question was a springboard to a total exploration of the issue and of the proper methods of thinking.

An astute viewer might wonder why the film presents Peikoff's talking head explaining this when he could have shown footage of Rand responding to an actual questioner. Those who have witnessed Rand's responses to questions know why no such insightful and brilliant responses were shown. It is true that Rand sometimes offered genuine insights when answering questions, but all too often she responded in an extremely hostile fashion. As Nathaniel Branden observed, she "often became angry" and "sometimes she could be terrifying" to individuals who asked her

questions, an observation confirmed by a great many others. "She commented on psychological problems of the questioners, and frequently discussed what she saw as their motives," Joan Blumenthal observed. "That is what terrified people."

Had Paxton wanted to show how Rand responded to what she perceived as a hostile question, he could have done so. When Rand appeared on the Phil Donahue television program, portions of which Paxton used in his film, a woman made the mistake of saying that she had formerly liked Rand's philosophy but had "matured." "Do you want to create an incident?" snapped Rand. "Why come here and take advantage of my show and of people who came here to see me?"

The young Rand portrayed early in

the film was determined, ambitious, brave, vulnerable, and smart — an attractive young woman who it's easy to forget ever existed when one looks at the eviscerated portrayal that this film projects of her as the virtually flawless Greatest Philosopher of All Time.

We can forgive Rand her self-mythology. She was a woman of great accomplishment — a first rate novelist and philosopher — and of geniuses we can forgive much. But Leonard Peikoff is not a man of great accomplishment, so what is forgivable or at least understandable in Rand is simply silly in Peikoff.

Ayn Rand's story is fascinating. It's too bad that *Ayn Rand: A Sense of Life* doesn't tell that story with fidelity to the truth. It is not biography; it is hagiography. □

The Reader's Catalog, edited by Geoffrey O'Brien. RC Publications, 1997, 1,654 pages, paperback.

The Number of the Best

Richard Kostelanetz

The second edition of mammoth *The Reader's Catalog* comes several years after the first, and from the same people who gave us *The New York Review of Books*, whose address it shares. Billed as "An Annotated Listing of the 40,000 Best Books in Print, Chosen by a Distinguished Group of Academics, Critics & Writers," it is meant to be a Bible, or at least a bible, toward book purchasing, even providing a convenient order form in the back and, for those more inclined to talk than write, an 800 number. Given its origins, it is scarcely surprising to find that the *Reader's Catalog* recommends *The First Anthology: Thirty Years of the New York Review of Books* with these words: "The pre-eminent American journal of politics and culture celebrates its 30th anniversary. . . ." Uh, huh.

Since *The Reader's Catalog* lacks not only running heads but running sub-heads, you the reader (in whose name the book is piously titled), opening at random, has a helluva problem discovering where he is at. On pages 502–3, for instance, you can find in the middle of the pages the categorical epithets of "Non-Marxist Thought," "Non-violent Politics," and "Conservatism," each of which introduces a list of selected book titles. What connects these seemingly fugitive categories, you ask? Well, turn back several pages to page 498 and you can find in larger type the sub-head "Political Thought" and then turn all the way back to page 419 to find the section heading of "Social Studies," both of which account for these categories on pages 502–3.

Consider then what would certainly be obvious to any professional book designer — that the space beside the folios on pages 502–3 could read

"Social Studies: Political Thought," giving a context and thus more sense to the sub-sub-heads. You wonder how people, purportedly experienced at publishing and perhaps reading Books, could make such an amateur omission. My hunch is that this book was produced but not actually read, as happens too often in committee work nowadays, until it got to reviewers and users (you and me). The fact that the first edition of this *Catalog* has running heads (and

running sub-heads) makes you wonder whether this publisher and its editors read their own books. For some reason currently inexplicable (but probably illustrative when known), few listings mention a book's year of initial publication.

Larger than most telephone directories, *The Reader's Catalog* has nearly 2,000 pages, 8 inches by 11 inches on thin paper, with triple columns of type punctuated occasionally by author pho-

tos and, more often, David Levine's familiar author caricatures from the *New York Review*, which are shamelessly recycled once again. Among the writers recommended most often, to judge from the 92-page, quadruple-columned index, are Ronald Barthes, Harold Bloom, Mircea Eliade, Christopher Ricks, Thomas Merton, Peter Matthiessen, and Henry Louis Gates, Jr., with ten citations apiece. Figure them apples out, if you can. If you regard the

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various editions of *The Whole Earth Catalog* as the model for this sort of compendium, you'll notice, by contrast, *The Reader's Catalog* lacks the social vision and thus a rationale for not just its particular recommendations but for literacy itself, becoming instead a merchandizing medium no different in quality from L. L. Bean's.

Among the many important writers whose books failed to make the short list of 40,000 (!) are the music critic Eric Salzman (whose survey of 20th Century modernist music has been the best for thirty years and thus gone through three editions) and anarchist-libertarians such as Harry Browne (in spite of his past best-sellers), David Friedman, Murray Rothbard, Bob Black, Isabel Patterson, and Rose Wilder Lane; some more prominent than others, even though books by all of them are still in print.

If only to check bibliographic accuracy, I started with a body of work I know well — my own books. Since my name appears twice in the index, I began with these two references. One recommends an anthology, *Merce Cunningham: Dancing in Time and Space*, that, alas, is out of print, contrary to the opening boast to include only the "best books in print in America." The annotation includes the spelling error "composr." Someone must have been snoozing as this *Catalog* went to press. The second reference, for my *Conversing with Cage*, is wholly accurate, giving this team a fielding percentage of .500, which isn't good.

One anthology that I edited to the same degree that I edited *Merce Cunningham*, my *Moholy-Nagy*, is listed under the subject's name, rather than mine. That's another recurring elementary editorial fault. The data under this title lists not only a Da Capo paperback edition but, wonder of wonders, a hardback for \$50.00, which is unknown to both me and my publisher. If this last invention is meant to suggest that my abundant bibliography has some titles that don't exist, I'm reminded of the old truth that some paranoids have real enemies.

On page 1288 of the *Catalog* is an entry for *Baker's Biographical Dictionary of Musicians*, Nicolas Slonimsky, editor, as a "Macmillan" paperback costing "\$20.00." The problems here are that a book with that title, which was

authored by Slonimsky (not edited), sells for well over one hundred dollars; and that a paperback book costing \$20.00 and published by Schirmer Books, a division of Macmillan to be sure, is *A Portable Baker's Biographical Dictionary of Musicians*, which was edited by me, which isn't mentioned at all (tickling my paranoia once again).

We can safely assume that none of the "Distinguished Group of Academics, Critics & Writers" ever held either *Dictionary* in his or her hand while sober, which is customarily the primary requirement of "research." Actually opening the book becomes a second step. It is reasonable to assume that many other titles featured in these pages likewise escaped first-hand examination by the annotators and their editors. One unfortunate result of this *Catalog* is proving that the conservatives are right — even among the self-proclaimed literati the measure of literacy ain't what it used to be. This *Baker's* entry, like others in this *Catalog*,

includes an ISBN number to facilitate ordering, in this case 0-02-871225-0. What seems superficially useful actually confuses matters some more, as this number belongs to neither the huge hardback nor the paperback *Portable* but apparently to something else, thereby raising the questions of how many other ISBN numbers in this *Catalog's* pages are similarly inappropriate. The measure of numeracy ain't what it used to be either.

Perhaps *The Reader's Catalog* is one of those peculiar books designed to give everyone mentioned, the true cognoscenti, the special pleasure of identifying errors about himself or herself, while deceiving the *hoi polloi* with illusions of authority. Needless to say, such sloppiness undermines pretension, unless the pretension is taken as an excuse for sloppiness. Like the *New York Review of Books* itself, this monstrosity is less about canon-formation or even intellectual influence than about selective peddling. Caveat Emptor. □

SF Fandom Strikes Back

High Horseplay

Victor Koman

As one of the few authors to escape Martin Morse Wooster's ire ("Libertarians in Space," March 1998) I feel compelled nonetheless to man the barricade in defense of my fellow authors in the first libertarian SF anthology, *Free Space* [Tor, 1997].

Mr. Wooster first notes that libertarianism is much more prevalent among science-fiction authors than among the general population, at about 25 percent (versus what seems these days like .001 percent).

What starts out as a promising glim-

mer of hope that libertarians are having an impact on the genre is undercut almost immediately by a series of haughty assaults on both writers and fans in this movement of ours. After a gratuitous swipe at the most prolific libertarian SF novelist in history — L. Neil Smith — Wooster attacks the LFS and frefen in general for not caring a whit about literary standards as long as they can read about bureaucrats getting their butts kicked. If he reads enough science fiction, he will find plenty of socialist-leaning SF writers who enjoy creating straw-libertarians to kick. Is it not fitting that our abused minority indulge in some tu quoque table-turning? In the tradition of Pre-Revolutionary French Novels of Libel, drawing unflattering caricatures of those who happily enslave

us is not a failing, but a right and a duty. If Wooster cannot see the difficulty and heroism of countering a thousand paeans to statism with the handful of contrary views that the New York publishing cartels deign to allow through, he is not paying attention to our struggle.

As far as quality goes — well, we can't all be Heinlein. Wooster is way off the mark, though, if he thinks that the LFS counts up the number of impacted statist derrieres in nominated novels then awards the Prometheus to the one with the biggest bootie count. If he would stoop to reading the LFS newsletter regularly, he would notice how members continually agonize over the question of literary quality versus libertarian purity. And if he looked at the novels that have won the Prometheus award, he would notice that purity and quality can co-exist remarkably often.

Having dusted his hands of the fans, he zeroes in on the most amazing phenomenon in science-fiction publishing ever: *Free Space*, the only explicitly libertarian SF anthology in existence! Does Wooster have any idea of what it took for Brad Linaweaver and Ed Kramer to get this collection through nearly intact? Even Tor, which publishes Wooster's *bête noire* L. Neil Smith — and would not do so if he was not widely read and growingly popular — gave Mr. Linaweaver hell for two years, demanding that most of the libertarian authors be cut from this collection of libertarian stories. If Linaweaver had not persisted, my own story, which Wooster liked, would have been the first one cut entirely out!

Thank reason and liberty (the concepts, not the periodicals) that Brad persisted beyond common sense and ultimately wore the other side down; we have in our hands a miracle.

Wooster goes on to attack a number of stories in the collection. Dafydd ab Hugh's "Nerfworld" weathers the majority of his ire, but why? Because it shows bureaucrats as "either drunks, fatties, or failures." Has Wooster not taken a long, hard look at President Clinton and his cabinet? Mr. ab Hugh wrote a satire of political cowardice and wound up with an accurate reflection of our current world! Then the reviewer flat-out misleads the reader by calling the heroine's address to

Congress "obscenity-laced." She used a word once that you can hear fifty times in a Quentin Tarantino film, and that single usage carries a vampire-stake's impact because it sums up the lifelong frustration of one who struggled mightily to get us into Space.

He slams J. Neil Schulman's "Day of Atonement" without understanding the wicked satire of the story: if a modern Jew met a genuine, Biblical Hebrew he would — and ought to — recoil at the barbarism inherent in the religion he claims as his heritage. As to why Israelis chose "this wildly implausible future" of Old Testament-based theocracy, one might similarly ask why modern Iranians overthrew the secular, Westernized Shah in favor of the fundamentalist Ayatollahs and their Koran-based theocracy!

And again, for someone who claims to appreciate satire, his attack on the editor's contribution, "No Market for Justice," is an assault on a very wry piece of humor. If Wooster can applaud the Marxian John Barnes for having the best piece in the book, despite the fact that it is not really a story but a meta-story, then why does he attack Linaweaver for writing something that is not a story but an essay in monologue form? Worse, the reviewer lauds Mr. Barnes because "he forces his readers to check their premises" without noticing the exact same message from Mr. Linaweaver! Is Barnes's non-story better than Linaweaver's non-story solely because Barnes is a non-libertarian? It sure seems that way from the review.

How can Wooster overlook the incredible accomplishment this book represents? I can personally attest to how hard it is to be a libertarian and a writer in today's cultural and publishing climate. The pressure to give up and write totally non-libertarian media tie-ins is overwhelming. For example, my novelization of the TV script *MILLENNIUM: Weeds* is due out from HarperPrism this Spring. I was paid as much for this paperback as I was for the hardcover of my Prometheus Award-winning *Solomon's Knife*, and I know that *Weeds* won't be spiked by having its print run cut back and its advertising budget reduced to a few hundred bucks and then misapplied by placing an ad for the courtroom drama in a sci-fi magazine.

For *Liberty* to run this savage attack

on our own when good reviews are coming in from such unlikely mass-media sources as *Starlog*, *Booklist*, and *Kirkus Reviews*, is a stunning blow to say the least. At a time when the struggle might actually be turning a quantum in our favor, some in the movement seem dedicated to proving how tasteful and urbane they are by scorning this milestone even as outsiders hail it as a long-overdue breath of fresh air.

I give Wooster the same advice Claudius gave to Caligula: "Get off your high horse!" □

.357 Magnum Opus

Rex F. May

I read with pleasure Martin Morse Wooster's review of *Free Space* and I have only one exception to take. He finds L. Neil Smith's novels to be "... unreadable formulaic space operas that provide little pleasure." The pleasure part is subjective, of course. I enjoy them and have reread them several times. But "space opera"? Unless that's just a generic term for sf one doesn't like, I can't see it. Smith, in my opinion, has pushed the envelope (rather more like Dostoevski), sentimental (like Twain), preachy (like C. S. Lewis) and viciously polemic (like Swift), but I like him anyway. I still think the best way to introduce libertarian ideas to a sf fan is to give him a copy of *Probability Broach*. □

Fiction Unbound

Michael Grossberg
Victoria Varga

Despite a few serious disagreements with Martin Morse Wooster, I applaud his hard-hitting critique of "the strengths and weaknesses of libertarian sf." We would like to remind him, however, of Sturgeon's Law — "90 percent of everything is crap" — and to assure him that the Libertarian Futurist Society aims to discover and honor that 10 percent of science fiction or fantasy that blends exciting plots, imaginative settings and believable characters with pro-freedom themes.

Although any annual award varies

with the range of each year's eligible entries, and any judging/voting system inevitably reflects differing opinions, the Society sifts through an enormous amount of bad or mediocre "libertarian sf" every year in the hope of finding a few gems. It may not happen every year — for that matter, are each year's Oscar, Tony, Emmy, Hugo or Nebula winners equally worthy? That's why the LFS has a "None of the Above" option that we have exercised in the past.

Yet, we do continue to discover gems that deserve to join the ranks of such first-rate Prometheus or Hall of Fame winners as J. Neil Schulman's *The Rainbow Cadenza*, Ira Levin's *This Perfect Day*, Ray Bradbury's *Fahrenheit 451*, Alfred Bester's *The Stars My Destination*, George Orwell's *Nineteen Eighty-Four*, Robert Heinlein's *The Moon is a Harsh Mistress*, and Yvgeny Zamiatin's *We*. The Society has made a difference by recognizing up-and-coming writers, such as Prometheus winner Vernor Vinge (*Marooned in Real Time*), who a few years later went on to win the Hugo award. Last year, LFS made history when Victor Koman's *Kings of the High Frontier* won the 1997 Prometheus Award. In a living embodiment of libertarian futurism, it was the first time an electronic/Internet novel won a major award.

LFS sponsors the annual Prometheus Award and Prometheus Hall of Fame, publishes the quarterly Prometheus, arranges a Prometheus awards ceremony at the annual

Worldcon, debates libertarian futurist issues (such as private space exploration) and provides fun and fellowship for libertarian sf fans. *Liberty* readers who enjoy science fiction and fantasy are invited to join and help us make better choices of nominees, finalists and winners — with the highest standards of good fiction, and without regard to political correctness.

Now is a great time to join because the LFS has recently reorganized to provide more services (including an LFS book/stickers catalog), bolster our outreach efforts at sf and libertarian conventions, establish an Executive Committee, and offer more opportunities and committees for members to get involved (including our first two judges committees to more professionally choose the five finalists that our members read and vote on). Please don't just criticize the LFS; help us improve!

And if any *Liberty* readers discover a novel that should be considered for a Prometheus award, please let us know. □

Literary Standards, Not Libertarian Standards

Martin Morse Wooster

I have read many issues of *Prometheus* over the years, including most of the issues published since

1996, when someone placed me on the mailing list. Despite Victor Koman's claims, I have never read anything in any LFS publication in which any LFS member agonizes "over the question of literary quality versus libertarian purity." Most of what I have read in *Prometheus* are uncritical rah-rah pieces that champion any book by any libertarian writer.

As for Koman's arguments, readers can judge whether they agree with me or with Koman by using the following comparisons. I believe *Free Space* is a generally mediocre anthology with a few good stories. Koman feels the book is "the most amazing phenomenon in science fiction publishing ever" and "an incredible accomplishment." Koman believes the book was nearly killed because the Tor editor demanded that "most of the libertarian authors be cut from this collection of libertarian stories." I have no first-hand knowledge of the discussions over the creation of *Free Space*, but given that David Hartwell, the book's editor, has pretty good taste, it could be that Hartwell simply wanted better stories. Koman believes that any book given a favorable review in *Starlog* must be a masterpiece. I respectfully disagree.

I'm sorry that market forces compel Koman to write media tie-in novels rather than his own work. But Koman is not alone; most mid-list sf writers find doing media work more profitable — and most of them (75 percent, if we are to believe Koman) are not libertarians. □

Learn at Liberty

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Richard Kostelanetz, continued from page 26

onds. Not even stud movie stars can get half as much publicity for purportedly groping groupies.

The first charge is that the president had some kind of sex with the intern. He vehemently denied it. Without any non-circumstantial evidence other than he-said and she-said, only those previously committed, only true-believers of one stripe or another, can pretend to decide definitively for one or the other. (It is not enough to "believe" that ambitious interns want to seduce their illustrious bosses or that bosses inevitably seduce interns. Because something hidden seems credible doesn't make it

truth in fact — fiction is not reality here or anywhere else.) The only honest response is an open mind that might never be closed. The only true libertarian position is None of Your Business, especially if the inquisitor is a government agent.

The second charge for those predisposed to raising the ante is that, if the seduction happened, Clinton lied under oath during sworn depositions about not having sex with anyone other than his wife. The second charge necessarily acknowledges that the first is not a crime and thus tries opportu-

continued on next page

Notes on Contributors

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

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

Mark Brady is a program officer at the Institute for Humane Studies at George Mason University.

Harry Browne is the author of *Why Government Doesn't Work*.

Douglas Casey is editor of *International Speculator*.

Scott Chamber's cartoons have been published in *National Review*, among other places.

Stephen Cox is Professor of Literature at UC-San Diego and author of the introduction to the Transaction edition of Isabel Paterson's *The God of the Machine*.

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John Hospers is the author of *Human Conduct, Libertarianism, An Introduction to Philosophical Analysis* and other books.

Victor Koman is the author of *Solomon's Knife* and other books.

Richard Kostelanetz has published many books of art criticism, in addition to poetry, fiction, and experimental

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Peter McWilliams is a best-selling author and publisher, living at www.mcwilliams.com

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Durk Pearson is a research scientist, best-selling author and rabble-rouser.

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Sheldon L. Richman is editor of *The Freeman*.

Jane Shaw is a journalist in Bozeman, Montana.

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Fred L. Smith, Jr., is president of the Competitive Enterprise Institute.

David Ramsay Steele is author of *From Marx to Mises: Post-Capitalist Society and the Challenge of Economic Calculation*.

Clark Stooksbury is assistant publisher of *Liberty*.

Thomas S. Szasz is a Professor of Psychiatry Emeritus at the State University of New York.

Victoria Varga is director of the Libertarian Futurist Society.

James M. Vinoski is a writer living in Michigan.

Timothy Virkkala is executive editor of *Liberty*.

Martin Morse Wooster is an associate editor of *The American Enterprise*.

nistically to convict the president of something else. Consider, nonetheless, that while lying under oath is discreditable, perjury in a civil trial is nearly impossible to prosecute without, as here, any verifiable evidence. Though I'm still bitter about once losing a small claims case because I didn't bring along enough documents to expose an unexpected lie, I also know that, if everyone committing perjury under oath were prosecuted, the jails would explode from the incarceration of otherwise law-abiding people (and there wouldn't be enough taxpayers left to support them all). Prison overpopulation would likewise result from expanding the definition of statutory rape to include seducers scoring young people not under 18 or 16 but, instead, half the seducer's age.

The federal office of "independent counsel" has been flagrantly abused, as a desultory investigation into a quarter-century-old failed real estate deal called Whitewater has focused instead on a woman less than 25 years old. The rationale for this spectacular jump is that Clinton's comments about the second illustrate a "pattern of deception" purportedly also present in his remarks about the first. If you consider the assumption that anyone fibbing about anything should ipso facto be considered a congenital liar you can comprehend the innocence or cunning stupidity behind this "logical" leap. I can't be alone in knowing people who are scrupulous in their professional lives and dishonest in love, or vice versa. You wonder what some people expect to gain from pretending that they must have been born yesterday.

A decade ago, Supreme Court Justice Antonin Scalia, by most measures a conservative, dissented from authorizing independent counsels on the persuasive grounds that they begin not with the discovery of a crime, which is the standard prompt for legal prosecution, but the suspicion of one and thus a search, which is rightly characterized as a "fishing expedition," rather than hauling in something that is hooked. That is to say that independent counsels are empowered by the state to exceed the standard limits of government investigating agencies, which isn't the same as a license to carry a gun. □

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The host for this event is **Liberale Akademie Berlin (LAB)**, a German libertarian think-tank, which promotes the ideals of private property and a life free from invasions of property by others. It promotes these ideas by organizing seminars and conferences, by publishing seminal works in the libertarian tradition, and by consulting.

Introduction to the Conference lineup

The first day will feature an assessment of the transformation process of the former European member-states of the East block (COMECON). Speakers will analyze the opportunities given with the fall of the Berlin wall and the forces of liberty and its countervailing powers now at work.

The second day (Executive Day) will feature Speakers from large and small enterprises who will discuss the influence of government action on business and the possibilities of free markets to bring about a free society. Another topic will be the dangers of business cooperation with government.

All the sessions of the day will be open for the public in order to reach wider parts of the German business community and interested individuals.

The third day will explore one of the tendencies visible in the development of Western governments, namely the centralization of political power through allegedly "free-market" reforms. Major examples are so-called "free-trade associations" like NAFTA and politico-economic "unions" like the European Union. Speakers will address the possibilities of super government – and super resistance.

Our last day will be dedicated to an in-depth discussion of major instruments and strategies for circumventing government, for example, private money, the Internet, private supply of "public goods" etc.

You will hear lectures from some of the most distinguished or controversial libertarian speakers like:

• **Barbara Branden**, author & associate of the late Ayn Rand. Her Rand biography "The Passion of Ayn Rand" is being made into a movie and stage play this year.

• **Hans-Hermann Hoppe**, Professor of Economics, Las Vegas, Nevada, USA

• **Stefan Blankertz**, Author, Pulheim, Germany

• **Detmar Doering** (Germany)

• **Cristian Comanescu** (Romania)

• **Ralph Raico**, Professor of History, Buffalo, New York, USA

• **Bertrand Lemennicier** (France)

• **Christian Michel** (Switzerland)

• **Attila Csanyi**, former Hungarian Freedom Fighter, will host a symposium of East-European representatives.

• Plus many more to be announced.

YES, I would like to attend Berlin '98. I understand that the basic registration fee of **\$760US** includes:

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