Liberty

November 1989 Vol 3, No 2 $4.00

U.S. Imports Criminals to Fill Domestic Shortage

(see page 25)

The Lost War on Drugs

by Joseph Miranda

Life With (and Without) Ayn Rand

by Tibor Machan

Is Capitalism Happening in Poland?

by Krzysztof Ostaszewski

Goodbye, Galactic Empire

by J. R. Dunn

The Case *Against* Cutting the Capital Gains Tax

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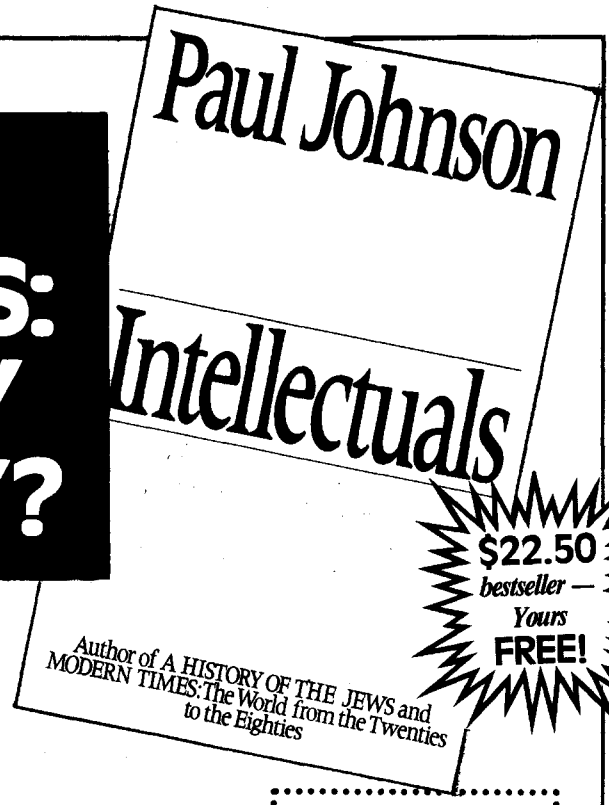

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Inside Liberty

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Volume 3, Number 2

Letters

Rand the Second-Hander

Rothbard's discussion of the Objectivists' reluctance to acknowledge their borrowings ("My Break With Branden and the Rand Cult," September, 1989) is the nearest I've seen in print to a full-length treatment of a subject that well deserves it. Let me add to his examples:

Aristotle's *Metaphysics*, Book 10, (Iota), and portions of *Parts of Animals*, for the insights on units and "measurement-omission" in Rand's *Introduction to Objectivist Epistemology*.

Aristotle's *Nichomachean Ethics*, Book 1, for a derivation of value from the concept of life and for one of the most notorious fallacies in philosophical literature; in both the *Metaphysics* and *Ethics* cases, Rand's borrowing comes not only unacknowledged but on the heels of an explicit denial that Aristotle had anything to offer on these particular topics. The argument that true self-interest dwells, contrary to vulgar belief, in a life of virtue goes back further still, to Plato's *Gorgias*.

Hayek's *The Counter-Revolution of Science*, published in journal form in the early 1940s and as a book in 1955; in the first part we find the what-if that grew into *Atlas Shrugged* (Hayek reports that the question had first been posed by Henri de Saint-Simon, a proto-socialist of the early nineteenth century) and a lengthy case study in the top-down theory of cultural change that Rand later espoused; in the second, we find the word "objectivism" and a critique of "methodological collectivism," which she renamed "the tribal premise." Much of Rand's non-fiction career seems to have been a reaction to this book, as she attempted to construct an individualist case from just the materials Hayek rejected.

Frank Lloyd Wright, whose life, ideas and buildings yield numerous small-to-medium-sized details in *The Fountainhead* and whose persecuted-genius media image informs the whole work, again despite explicit denial. The ghost-architect, letting someone else take credit for his work, appears in *Comrade John*, a 1907 novel by Merwin and Webster, authors of Rand's beloved *Calumet K*.

Part III of *The Groundwork of the Metaphysics of Morals* by Immanuel (the Objectivist Antichrist) Kant for an argument against determinism that Nathaniel Branden used in print as early as 1962 and as recently as 1983; this presumably is what Schoeck refers to in the letter Rothbard quotes.

The Sentence Completion Test, a standard diagnostic tool for some 40 years and a mainstay of Branden's literary career for about half that time.

On other counts I found Rothbard's article pretty trashy. What both he and Branden have yet to learn is that catty vindictiveness makes one's case less persuasive, not more.

Peter Reidy
Pasadena, Calif.

Rothbard the Channeler

While reading Rothbard's memoir about Branden, I felt myself undergoing the same process that occurred when I read Branden's *Judgment Day*. Before reading Branden's book, I had reserved judgment on the behavior of Rand and her circle. As I read *Judgment Day* (trying to focus my attention on the facts; ignoring Branden's self-serving justifications), I soon changed to the view that Branden was a professional flatterer and schemer and that Rand was entirely justified in ending their relationship.

The same thing happened with Rothbard's article. Let's start with the "tape caper" that Rothbard obviously regards as a hilarious example of his "high wit."

Whether a person finds this funny or not (you probably had to be there) is optional (and isn't Rothbard's whiny voice even more open to this kind of ridicule?) but the fact is that it was meant as an insult to Branden and Rand. If Branden was wrong, it was for continuing the relationship one minute longer after he was insulted.

I had read Rothbard's "The Mantle of Science" before learning of the controversy; my response to the controversial section was: "Boy, this is solid Ayn Rand—how does he get away with that?" I take issue with Rothbard's statement that "to anyone with brains it was obvious that the paper was written in the Misesian framework" since in the previous column he says it was "expanded to be grounded in an Aristotelian—Thomist defense of free will." Do you have to be a rocket scientist to know that this did not come from Mises? And then we are told that Murray took detailed notes of Barbara's master's essay. Nowhere in his article does he deny getting his ideas from Rand, and he admits that his footnotes were added after the fact. Where did you get your ideas, Murray? Not from Mises and not from the sources you quoted. Did you channel them?

I cannot imagine anybody who thinks that Rand was given proper credit. To this day Rothbard uses Rand's philosophy without giving her proper credit (cf. *The Ethics of Liberty*).

Insults abound in Rothbard's article. Branden is called a "pompous ass," a "creep," a "potz," etc. So we may ask ourselves what Rothbard said to Branden's *face* when he had the chance. *Nothing*! Every time he had a chance to say what he thought—Casper Rothbard wimped out! "Many of us in the Circle Bastiat would fantasize about the taunts we would hurl at the Randians as we were being kicked out the door . . ." Walter Mitty still lives!

And I would say *that* to Rothbard's face.

Philip Baltimore
Philadelphia, Pa.

Death to Trespassers!

R. W. Bradford's ("Abortion Without Absurdity," September 1989) cavalier dismissal of libertarian attempts to resolve conflicts between the competing rights of mother and unborn child is absurd. It is only the libertarian contention, which Bradford describes as "silly and unconvincing," that provides any way out of the dilemma. The fetus is, indeed, a guest liable to expulsion if he overstays his welcome; maintenance of the fetus against the will of the mother is, in fact, a form of slavery. Bradford says "it is not surprising that these arguments are easily demolished." Why is it, then, that he makes not the slightest attempt to do so?

All libertarians recognize property rights, and the first of these is self-ownership. If a trespasser is unwilling or unable to leave my property, I am entitled to remove him by whatever means are necessary up to and including causing his death. It is quite irrelevant why he is there or even that I originally invited him in.

One might rightly claim that excessive force is objectionable. So, if "prolifers" can offer a method of ejecting the

continued on page 6

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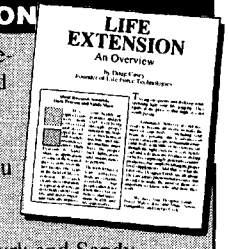

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Letters (*continued from page 4*)

trespasser which does not involve causing his death, they might have an argument. Until that day the wishes of the property owner—the woman—must be respected.

Tim O'Brien
Madison Heights, Mich.

Abortion, La-De-Da

Bradford argues that abortion should be legal "because people will have better control over their lives, the number of unwanted children will decline, women will be happier, men will be happier, families will be happier," and la-de-da. Please. Does having better control over your life include destroying someone else, excised as a mere parasite although created by your own actions?

Killing in self-defense is acceptable to save one's own life; the unborn human being doesn't "aggress" against its mother, because her own actions created it. And if a woman becomes pregnant by rape, that is a terribly unfortunate tragedy, but it doesn't justify a death sentence for anyone.

I will no doubt be accused of being "absolutist" and "subjectivist" and cold and sexist. But in my view, women must deal with that biological component that men do not have. If a woman respects herself as a thinking, responsible adult, and does not want to house another human being, then she has the knowledge, the control and the will to prevent its conception. She must also, however, take responsibility for the consequences of her own actions, or inactions, even if that means enduring a 9-month pregnancy and seeing that the child is somehow cared for.

Scott Garfinkel
Brookline, Mass.

Not old enough to drive, but old enough to cerebrate

I dispute Bradford's point that no stage between conception and childhood exists where we may first identify a human being. From my understanding of the development of the fetus it appears that around the 25th week the brain develops its cerebral cortex, which enables the organism to become a thinking being, gives it the faculty of reason. Although this faculty may not be used for a long time after it becomes part of the organism, its development would appear to pinpoint a stage of development of the fetus during which it becomes a human being—that is, a rational animal.

While no doubt there are individual variations involved even in this picture, and no exact moment will be found at which one is *suddenly* a human being, it seems to be a better demarcation point than that which marks the change from adolescence to adulthood.

Tibor Machan
Auburn, Ala.

Abstinence, Sí! Abortion, No!

Focusing attention on the stages of development of the fetus merely employs the magician's trick of diverting attention from the most significant event in the causal chain under consideration. There are three lives involved in pregnancy, not two. The act of intercourse between two adults is a clear and distinct event and the only point where conception and all that follows can be controlled. The father as well as the mother carries responsibility for the ultimate results.

I think we can agree that both the egg and the sperm can be absolved from fault in their union and that there is no point in the subsequent development from conception to personhood where fault can be added. None of us can be held responsible for our *own* existence, but we cannot escape responsibility for the existence of *another*. Pregnancy is 100% preventable by abstinence from intercourse. Those who seek 100% assurance that they won't "get caught" must choose that method of contraception. The problem is with those who want the immediate joys of unrestrained sex but not the long-term pains of parenthood. Scientists have done very well in supplying products that can meet the demand for contraception. Contraceptives are available that are both effective and easy to use, although they don't carry 100% guarantees. Those who are unwilling to abstain from sexual intercourse are obliged to consider their options for protection against pregnancy, to calculate their risks, and prepare to take the consequences in the event of losing their bet. Neither the state nor anyone else is obligated to provide the means of escape from the consequences of the irresponsible act of two adults.

Maribel Montgomery
Albany, Ore.

Send in the clones

Bradford writes, "The zygote is not the only type of cell that has a DNA blueprint for a human being; virtually every human cell does. What will anti-abortionists say when cloning of human beings becomes practical?" Conception would then seem hardly "more momentous than, say, birth."

Zygotes are more than "blueprints;" they are "self-assemblers." They alone have the inherent power to become adults. Other cells aren't self-assemblers. In cloning, the nucleus of the body cell is removed and is used to "seed" an egg cell. Until this surgical transfer takes place, no growth and development into an adult can begin. Cloned cells are akin to zygotes. Cloning is analogous to fertilization; whatever the species, both events mark the beginning of a new individual's life.

Doris Gordon
Wheaton, Md.

Put Up or Shut Up!

Hooray for R.W. Bradford's essay on abortion. Rather than the convoluted reasoning that often accompanies the issue, Bradford gets to the cogent points: a fetus is not a person and abortion rights are necessary to maximize a woman's control over her own life.

Bradford is right that arguments such as the "fetus as aggressor" are unnecessary to justify abortion. I would propose, however, that their ridiculousness stems directly from the premise, that a zygote or embryo is a person, rather than from the arguments themselves.

Libertarians currently have an opportunity to put up or shut up—do we stand up to preserve the freedoms we have or don't we? Abortion is the only major case in my lifetime in which a power that government had usurped was returned to the people. Let's work to keep that power where it belongs—with individuals, not the state.

Kevin Gough
Eau Claire, Wisc.

Recon Redux

Dr. North is correct when he points out the areas in which libertarians and Reconstructionists agree, specifically in

continued on page 20

Letters Policy

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

Reflections

What did you do during the war, Daddy? — President Bush's recent redeclaration of the War on Drugs generated memories of another war, a war declared just 25 years ago. In 1964, President Johnson declared War on Poverty. All the resources of the government were to be mobilized to wipe out this enemy—money, programs, laws, regulations, federal-state cooperation, the co-opting of private efforts. In a few years, poverty would disappear.

Well, as we all remember, no one in Johnson's administration had any idea about what caused poverty or even what poverty was. (The most egregious mistake was the belief that poverty was the lack of money rather than the lack of productive skills or habits.) In the end, we fought poverty and poverty won.

I for one declare myself a conscientious objector in Mr Bush's war, just as I did in Mr Johnson's. —WPM

Two cheers for Webster — Hey, am I the only guy in the country who likes *Webster* as is, and hopes that the Supreme Court, in its confused and blundering way, stays *right there*? From the hysteria on both sides of the fence, it certainly looks like it. The *Webster* decision retains the right of choice assured by *Roe v. Wade*. It is true that it allows further outlawing of abortion into the second trimester of pregnancy by allowing compulsory testing for viability of the fetus up into the 20th week, allegedly on the ground of a few weeks possible error on the date of conception. But that restriction on the right of free choice was already included in *Roe* itself, and stems from the philosophical errors and confusions of the original *Roe* decision. For, contrary to the general assumption, *Roe* did *not* rest on an absolute right of privacy or self-ownership of the woman's body (and hence everything within it); on the contrary, it acknowledged such a right only in the *first* trimester of pregnancy; in the second and third trimester the alleged "state interest" in fetuses and children overrides such right, so that the state can regulate abortions during the second trimester, and prohibit them during the third. But *Webster* is only a marginal step backward on the right of choice from *Roe*.

What apparently drove the pro-choice forces crazy (in addition to the real threat of an overturn of *Roe* next year) was that the *Webster* decision allows state government to cut off their own funding of abortions. Since most pro-choicers are left-liberals, they persist in confusing someone's freedom or *right* to do something, with the alleged "right" of that person to force the taxpayers to pay for that action. Libertarians know that the freedom or the right to do X emphatically does *not* imply the right of X to force Y to pay for it. But the bulk of pro-choicers—alas!—are not libertarians.

So not only do I cheer the *Webster* turn; I hope that all governments, state and federal, will take the hint and stop using taxpayer-financed government funds or facilities to support abortions. On two grounds. First is the general point that I am against taxpayer funding of *anything*, including any medical procedure, and we start hacking away at the State wherever we can. But second is another point, which makes the abolition of government financing for abortions particularly important. The anti-abortionists, a large and significant part of the population, feel deeply that abortion is murder. I don't agree with their position. But surely it is adding insult to injury to force these people to help finance an act they consider murder!

The arguments *for* government-financed abortion is the standard left-liberal argument for *everything:* namely, that if the market is left free, the poor will be "discriminated against." And so, to defend tax-aided abortions, we hear about the plight of poor women, who would allegedly not be able to afford to pay for abortions privately; but, of course, this argument applies to any good or service whatsoever, and only makes sense as part of a case for total egalitarianism or complete socialism.

Despite the fact that I think both the pro-life and pro-choice forces to be off the mark, I am glad to see the abortion issue become a lively issue in American politics—another happy effect of the *Webster* decision. For politicians are wont to fuzz and compromise every issue; they run from principles as from the plague. And so it is good to see them squirm, as they confront two opposing sets of highly principled single-issue voters. It is good to see politicians forced, at long last, to take a stand on something.

Having said that, I also believe it is possible for libertarians to take a stand on their *own* principles, which may seem, to outsiders, as an intriguing "compromise" between the two massed camps, and which might even prove to be viable politically. That is: for the right of free choice for every woman, but no tax support for abortions. And who knows, maybe, in the pulling and hauling of American politics, this might turn out to be the final result, in which case the principled libertarian path may turn out to be the politically pragmatic one. —MNR

One man's meat is another man's videotape — At the Eris Society conference in August, an advocate of animal rights made an attractive case for the proposition that we should treat animals only as ends in themselves, not as means to *our* ends, and that consequently we must *never* cause the pain, suffering or death of an animal.

In a series of anecdotes, she explained how she came to advocate this proposition. The process began about a decade ago. While wearing her rabbit fur jacket as she walked through a shopping mall, she happened upon a pet shop. She saw a bunny in a pen and began to pet it. Observing her, a woman walked over and asked her, in a voice loud enough for many other shoppers to hear, "How can you stand there and pet this bunny when you are wearing the skins of dead bunnies?"

To some, this episode may seem a simple case of obnoxious and self-righteous rudeness. But in this instance it was more a case of Saul's conversion on the road to Damascus. She became

embarrassed and was convinced of her hypocrisy. Before long she was ordering soybean burgers in restaurants and lobbying for laws against meat-eating, animal exploitation and medical experiments on animals, and showing us a video of man's insensitivity and cruelty to them. I forced myself to watch this nasty film, though I was not sure why. Perhaps I feared someone would loudly accuse me of hypocrisy if I averted my eyes as I sat there wearing leather shoes.

Now it was clear. The killing of animals to allow her to show us graphic pictures of animal suffering that might convince us to support her notion of animal rights is a reasonable tradeoff. But the killing of animals to save human lives is not.

She told us stories about the horrible birth defects caused by ingestion of the tranquilizer thalidomide a generation ago, but she made no attempt to relate the tragedy of thalidomide to her support of animal rights. Perhaps she was trying to show the awfulness of medical doctors and scientists, perpetrators of experiments on animals.

She criticized a group called the Incurably Ill for Animal Research, who argued that animal experimentation was necessary for medical science to continue its progress in relieving human suffering. The organization had been given financial aid by some researchers, so its motives were not pure. She told us of the horrible suffering of her mother from cancer, and how her mother had confided to her that she did not believe experiments on animals would ever cure her or relieve her suffering.

During the question period, someone asked her whether she was aware that the videotape she had shown had been manufactured in part from gelatin, which comes from the intestine of a cow. Yes, she replied, and she was also aware that samples of videotape had been fed to rats to test its safety in homes with infants who might accidentally eat a bit of it. But it was a matter of tradeoffs.

Now it was clear. The killing of animals to allow her to show graphic pictures of animal suffering that might convince people to support her notion of animal rights was a reasonable tradeoff. But the killing of animals to save human lives was not.

I was reminded of H. L. Mencken's definition of an animal rights activist as "one who gags on a guinea pig and swallows a baby." And I vowed that the next time someone tries to show me a horrible film of animal suffering, I *will* avert my eyes, just as I avert my eyes from graphic pictures of bloody fetuses in wastebaskets profferred by anti-abortionist militants. —RWB

Put this in your cigar and explode it — Do you remember the American left-liberals' attitude toward Cuba 15, 10 or even 5 years ago? Leftists used to apologize for (if they noted at all) the Cuban government's brutal repression of the middle class, the churches, labor unions, homosexuals, and all other political and "social" opponents of the regime; they apologized by arguing that Cuba needed a peculiarly active government if it was to resist aggression by the United States and establish national sovereignty and economic justice. Nowadays one seldom reads such arguments—about Cuba, anyway, or about that old favorite of American *right*-wingers, Romania (there the grand and all-sufficient goal was resistance to *Soviet* aggression).

But one does hear apologetics about places like Nicaragua, so it is useful not to let Cuba's history sink entirely into the memory hole. In my summer reading, I discovered an excellent review of this history: "Semper Fidel," by Mark Malcoff (*The New Republic*, July 3, 1989).

Falcoff exposes the popular mythology that repression can have a positive relationship to economic progress. He argues that communist dictatorship first secured Cuba's poverty, then used poverty to secure itself: "The revolution for which Cuba would make the world safe is the revolution of vainglory, which is premised on planned scarcity and repression."

What of Castro's economic "miracles"? Even the "revolution of literacy" is now largely forgotten. The word is out that the "revolution" involved a comparatively small percentage of an already mainly literate population. It was an accomplishment, no doubt, but an accomplishment easily explicable by what may be called the Moscow Subway Principle: you can do some glamorous things, even in a badly mismanaged country, if you just concentrate resources on a limited number of projects.

As for the rest of Castro's agenda, Falcoff observes: "After early attempts at leapfrogging to industrialization (a kind of local version of Mao's 'Great Leap Forward'), the island has settled down to doing what it has always done best: producing sugar. . . . Cuba is slightly more dependent on this product now than it was before the revolution. In place of the American sugar quota, it relies on rigid, prearranged markets with the Soviet Union and Eastern Europe. . . . In 1959 Cuba ranked second or third among Latin American countries in economic and social development. Today it languishes in the higher teens."

An agenda is a list of priorities, and the first priority on Castro's list is, according to Falcoff, the exercise of power. Falcoff approvingly quotes Jorge I. Dominguez, author of a recent book on Castro's foreign policy: "When a choice must be made, Cuba consistently chooses politics over prosperity." Substitute the names of your own favorite dictatorships for "Cuba," and you will have a universally applicable epitaph for progress in the twentieth century. —SC

Capitalism against extinction — Mankind has contributed to the extinction of many species of animals. In prehistory, Man probably brought about the demise of the woolly rhino, the giant sloth, and many other large mammals. In recent years, Man has wiped out the passenger pigeon and the dodo.

Four thousand years ago, there were four species of elephant; now there are two, and their numbers are dwindling fast. In an attempt to save the elephants, the United States is helping promote a worldwide drive to ban the ivory trade. Unfortunately, this approach is destined to fail. Demand for ivory will remain high in spite of international regulations, and the increase in ivory prices which will result from the ban will only make the trade more profitable and place elephants in more danger. If one doubts the ineffectiveness of such laws, examine the drug situation. Drugs have never had more laws levied against them, and this has done very little to impede the drug industry. Any prohibition makes bootlegging profitable, and this sort of government action will probably doom the elephants.

There is an answer to this problem, one that has functioned admirably in Zimbabwe, Botswana and South Africa. Elephants should be treated like any other managed animal, their ivory

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harvested in a scientific and controlled manner, and the proceeds from ivory sales used to preserve the herds. In this way, the species can be sustained by harnessing the very powers which presently are leading to its demise. Through such techniques, elephant herds in southern Africa have increased in size (to 50,000 in Zimbabwe), even while shrinking dramatically throughout the rest of the continent.

Elephant herding could be state-controlled or private; the latter is preferable, naturally. But the plan cannot work if commerce in ivory is made illegal. The only way elephants can survive is if they have some sort of economic value. In any competition between elephants and humanity for their tusks (and their grazing lands, given population growth in Africa and Asia), the elephants will lose; no government will be able to protect them forever. The plight of the Asian elephant in Southeast Asian countries is worth noting. Until recently, elephants were used for most heavy lifting in rural areas, and were vital for construction tasks. There was never a threat of extinction in these areas, because elephants were necessary for the health of local economies. With the spread of machine technology to Southeast Asia, elephants have become a burden, and are either being killed or allowed to die without replacement.

Kenya has decided to take a particularly hard line to protect the elephant. Poachers are now shot on sight by special government police trained for just this task. This will only increase the overall firepower on the savannah—poachers are already using automatic weapons to take down their prey (and anyone who gets in their way). And by making poaching more dangerous, Kenya is limiting the task to its most brutal practitioners, and at the same time increasing profit margins.

The facts are compelling: in the last thirty years, numbers of elephants have risen by 150% in states which engage in ivory trade; in the last ten years, the number of elephants elsewhere has been cut in half. The former route leads to survival. The latter is taking the elephant inexorably to the endless night of extinction.

Elephants are not the only creatures that might benefit from private or public management. Walruses, another ivory-bearing creature, are harvested by Eskimos for meat and tusks, and though the rate of killing has lately been excessive (about 12,000 a year), better management could ensure their survival. The rhinoceros, whose horn is thought to bestow sexual potency, is managed in some countries, and in others, horns are removed regularly to discourage poachers. The bison survived in public and private enclaves after demand for its fur vanished. Despite 1960s predictions of imminent extinction, the bison is now being raised on private ranches and slaughtered for its meat.

Whales, which travel in groups and have regular migratory patterns, could be treated in similar fashion. Private companies could stake out whale herds, using satellites to pick up signals from implanted transmitters and to track their progress. (The procedure is not at all science-fiction; such devices are already used to monitor North American bears and wolves.) The whalers would see to it that their herds remain healthy and vital, for the very simple reason that if they did not, they would lose their investments. —JSR

The Nadir of Prophecy— Last May, Ralph Nader predicted that, thanks to a revival of the powers of OPEC and to a conspiracy among domestic refiners to limit production, motorists this summer would see "soaring prices" and long gas lines. He recommended price controls and gas rationing.

Well, summer is over. There were no gas lines. Prices gradually declined to less than a dollar per gallon in most of the country. Refineries, according to recent reports, are running at about 93% of capacity, up from 88% a year ago. Gas stocks are higher than ever.

My point is not Nader's recklessness and ignorance. It is to ask, why aren't Nader and others like him ever held to account by the media for their irresponsible accusations and scare tactics? —WPM

The Reformed Church of Ecology — Despite his disparaging remarks about my contributions and Murray Rothbard's, Robert Formaini ("The Theology of Ecology," September 1989) shed some light on the current environmental movement. Unfortunately, his conclusions were nihilistic.

On the positive side, Formaini argues that "a small, powerful minority of modern western intellectuals" espouses a "religion" of ecology. These high priests idolize nature and detest human civilization, and their goals go far beyond cleaning up or preserving the environment. They want to halt or at least slow down economic development. (My own favorite illustration of this position is Lester Brown's statement that global climate change "calls the whole notion of human progress into question.") One of the chief techniques of these gurus is to stir up hysteria over frightening, low-probability potential dangers, a task abetted by minions in the media. Formaini also detects a weakness in this religion—the fact that the lay ministers tend to be Yuppies who find themselves actually enjoying human civili-

In his desire to keep us from buying into the doomsday religion, Formaini wants us to act as if environmental problems did not exist. But he's wrong. We don't have to adopt the anti-civilization model to recognize that air and water are not always clean and that wild animals are disappearing.

zation. Have you noticed that today's environmental activists are wine connoisseurs?

The only problem with Formaini's description of "the theology of ecology" is that he paints with such broad strokes that he fails to make a substantive contribution to the literature on the subject (something that is sorely needed).

But if he is really interested in exposing this political religion, why dump on Murray Rothbard, who recognizes the media-transmitted hype for what it is? And why condemn my own support of market approaches to environmental protection? After all, Formaini agrees that property rights provide the foundation for solving most environmental problems—although he labels them "so-called" environmental problems.

In his desire to keep us from buying into the anti-human, doomsday religion, Formaini wants us to act as if environmental problems did not exist. "Reject the model," he says, or be prepared to carry the excess baggage of governmental intervention. But he's wrong. We don't have to adopt the anti-civilization model to recognize that air and water are not always clean, that wild animals are disappearing, and that lands (especially those owned by the government) are often poorly managed. The world does have environmental problems, and solving them is

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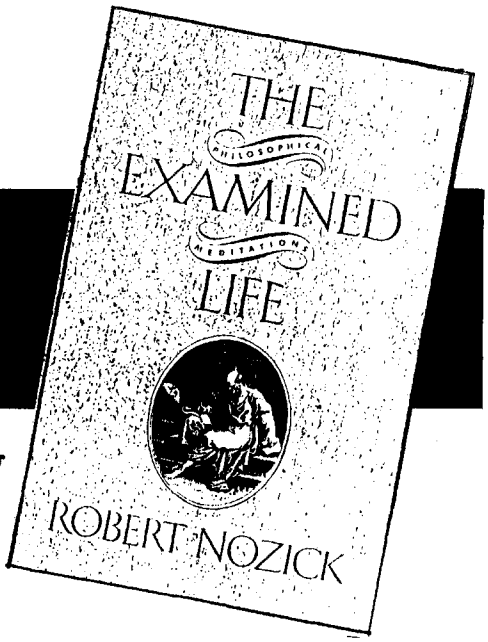

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worth our attention.

A lot of people have legitimate desires for a better environment. They want to maintain areas of pristine beauty, to swim in clean water, to hike in green hills, and to live in cities free of smog. Many are willing to pay for such environments—both for themselves and, through donations, for others. The problem is that many of these people are poorly informed about the nature and cause of environmental problems. They don't understand property rights and they assume that the government is a good caretaker. Such ignorance characterizes even people like Meryl Streep who are highly intelligent and competent in their own fields of expertise. They are easily aroused to hysteria by unscientific reports about chemical pesticides, the "greenhouse effect," toxic waste dumps, and old-growth timber, and they push for extreme laws and regulations.

In political matters many people will always be swayed by misinformation and vulnerable to overreaction. This susceptibility stems from the rational ignorance of voters, which I discussed in my article on public choice theory in the January 1989 issue of *Liberty*. To change policy, we need to communicate with a smaller group of people—those who have an impact on policy and who will pay attention to logic and solid information. Whether we can do this effectively is an unanswered question, and I'm sure it's a question that all people concerned about liberty grapple with.

Formaini grapples with it, too. In a footnote he mentions that he has written a book challenging conventional views about science. My guess is that he aims to influence opinion-leaders in the scientific community, just as we at public policy research institutes want to influence environmental policy-makers. Formaini's labeling our views as "buncombe" is simply a rhetorical device to differentiate his own literary product. But in attacking constructive approaches such as ours, he is blocking progress, not helping it along. —JSS

Brother can ya spare a trillion? — In 1988, Americans gave $104.3 billion to charities, up 6.7% from the previous year, and in spite of changes in the law that reduce the tax benefits of charitable donations. These numbers indicate that, despite what some critics say, Americans are not (entirely) grasping, self-centered, unfeeling tightwad brutes. Yet, one charity has not reaped the benefits of the public's kind heart, and this is an organization which, while rendering aid to millions, is consistently underappreciated and can never make its books balance. That charity is, of course, the Federal Government.

One charity has not reaped the benefits of the public's kind heart, and this is an organization which, while rendering aid to millions, is consistently underappreciated and can never make its books balance. That charity is, of course, the Federal Government.

The government has established four accounts for donations. The Conscience Fund accepts money from those who have cheated the government at some time in the past, and want to make amends. This fund has brought in over six million dollars—in the last 177 years. Note that donations to the conscience fund do not constitute a legal redress, so if one has, for example, underpaid one's income taxes and for some reason feels guilty, giving the balance to the Conscience Fund will not erase the debt or penalty.

The Gifts to the United States Fund was established in 1843 to allow the grateful citizenry to express their appreciation in monetary terms. The first donation rolled in 19 years later.

The National Defense Conditional Gift Fund allows one to give money to one's weapons system of choice. This fund collects little revenue (around $67,000 in 1987), and the way things are going will probably be used to fund the revamped

Guest Reflection:

Thatcher the Taxer — It is widely believed (not least by financial journalists and commentators) that the British Government has reduced taxation dramatically since 1979, even excessively, and indeed that the unprecedented balance of payments deficit in 1988 was caused in part by imprudent tax cutting in the 1988 Budget.

The truth could not be more different. Measured as a proportion of the output of goods and services in the economy (or aggregate expenditure or aggregate income) total tax revenue, rose from 32.9 per cent in 1979 to 38.0 percent in 1987. It has been calculated that this conventional measure of the tax burden will surpass 40 percent in 1989 for the first time in about forty years if there are no tax cuts in the 1989 Budget. If there arre no tax cuts in the years to come, the burden will continue to rise and would exceed 50 per cent within a decade.

Tax revenue has been buoyant for a number of years and may be expected to remain so for the foreseeable future. This means that, as money incomes and money expenditures rise, tax revenue rises faster—much faster. There are three main reasons for this. The first is that income tax is indexed for inflation but not for the rise in real earnings: as earnings rise, proportionately less of them is covered by personal allowances and proportionally more is charged to tax. The second reason is that value added tax is not levied on "necessaries" such as food and fuel, the demand for which changes little as incomes rise; so, as aggregate expenditure grows from year to year, the yield of value added tax grows faster. The third reason is that, by reason of privatization and other economic reforms, profits have for some years been rising faster than national income and the yield of corporation tax has therefore also been rising faster.

A heavy and increasing tax burden is inimical to individual freedom as well as to economic prosperity. The tax burden will almost certainly have risen during the current financial year (to April 1989) despite the cuts in tax rates in March 1988. Substantial tax cuts are required in the 1989 budget merely to prevent the tax burden from rising even farther. Still larger tax cuts are required to start reversing the huge rise in the tax burden since the Government came to office. And these tax cuts can be afforded: the budget surplus in 1988–89, at some £12 billion or more (an all-time record by a huge margin) is some three times the cost of the March 1988 tax cuts for the same year.

There are sound economic as well as libertarian reasons for tax cuts in the 1989 Budget at least on the scale of those in 1988. And something substantially more ambitious than this will be required in order to move the economy back towards the relatively low-tax regimes of Edward Heath and Harold Wilson. —Barry Bracewell Milnes

SDI program.

Finally, the Reduction of Public Debt Fund accepts monies to bring down what Alexander Hamilton called the national blessing. Although the fund has had no noticeable effect, it has averaged a surprising $535,000 per year since 1961. This is a favorite fund for politicians giving back pay increases or leftover campaign monies, since it allows them some high-profile chest-banging, diverting the public from the fact that Congress is responsible for the debt in the first place.

The government charity funds were never intended to assume the main revenue collection role, as interesting and libertarian as that idea might be. Luckily the Federal Government also has an Internal Revenue Service to collect donations, something other charities have not. —JSR

The new racial orthodoxy — Recently, a great many of our media mandarins have been telling us that there is a resurgence of racism in the United States. There has been a special emphasis placed on the allegation that the nation's college campuses are increasingly degenerating into cauldrons of racial bigotry. Now, I don't ordinarily give a lot of thought to the topic of racism. I think I know it when I see it, but as a doctrine it is too wacky and boring, and as a practice too disreputable and ugly, for me to waste a lot of time pondering or analyzing it.

Nevertheless, some aspects of these new warnings about racial intolerance disturb me. I'm taking no dogmatic position as to whether or not they are justified. My gut impression, after reading a dozen or so articles on the subject, is that what is described as campus racism is a motley brew of a handful of actual incidents of bigotry surrounded by a number of fraudulent reports as well as many cases in which, if anything happened at all, the racial element is problematical, and, finally, quite a few accounts that are too vague, ill-described, and dubious to be used as evidence of anything. In addition, some of the reported "incidents" are simply differences of opinion: for example, professors who express a negative view of affirmative action. I would hazard an educated guess that the situation in the country as a whole is similar, and that there is no "new wave" of racist sentiment abroad in the land. For every *bona fide* act of significant bigotry, I could locate a plethora of non-whites who received major career promotions on the same day.

The use of poorly-defined concepts and murky anecdotal evidence when complaining about racism is only one of the problems that beset this entire issue, however, and in truth it is not the one that causes me the most distress. I am more concerned by the fact that it is becoming more and more difficult for blacks and whites to communicate with each other, especially in any sort of public forum. The careless–and often dishonest and politically motivated—accusations of racism that are so ubiquitously tossed around these days have steadily narrowed the range of "acceptable" statements to or about blacks into a narrow spectrum of righteous orthodoxy. These "correct" viewpoints are, as might be expected, created and disseminated not even by a broad consensus but more commonly by a cadre of self-appointed black leaders and their allies among the media elite. Thus a bad situation is made worse.

It would be tedious, though not at all difficult, to list examples of both "correct" and "incorrect" thoughts on racial issues, as defined by the new dispensation. While I will not weary the reader in this manner, a couple of important points must be raised. First, in the real world, as distinguished from the academic and media fantasyland, there is no unanimous or official black viewpoint. There are black people on all sides of every public issue, including both those clearly unrelated to race—abortion, the environment, aid to the Contras—and those that to some degree have a racial component, such as busing, affirmative action, and minority set-asides. Even with regard to such a potentially emotional issue as the old *Amos 'n Andy* show, there are blacks representing every possible viewpoint, from wholehearted endorsement to bitter condemnation.

The second point to be made about the new orthodoxy is that, in its overweening and moralistic arrogance, it stultifies any real dialogue on issues of concern to black people. It makes it difficult to discuss, for example, the reasons for the disintegration of the black family structure during the past quarter century, which is almost certainly the most important cause of long-term poverty in this group. On a more trivial level, it has become almost impossible to investigate the effects that slavery and slave breeding may have had on later black athletic ability and general health. (Probably the effects are minimal—the so-called breeding was patchy and unscientific—but one should be able to speak freely about the subject.)

This kind of thought patrol, even when it is followed voluntarily, poisons what should be normal civil relations among people of different races and in countless subtle ways keeps alive whatever residual racism does exist in our culture. In place of a color-blind exchange of ideas, it prescribes an elaborate and foolish racial etiquette by the provisions of which white people are supposed to govern their relations with others. In place of simple decency and candor, it advocates a stilted and formulaic pattern of communication that amounts to scarcely more than an exchange of slogans. Those who truly want to end racism (and it would be naive to assume that all black leaders fall into this category) should turn, not to asinine "anti-racist" rules of the kind that have recently been slapped onto the student bodies of several major colleges, but to the ancient virtues of civility, tolerance, and respect for truth. They should also insist that people of every category always be treated as individuals, not as race-units. —WPM

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For 40¢, we can solve the drug crisis — One of the duties thrust upon political columnists is to use virtually every mega-story in a way that supports their political convictions.

So it should surprise no one that knee-jerk left-liberal columnist Carl Rowan has discovered the real cause of the epidemic of crack-smoking that has captured the collective consciousness of the media: the Bush veto of the minimum wage increase to $4.65 per hour. Apparently, Rowan, America's favorite trigger-happy advocate of gun control figured that an uneducated, street-wise

young man would give up selling crack (daily income of $100 to $1,000+, according to the papers) for a minimum-wage job at $4.65 per hour, but not for the paltry $4.25 per hour advocated by Bush. —RWB

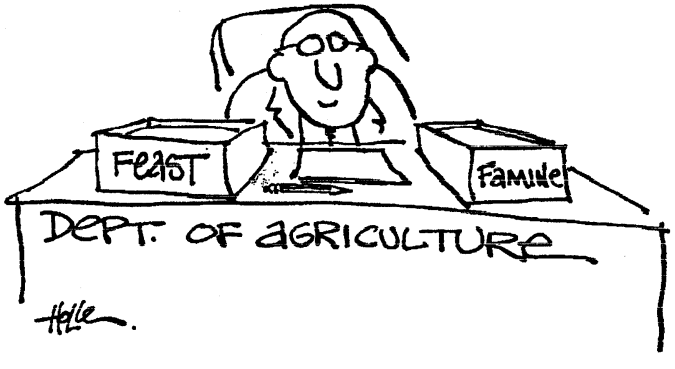
RIP: Sidney Hook and I.F. Stone — When I recently heard that Sidney Hook had died after a long and productive career, I was moved to reflect upon the ease with which simple intellectual integrity and moral decency tend to generate enmity. This enmity was, in Hook's case, so intense that, in the "proper" intellectual and literary circles of the New York-Boston axis, his name was virtually a curse. Anyone who can upset progressive minds that much bears study.

Sidney Hook's intellectual history is an example of the way in which the best that is within a man—one might even say, the best that is within mankind—can, and sometimes does, triumph. After an early flirtation with Marxism and worse—he publicly endorsed the Communist Party ticket in 1932—Hook moved to the right and became what in Europe is called a "right-wing social democrat," and in America a "neo-conservative." However, his importance far transcends this relatively common kind of political odyssey.

Stone was everywhere eulogized as a brave exemplar of journalistic courage, a victim of McCarthyism and of the Cold War, and an inspiration to the new breed of investigative reporters. In fact, Stone was a Stalinist hack whose opinions on any subject were perfectly predictable, since, at least at the height of his career, they were simply the Party line.

What made Hook special and admirable was his unqualified loyalty to truth and to certain fundamental virtues of the mind and spirit, and his corresponding aversion to cant, to double standards, to truth-as-political-convenience. Not for him the selective indignation and synthetic moralism which today pass for "compassion" and "sensitivity." Hook called 'em as he saw 'em.

As a result, he picked up enemies literally left and right. When he said that he hated totalitarian regimes he made it clear that he meant Nazi Germany, Fascist Italy, *and the Soviet Union.* When he advocated a color-blind society, he pointed out that of course this entailed a rejection of affirmative action, racial quotas, and mawkish pandering to minority groups. Naturally the left smeared him as a reactionary, a Cold Warrior and a racist. Similarly, when the political right came to realize that Hook's consistent upholding of civil discourse and reasoned debate, even when dealing with despised enemies such as communists, required a pointed repudiation of the crudities of McCarthyism, and when they grasped that his devotion to rationality mandated a denial of religious beliefs, he was denounced as an atheistic subversive, secular humanist mole and, by some nitwits, even as pro-communist. Among some conservatives, this hostility to Hook never entirely abated.



For over half a century, Hook rode above all this, pursuing a successful teaching and writing career and treating his intellectual opponents with a courtesy which was infrequently reciprocated. He will, and should, be missed.

It is disquieting to compare the decades-long battering of the reputation of Sidney Hook with the almost universal reverence given to I.F. Stone, who died about a week before Hook. Stone was everywhere eulogized as a brave exemplar of journalistic courage, a victim of McCarthyism and of the Cold War, and an inspiration to the new breed of investigative reporters. In fact, I.F. Stone was a Stalinist hack whose opinions on any subject were perfectly predictable, since, at least at the height of his career, they were simply the Party line. In August 1939 he signed an advertisement denouncing the "monstrous lie" that the USSR would ever cooperate with the forces of Naziism. When, mere days later, the Hitler-Stalin pact was announced, Stone was lost in admiration for old Joe's cunning in making peace with the Fascist Reptile. The fulminations of the previous week were consigned to the memory hole, and the joint Soviet-German carnage against small European states which began almost immediately was dismissed by Stone and his ilk as something that should certainly not concern progressive people.

When after the German invasion of the Socialist Motherland on June 22, 1941, this struggle suddenly became, in Soviet parlance, the Great Fatherland Patriotic War, Stone heaped fulsome praise on the great dictator for bravely leading the forces of democracy against the Nazi Beast. When Stalin invited exiled Polish patriots to Moscow and had them shot, that was fine with Stone, who knew Nazi agents when he read about them; and so on. Stone knew that the Korean War was started by the South invading the North, and that the Berlin Wall was erected to keep Western spies and saboteurs out of People's Germany. Stone, in fact, knew everything that the communists told him, but unfortunately not much else.

The contrast between Sidney Hook and I.F. Stone was the contrast between honesty and stultifying servility to a totalitarian creed. —WPM

Nobody knows the Roubles I've seen — The Soviet Union has been described as a Third World country with atomic weapons. While it enjoys some of the trappings of the developed world, the U.S.S.R. is in fact a backwater that has only supported itself through economic transfers from its vassal states and the free world, thinly disguised as regular economic intercourse. As the architects of *perestroika* begin to face up to the realities of Soviet economics, their plans reveal a new willingness to admit the truth, no matter how embarrassing it may be.

One such plan is the proposal to pay foreign-currency bonuses to the most productive farms. The notion is to give real incentive to the farmers, incentive which cannot be bought with rubles. Last year the Soviet Union brought in $38 billion worth of Western currencies, mostly through arms sales. Farms and enterprises that produce goods for sale abroad are generally not allowed to keep or spend foreign currency, but must exchange it

for the official rate of .6 rubles/dollar, almost seventeen times the true (black market) value of 10 rubles/dollar. (The exporting agencies could exchange their dollars for as much as 6.6 rubles.) Under the new program, a single exchange rate will be set for converting the proceeds from foreign trade (1.3 rubles/dollar—still far below market value), and productive farmers will be paid directly in hard currency ($64 to $96 per additional ton of wheat, for example—32 to 48% of market price, with the Soviet state pocketing the "surplus value").

One notes the similarity to economic conditions in many developing states, especially former colonies, in which national currencies are used only for the most minor transactions, and the currency of the former ruling state is used in all other cases. The monetary destiny of the small state is thus tied entirely to its "parent," but it is a more sensible system than the developing country trying to establish the necessary reputation to float fiat money, or amass the precious metals required for hard currency. If dollars begin to spread legally in the Soviet Union, they will drive out rubles whenever possible, especially if the exchange rate begins to creep towards its true level. But it is doubtful that the use of the dollar in the Soviet Union will ever reach the proportions of the French Franc in Niger; the unfavorable exchange rate, coupled with Gresham's Law, will see to that.

Unfortunately, the reformers are going to get nowhere unless they also allow those who hold dollars to spend them abroad. The problem in the Soviet Union is not a lack of money (broadly defined); it is a lack of goods on which to spend money. Soviet banks are burgeoning with rubles—another reason why incentive programs don't work. These savings may be used to buy up dollars from private holders at high rates of exchange, resulting in a flood of rubles into the economy and the inevitable inflation. To talk of western-style inflation in an economy where the price of bread was established by law in the late sixties (and before then just after World War Two) seems nonsensical, but when

Media Notes

Gaglines at Human Events — *Human Events*, the weekly voice of unreflective conservatism, has long and rightly opposed the Federal Election Commission and the whole penumbra of legislation that surrounds it. One of the few people criminally prosecuted under these laws has been the industrialist Armand Hammer, who pleaded guilty years ago to slipping 54 Big Ones to the Committee to Re-Elect the President, Nixon's re-election campaign. Since the *Human Events* editors believe such contributions should be legal, they should have approved of President Bush's recent pardon of Hammer. Right?

Forget it. Under the headline, "Armand Hammer Pardon Gags Conservatives," they wrote at great length against his pardon, rehashing his well-known advocacy of trade with the Reds, his brief meeting with Lenin 70 years ago, and his many joint ventures with the Soviet government. All of this was more or less accurate—although I fail to see the relevance of the fact that Hammer's father once performed an illegal abortion—but it does not constitute an argument about the issue at hand, which is not even addressed by the editorial.

If one believes that a law is manifestly wrongheaded, one is not obligated to advocate its open defiance; yet one is certainly called upon to feel sympathy with those whom it unjustly punishes. To say, "The law is wrong, but it should nevertheless be used to prosecute people we don't like," is sadly typical of the moral and intellectual obtuseness of so much of the American right. —WPM

One picture is worth a thousand words. — It's not often that national magazines feature the Olympic Peninsula, the almost uninhabited corner of the United States in which I live. So I was surprised to see a picture of a familiar sight in a recent issue of *Time* magazine: a color photograph of a forested mountainside that had been partly harvested a year or so earlier. Among the stumps, one could already see the next generation of trees growing.

The caption was intriguing to me: "The stark aftermath of logging in a stand of old-growth trees near Washington's Olympic National Park."

"Stark aftermath"? To anyone familiar with the forest, the mountainside was no more stark than the sight of a farmer's field shortly after harvest. In a few years, the mountainside will be alive with trees, and eventually it will again be harvested. This is why we call timber a "renewable resource."

When *Time* features American agriculture, does it show a cornfield just after harvest, with a few brown stalks standing here and there, looking as if it had just been hit by a bomb? Does it caption the photo, "The stark aftermath of reaping a field of corn near the Wiund Cave National Park"?

The first time I saw a Midwestern cornfield after harvest I was appalled by its barrenness. I had grown up in the forest; my wife, who grew up in Iowa, explained that what had happened was part of the natural cycle of life.

When Time *features American agriculture, does it show a cornfield just after harvest, with a few brown stalks standing here and there, looking as if it had just been hit by a bomb? Does it caption the photo, "The stark aftermath of reaping a field of corn near the Wind Cave National Park"?*

The *Time* caption was mendacious in another respect, too. The trees were not "old-growth." The trees and stumps were far too small to be anything but second, or, more likely, third growth. Why would *Time* mis-identify the photo? For one thing, old growth timber is found mostly in inaccessible areas, so photos are hard to get and have less visual impact. Besides, there is a romantic flavor to the phrase "old-growth."

The photo on the following page also has a peculiar caption: "A lumberjack attacks a Douglas fir in Olympic National Forest." Attacks? Since when is a man harvesting an agricultural product "attacking" it?

Time crafted its captions to pander to the esthetic sensibilities of yuppies, who have seen forests on PBS specials and perhaps from the windows of their BMWs; who have possibly hiked a few hours or even a day or so through the mountains, their hearts aflutter with the beauty of nature, their imaginations no more able to grasp the ecology of the forest than a Neanderthal could grasp the beauty of Renaissance Art by spending an afternoon at the Metropolitan Museum. —RWB

prices are held steady by law, the consequences of currency inflation are expressed in other ways, such as through the emergence of barter.

The more liberal economic reformers have to face the charges that their plans will create social chaos. These charges come not only from the faceless "bureaucratic opposition" so often referred to in the press, but from the Soviet citizenry, who have the most to lose if things get worse. A wholly convertible (hard) ruble would end exchange problems, but convertibility is not something that can be declared. It can only come about if Soviet money is made "rational," i.e., based on a system of market pricing. A switch-over to such a system would result in genuine inflation, perhaps hyperinflation for some necessary goods, and this is a risk planners are not willing to take. Another approach to rationalize the ruble would be to base it on gold, and this too is unlikely. It is ironic that a state holding immense gold reserves also has a worthless currency. It is a lesson for those determinists who believe that resources are destiny, regardless of the effects of political choices.

The new hard currency payment plan may go the way of other recent liberalizing proposals, its impact mitigated by a succession of administrative restrictions and Party or state interference. But the Soviet economy cannot be saved without such reforms. —JSR

Utility is not a swear-word — I hope that libertarians will not light into Leland Yeager for making some favorable remarks about utilitarianism ("Contractarianism *vs* Utilitarianism," July 1989). It is pleasing to some libertarians to say that Jan Narveson was once a utilitarian but has now abandoned it in favor of something more in sympathy with libertarianism. As one who evaluated Narveson's manuscript for the publisher at two stages of its preparation, I believe that such remarks are oversimplifications.

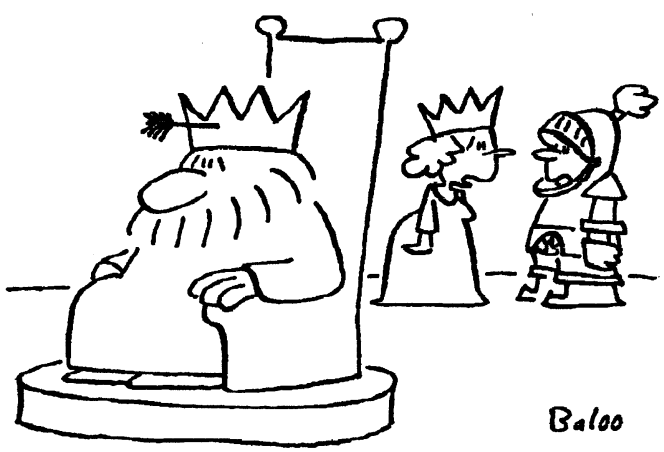
The term "utilitarianism" means different things to different people, and it has become a kind of swear-word to libertarians. But it all depends on what features one takes to be central to it and what features one takes to be peripheral or irrelevant:

I. The popular meaning, "the greatest happiness for the greatest number," was never its historical meaning, not even Bentham's when he invented that unfortunate slogan. Even for a hedonistic utilitarian—which Bentham was—it meant the maximization of happiness; the more happiness and the less unhappiness one could create in the world by one's actions, the better. It never did mean the greater number of people as opposed to the lesser (51% vs. 49%, for example); there was a kind of built-in democracy in it: every person (regardless of race, sex, etc.) to count for one, and no more than one. There are still many objections one could give to it, but not the obvious ones that are given by those who have had one ethics course in a summer session and now proceed to enlighten us on matters of moral philosophy.

2. The core of utilitarianism is "the maximization of good," not "the maximization of happiness." That would be true only if happiness were the only good—which raises questions such as whether the undeserved happiness of murderers in getting away with their deeds is to count as good. Other things may count as goods, such as justice. Utilitarianism is thus much more flexible than its critics give it credit for. Much depends on what one believes is to count as a good.

3. By itself the utilitarian formula does not entail any specific social or political or economic policy. A utilitarian could be a welfare statist, an anarchist, a proponent of laissez faire, a champion of property rights, an opponent of property rights, etc., depending on what policies he or she believes will have the overall best consequences if adopted. All this requires separate premises of an empirical nature: what policies will (probably) have what consequences. And such inquiries are lengthy and messy. (There is a further complication that there is a difference between the consequences of *acts* and the consequences of the adoption of *rules*. Some writers, such as Richard Brandt, believe that rule-utilitarianism collapses into act-utilitarianism, but most others oppose this position for one reason or another. This too is an unbelievably complex issue, on which volumes have been written.)

4. It is usual to consider adherence to human *rights* as a position opposed to (and even a refutation of) utilitarianism. And indeed there is something in this, depending on how it is stated. You have a right to your life even though a thousand persons would like to take it away because they would be happier if you were dead. But may it not be that in the long view—which utilitarianism does take—a society is better off, happier, more just, etc., if it sticks to human rights through thick and thin rather than sacrificing them whenever there is an apparent gain in utility in doing so? Thus, the champion of human rights need not be opposed to utilitarianism. Though they are different views and don't state the same thing, it is possible that they may lead to the same beneficent result. —JH



"He wouldn't feel so bad if it was just some nut, but it was *Milton Friedman*"

RIP: Irving Berlin — Irving Berlin died on the first day of fall, at the age of 101.

He was born in a tiny Siberian village, from which his parents migrated to escape anti-Jewish persecution. he grew up in desperate poverty on the streets of New York's Chinatown. He worked as an assistant to a blind street singer. He worked as a singing waiter. He became a composer of popular songs. His first million-seller was "Alexander's Ragtime Band," which was played on the decks of the *Titanic* and whose 75-year copyright he survived. He grew immensely rich, lost his wealth in the crash of '29 but soon re-established himself sufficiently to get his formerly anti-Semitic father-in-law back on his feet with a gift of one million dollars.

In his songs he was a perfect master of the comic arts that are appropriate to an essentially free and benevolent society. Only in such a society could the man who wrote "Oh, How I Hate to Get Up in the Morning" have received the encouragement and rewards he so greatly merited. —SC

The *Liberty* Interview

Russell Means

"I am an Indian because I am a unique individual. I always want to be an Indian. I don't want to be anything else. I don't want to be a facsimile of nothing. Libertarians are the same way; and yet they become just like Indians: there are facsimiles all over the place!"

In 1970, Russell Means helped establish the Cleveland, Ohio, chapter of the radical American Indian Movement. Three years later, he helped to organize the group of insurgent Sioux Indians that occupied Wounded Knee, South Dakota, for 71 days. He has since joined forces with such disparate political leaders as Muslim leader Louis Farrakhan, Libyan leader Moammar Khadafy and porno publisher Larry Flynt. In 1987, he joined the Libertarian Party and sought its presidential nomination.

Since then he has worked with the Navajo in Arizona and with libertarians around the country. In July, he was arrested for "assault and battery" of a government official—that is, for attempting to make a citizen's arrest of a Bureau of Indian Affairs official.

Means took time out at the Eris Society conference in Aspen, Colo, in August to be interviewed by Liberty.

Liberty: You said you haven't made up your mind about seeking the Libertarian Party's nomination for president in 1992, and will instead concentrate on next year's campaign for Arizona state legislature. What do you think will be the important issues in your 1990 Arizona campaign?

Means: First, pave the roads, and privatize them. Second, I'll get the state government out of the Navajo reservation, and thereby eliminate my job.

Liberty: Do you think that the Navajos ultimately will opt for sovereignty?

Means: They have a big struggle ahead of them; it will take them into the next century. It's an evolutionary process. They are just now breaking the bonds. And which way it goes is what you have to watch out for. And that is why I am involved; I hope to guide it towards freedom.

Liberty: I have noticed what seems to be a cultural difference between Indians who live in the coastal areas of Washington and those who live in, say, Montana. My impression of the Indians in Montana is that they didn't seem to have much pride. It seemed to me that they were what you have elsewhere called "hang-around-the-fort" Indians. The only enterprises I saw looked like little pseudo-businesses that were obviously BIA-inspired, clustered along the highway. In Washington on the Olympic peninsula, on the other hand, the Makah Indians seem more interested in maintaining their own traditions.

Means: That is because they have maintained their essence of living, their way of life, which is fishing. In Montana, as in South Dakota, our essence in life was hunting. And once we were robbed of that, we have had to adjust. But you see, we have adjusted. But there is also a hidden policy in American government that those who resisted, back in the 1800s, get the worst oppression, repression and suppression. The Sioux certainly come under that, and anyone associated with them, such as the Cheyenne and the Arapaho.

Liberty: You often speak of Indians as one culture, as somehow spiritually one. Yet before the white man came, there was a wide diversity of cultures in the Western hemisphere . . .

Means: Don't misunderstand me. I don't know how you define culture, but I define culture as a way of life. I don't define it as categorized as music, or Michael Jackson. My culture and our culture was all-encompassing. When your culture is a *way of life*, you can't categorize it as a political, or economic, or educational system; it is one, *one* way of life.

I was listening, today, to a man who described me as having no education and no history, and—of course!—we don't; and this is supposed to justify Thomas Jefferson's idea of complete annihilation. It "justifies" the killing of Indians in Nicaragua, Brazil or Peru, or in Paraguay—Stroessner's country, where they still have a bounty on Indian heads.

Liberty: What I was getting at was that, for example, Inca Peru was basically a religious-socialist system with a princely class that enjoyed all kinds of privileges that was in some ways similar to medieval Europe . . .

Means: No, it wasn't. That is what the Franciscans put out and *want* you to believe. In fact, libertarians of all people should delve into these regimes in Mexico and South America that were so prolific in advancement. They also lived by the clan system; they championed individual property and wealth, but they didn't make the mistake of recording wealth, or in-

stituting a monetary system or time-clock. My point is that they probably were the epitome of a libertarian life-style, or what a libertarian society would want to be: a rich society that accumulated wealth by various different types of people. There were no kings, queens or royalty *as such*. In those societies, as in my society, you had to earn your position; unbeknownst to the Franciscans, Cortez, or Pizarro, those leaders were very poor people, materially, as in our primitive, nomadic peoples.

Liberty: That is in part what I am asking about. There was a high degree of agriculture in Peru and Mexico; but at the same time a pre-agricultural society in most places in North America. What I know of the Paiutes is that they lived, by contemporary standards, an extremely primitive hunter-gatherer kind of society. Much more primitive than other American Indians.

Every writing that has ever been done has done nothing but create division. The Bible, the U. S. Constitution, the Koran—you go on and on, any written document—Shakespeare, for crying out loud; Beethoven! If it is written down, it becomes an instrument of division.

Means: That's again a stereotype. Understand the environment.

Liberty: Of course, given the harsh environment the Paiutes lived in . . .

Means: No, no. They lived—and still live—in the area of their choice. Don't mix up religion with a way of life. A desert is a veritable wealth; it's a paradise—if you know how to live in it.

When I was growing up in California, I took California history. But the only books that I could find on California Indians said that they were root-gatherers, who just went around eating roots, going from plant to plant; they were "dirty." But if you think the Paiutes live in a desolate place, go see the O'odham people, in southern Arizona and in Mexico; they live in a real desert—but so do the Bedouins, and they are the richest people on earth! At any rate, they know how to live there, so it is a paradise.

It is amazing what people overlook. People say hunter-gathering societies are very primitive. Actually, they are the height of civilization. It's the height of living with everything, it is the height of property-ownership, it is the height of libertarian society. It is a society without vacations. I can't understand condemning people who only work an hour a day!

Liberty: That sounds pretty good to me!

Means: People who only work an hour a day; where is that at? Isn't that what unions are supposed to be all about?

Liberty: What is your view on the legalization of drugs?

Means: I think it's great; it is the only thing that makes sense! I am an *ad hoc* student of history, and I started out my college career wanting to be a history teacher; but when I first started high school and they wanted me to take history, I said "What for? Why?" The answer invariably was and is that we have to learn from the past so that we won't make the same mistakes again. That's what they tell you in grade school and high school. Well, that's a lie! Look at Prohibition; Prohibition created national crime syndicates. *National*. Well, with the prohibition of 1% of the drugs you have the creation of international crime cartels. What did they learn? They didn't learn anything but to make better crime organizations.

Liberty: Most libertarians, I think it's pretty clear, believe that abortion ought to be legal and the woman should have the right to have an abortion if she wants one. A few libertarians, including 1988 Libertarian Party presidential nominee Ron Paul, believe that abortion ought to be illegal. What is your position on this issue?

Means: Government out of it. Period.

Liberty: Right now we have all kinds of government policies designed to protect the environment. What course of action will best protect the environment?

Means: Strict liability.

Liberty: What do you think of the Exxon spill?

Means: With strict liability it would never have happened. And I think that every individual that was harmed economically should have the right to sue Exxon, and the government, and everyone who has responsibility for that.

I've talked to Alaskans, and it's a joke around Valdez: everybody is drunk! Everybody! Tugboat captains, you name it, everybody drinks excessively up there. Everybody who runs a ship, their helpers . . . the whole port is a massive alcoholism center. And if you understood all the variables about the area, you will understand that they have to seek an escape somehow. But this incident was not an exception; it is a way of life up there.

Liberty: You have lived enough of your life in the West to know that in the western half of the United States the government owns almost all the land. It has been proposed by some people that one way to protect the environment is to privatize more of it. What do you think of privatization?

Means: I don't see how it is possible. We had privatization in the West before the coming of the regulatory animals, and you saw 60 million buffalo were killed in 60 years. Do you realize what a massive slaughter that entailed? I mean, that is *fact*. A million a year.

Now, you look at everything else that is germane to the West; look at the Ogallala aquifer being pumped dry because of wasteful technology. I have nothing against technology, but wasteful technology has no place in anyone's scheme of things. And it's just massive killing of the coyote by ranchers who are still insisting on doing it—and what happens? The gophers and ground hogs take over, and the prairie dogs move in. And decimate their lands, worse than the coyote ever could. It's just insanity to expect uneducated, unknowledgeable people to privatize in a just manner. It's been proven that it can't be done.

Liberty: It seems odd to me to think of the 19th Century experience as privatization. As I understand it, the people who hunted the buffalo were not people who owned the land or had any right to the land. There was no privatization at all; the government simply allowed anyone to could go in there and kill anything he wanted to.

Means: It goes for the coyote, too, and for the eagle and for everything. Actually, the government has had to step in to put some kind of restraints on killing anything that went on four feet. The only thing they couldn't eradicate were the

coyotes, which were too smart. You must take your time on privatization, and educate before you allow people willy nilly to go anywhere.

Of course, the settlers were put on the plains to control the Indians and get at the natural resources by the government and whoever their partners were. That was simply true in the Black Hills—when gold was discovered there. Look at the sorry history of the Mormons; one of the deals the Mormons made with the government was to get rid of the Utes, and get use of the land. It's sickening history, but history nonetheless.

Liberty: Is there a solution to environmental problems?

Means: Government is not the solution. But I do believe that a new Homestead Act has to be enacted. There has to be a resettling of the land. You have to have people on the land. If you don't have people on the land, and you have them just owning a condominium in Denver, or somewhere, you are in trouble as a society.

We had privatization in the West before the coming of the regulatory animals, and you saw 60 million buffalo were killed in 60 years. You must take your time on privatization, and educate before you allow people willy nilly to go anywhere.

Liberty: You call yourself an Indian, a European term for an Asiatic people. Yet you seem to reject much of European culture and traditions . . .

Means: "Indian" is not a word for an Asian people. Some people think it comes from the word India. But in the 1400s, when Europeans first visited America, the country people now call India was called Hindustan. Look at any old map and see. Columbus called the people he met "Indio", from the Italian for "with God." "Indian" means "people with God." That is why I am proud to be called an Indian.

Liberty: You have spoken about the clan system and its importance . . .

Means: The clan system is responsible for the premise of the Constitution and the Bill of Rights. The clan mothers of the Iroquois Confederacy and the Huron Confederacy are the ones responsible for the European philosophers—particularly the French back in the 16th century—who began to recognize the beauty of representative government that champions individual rights. John Locke even grabbed ahold of it and wrote about it. The Indians championed individual rights in their systems.

The clan mothers didn't have a written constitution, but they are the ones who gave men suffrage. And they are the ones who chose the leaders and got rid of them if the need arose. Also the clan mothers made sure that there wasn't any slavery—something that the so-called founding fathers forgot to include, along with women's suffrage. So you see us primitives have something to contribute not only to today's world but in the future also. That the Constitution is a shining document for people not only in this nation but all over the world is shown by the recent events in Tiananmen Square, and as we witness continually around the globe as both right-wing and left-wing socialism are having its problems.

The existence of the clan mothers shows that the claim that there are founding fathers to this nation is both racist and sexist. In reality we have founding mothers. The founding mothers of the USA were people who couldn't read or write. So you can't have an illiterate, especially a woman, to have been the basis of our country, its supposed-to-be champion . . . individual rights based on representative government. Thomas Paine recognized this in his writings; Benjamin Franklin made speeches about it as early as 1734 and wrote about it; and even Thomas Jefferson mentioned it.

So the first policy— and European policy since—was relocation and extermination. But it didn't become feasible until after they reached the Mississippi River because the Indian nations were too strong militarily. Also, the nation had just exhausted itself in its own civil war and was subject to military defeat. Like my nation which was the first nation to ever militarily defeat the USA, and the subsequent pleadings for peace resulted in the 1868 Fort Laramie Treaty and that is why I am standing here today; because of that treaty.

Reservations come from the word reserve. We reserve certain land area for ourselves, especially our west, so they couldn't move us. They removed quite a few in a number of Indian nations specifically to Oklahoma, but most of us they couldn't remove even when they tried to starve us into submission. So they began the reservation policy that is continuing today. This is America's apartheid system, and it has been the shining example for dominion, colonialism—successful colonialism—the world over. America practices and perfects its colonial tactics on Indian reservations and then exports it to the world.

Liberty: In the article of yours published in *Mother Jones*, you made a point of the fact that you were speaking but not writing, and that writing words was a European artifact that . . .

Means: What I was saying was that Europeans put too much emphasis on writing. There is nothing wrong with it; my people had a form of writing, up and down this hemisphere. The point I was trying to make was that they place way too much emphasis on it, and that every writing that has ever been done has done nothing but create division. The Bible, the U. S. Constitution, the Koran—you go on and on, any written document—Shakespeare, for crying out loud; Beethoven!—If it is written down, it becomes an instrument of division. And that is what I was trying to say; but I just lightly touched on it, I didn't really want to get into it.

People say hunter-gathering societies are very primitive. Actually, they are the height of civilization. It's the height of living with everything, it is the height of property-ownership, it is the height of libertarian society.

Liberty: Most libertarians see themselves as part of this Western tradition of literacy and rationality, of intellectualism. Do you see yourself as in some sense opposed to this, in some way broadening the libertarian movement because you don't come from within this tradition?

Means: I want to interact with libertarians, as I want to interact with all of life. To put it very simply, I do believe that libertar-

ians should go out and deal with life, rather than just read about it. And then maybe they'll meet an Eskimo, rather than making speeches condemning that Eskimo without knowing anything about Eskimos.

I really like libertarians because they are just like Indians! With both you got a cloistered little world. The reality of the libertarian world is completely at odds with what libertarians read and know about logically; the reality of the Indian world is completely at odds with our *way of life*. Both are at opposite ends of the spectrum.

When you are in a war, every front is necessary. Think-tanks are necessary, election campaigns for the President on down are necessary; everything in fighting for freedom is necessary, because we are surrounded.

If you want to be sovereign, act sovereign. Be an example. Freedom works.

I am an Indian because I am a unique individual. I always want to be an Indian. I don't want to be anything else. I don't want to be a facsimile of nothing. Libertarians are the same way; and yet they become just like Indians: there are facsimiles all over the place!

Liberty: You have said that there is nothing in the LP platform that "isn't Indian," and you also have said that you "speak American"; yet few Americans are comfortable with the libertarian program. Is the LP platform somehow Indian but not American, or is it just the case that libertarians can't get their message across to the American people?

Means: It's another case of putting too much store in a written document. By putting all that faith in a written document, you have to explain it and argue about it. And all it does is become a divisive force for libertarians who are trying to get out the message of freedom.

Liberty: What would you like to see in an LP platform?

Means: I'd say, switch the word from Libertarian Party *platform* to Libertarian Party *Statement of Principles*. And get on with the issues.

Liberty: Do you think that libertarians are too thinking-oriented, and don't spend enough time to relate to people emotionally?

Means: I do not believe they have enough love.

Liberty: I remember in Texas you said that the LP Platform was "one great big love." I did not understand what you meant.

Means: It is a message of love. And that is all it should be. "We love you, and this is our perception of how to bring about world peace." That is all it is. Let's get to the issues. What concerns you? How are we going to get that concern? We all have the same interests. There is no problem. We agree with every American.

Liberty: A lot of Americans find libertarian ideas almost repulsive when they come across them. What do you think is the best way of approaching people who generally look more for security than for liberty?

Means: Well, that is the essence of why I started FIF (Freedom Is For Everyone), though we unfortunately hit a mud-hole and got stuck. What we were trying to do was to show people that it can be done. In 1974 I heard John Maw, a Seneca leader of the Iroquois Confederacy, say "if you want to be sovereign, act sovereign." That is all you have to do. If you want to be sovereign, act sovereign. Be an example. Freedom works. Create free institutions.

When you are in a war, every front is necessary. Think-tanks are necessary, election campaigns for the President on down are necessary; everything in fighting for freedom is necessary, because we are surrounded. But most importantly, we have to create our own freedom institutions.

I have approached three libertarian think-tanks (and talked a bit with several more) about trying to get to a reservation and going to work: create a libertarian country here. The only place in America that you can almost immediately create a libertarian country is on an Indian reservation, because they have the sovereignty to do it; without an armed revolution, and without all this crap with elections. We could do it: I know the psychology of tribal officials, who are on the dole. We would sit down, in the think-tank faction, and figure out an approach, and do it! But I can't get any interest! Every time I want to bring in some of these people, some Indians, they beg off. They have excuses. All I got was pamphlets. Pamphlets! This would have to be a full-scale project. It would be a lot of work, and it would not happen overnight, but we can succeed. Surely some libertarians must be interested. ❑

Letters, *continued from page 6*

their equal desire for a laissez-faire economy ("Reconstructionists, Libertarians, and Dead Theologians," September, 1989). The problem, however, as Mr. Tucker correctly points out, is that libertarians seek to reduce coercion as a means toward the end freedom from state coercion, whereas Reconstructionists advocate policy changes as a means toward creation of the kingdom of heaven on earth in anticipation of the millenium. Given this almost total disagreement on ends, it is hardly surprising that Reconstructionists advocate policies that restrict personal liberty.

In our zeal to advance liberty in certain areas through temporary alliances with groups that may disagree with us in other areas, we must not forget that these alliances are best if they are only temporary and that the ultimate achievement of a libertarian society should not be sacrificed in order to achieve a victory for liberty in one area that ends up corrupting the principles we are supposed to be acting on in the first place.

Douglas Mataconis
Piscataway, N.J.

Fresh Air and a Healthy Breakfast

I like reading all points of view on the environmental issues that you publish, but I don't like being shit on because I like fresh air and don't want someone to piss in my breakfast.

William Paloma
Waltham, Mass.

continued on page 68

Analysis

"Winning" the War on Drugs

by Joseph Miranda

It may not be easy, but the U.S. government can win its War on Drugs. Maybe.

William Bennett is taking his title as Drug Czar seriously: he has called for the suspension of civil liberties and use of the military to combat the drug threat. But before the U.S. invades drug producing countries in South America, we should first examine what this war will entail—the objectives, the strategies, and the inevitable casualties.

The rhetoric of a "drug war" is not exaggerated. The anti-drug campaign has been fought in foreign countries, produced thousands of casualties, and involved a host of federal agencies, including the Drug Enforcement Administration, the Coast Guard, Border Patrol, Secret Service, Customs Service, U.S. Information Agency, the FBI, CIA, IRS, INS, BATF, as well as elements of the Army, Navy, Air Force, and National Guard. [1]

Yet, despite the forces assembled for the fight, the war does not seem to be going very well. At home, virtually every law enforcement agency reports an increase in drug use and drug-related crime. Abroad, the drug cartels operate openly, and have taken control of several governments in Latin America.

Why is this so?

The usual answer is that the U.S. has not made a sufficient effort, that if only there could be more funds committed to drug enforcement, more airplanes for drug interdiction, more agents to seize the property of drug users, more defoliants to destroy coca fields, the war could be won.

But the real problem is not a shortage of resources. It is a failure of strategy. The methods employed by the drug warriors are demonstrably doomed to failure. Simply dumping more resources into the drug war will not win it; given the flaws of U.S. drug strategy they would only compound the level of ultimate failure.

What the drug warriors do not realize is that the situation is more warlike than they imagine. The methods required to win this war are those Americans would be loathe to take. The end result is that the drug enforcers are dragging the United States into real wars that America has no hope of winning.

Drug Cartels as Insurgents

When Americans think of war, they generally think of conventional conflicts like World War II. In conventional wars, the side that musters the most military force (in terms of firepower and technology) will win by delivering massive blows against the enemy in battle. If the fight against drugs were a conventional war, all the U.S. would need to do to win the war on drugs is mobilize sufficient manpower and weaponry, fling them against the drug cartels, and the cartels would be either destroyed or forced to capitulate.

Though the anti-drug fight does resemble a war, it is *not* a conventional conflict. It is a form of warfare generally known as Low Intensity Conflict, with the drug cartels resembling insurgent organizations. [2] American policy has been unable to deal with the cartels because the U.S. insists upon applying strategies that made a certain amount of sense forty-five years ago but are today obsolete.

Like insurgent groups, the drug cartels [3] are characterized by:

(1) An extensive organizational infrastructure: This infrastructure is a permanent organization that conducts all aspects of the organization's operations. A drug cartel can be divided into several components: an infrastructure for production of drugs; an infrastructure for distribution of drugs; and an infrastructure for security, intelligence and subversion. [4] Directing this infrastructure is the cartels' leadership. The cartels' infrastructure operates largely underground. It does not openly confront government forces. Instead, it relies upon clandestine means to conceal and protect itself.

(2) Use of terror and subversion: by using unconventional means of warfare, the cartels can hold their own against forces with superior resources.

The cartels employ terrorism in the forms of assassinations, threats and kidnapping targeting police, judges, newspaper editors, government officials and other opponents. This eliminates their enemies, demoralizes society and forestalls potential opposition.

There have been numerous examples of their use of terror tactics: the attack on the Colombian Palace of Justice in November 1985 by communist guerrillas allied to the cartels; the assassination of the Colombian minister of justice; the kidnapping and murder of DEA agent Enrique Camarena Salazar in Mexico; and the assassinations of New York City police officer Ed Burn and Colombian presidential candidate Luis Carlos Galan. There are many others.[5]

How would Americans react if Colombia demanded that the U.S. cease all production of tobacco immediately (on the grounds that tobacco is an addictive, life endangering drug) and sent its armed forces into the United States to burn tobacco fields and shoot tobacco farmers, and send "special agents" to the U.S. to kidnap the President of Reynolds Tobacco and bring him back to Bogotá for trial?

Just as importantly, the cartels influence governments through bribery and subversion. On the local level, they enter into alliances with mayors of towns and villages in drug producing regions. On the national level, they back coups and form partnerships with high level leaders.[6] The end result is that the cartels become a shadow government in drug producing areas.[7]

(3) Popular support: The drug cartels rely upon the support of the people for their continued existence. Popular support provides the cartels with recruits, intelligence information, sanctuary, local defense against law enforcement, and political legitimacy.

There have been numerous incidents in which peasants in coca producing regions have given advance warning to the cartels of government raids, and then attacked drug enforcement personnel to defend the coca fields.[8]

Why do people support the drug cartels? Partly because they fear retaliation if they oppose the cartels. But, more importantly, people support the drug cartels because drugs are an important cash crop: coca throughout much of Latin America, opium in Asia and marijuana and tobacco in the United States. In Bolivia, coca has been the primary cash crop since 1979, when it displaced replaced cotton.[9]

Because drug factories employ the rural and urban poor, attacks on drug production are seen as attacks on the people themselves. Some cartels have solidified their popular support providing the poor with social services. The Medellín cartel, for example, has created jobs, supported social welfare projects, and contributed to charities in order to further foster this support.[10] In many cases, the people look to the cartels as the legitimate source of political power.

Within the United States itself, drug gangs provide employment for the urban poor as drug pushers, enforcers, lookouts, and couriers. And popular support for the gangs and cartels also comes from their customers, the millions of Americans to whom they provide a product they can't obtain elsewhere: the drug of their choice.

The Failure of Law Enforcement

The war on drugs been pursued by the following methods:

1. Eradication of crops by host nations.
2. Interdiction of drug smuggling.
3. Investigation and prosecution of drug cartel members.
4. Increased penalization of drug users.[11]

These methods have been pursued in a wide variety of ways. DEA agents have been posted overseas to conduct investigations of drug cartels and advise foreign governments in their anti-drug campaigns. The U.S. government assisted the Bolivians in organizing the Mobile Rural Patrol Unit (otherwise known as the Leopards) to conduct raids against drugs factories.[12] The U.S. has also supported the eradication of drug fields by aerial spraying of defoliants. Expanded efforts have been made to interdict air and sea lanes into the United States, including assistance to other governmnets from our armed forces in the form of aircraft, equipment and training. Federal task forces have been formed to concentrate on cities critical to the drug trade, such as Miami. There are increased penalties for the possession and use of drugs, both civil and criminal. Drug users now find themselves faced with fines, confiscation of their property, and denial of federal benefits, as well as time in jail.

Yet these measures have failed. The amount of drugs coming into the United States has not diminished. By various estimates, 75 to 95 percent of all drugs make it through.[13] Drug use is as widespread as ever.[14]

The Drug Enforcement Administration has a total of 2800 agents, about 300 of which are deployed overseas.[15] This is a ludicrously small number to fight the hundreds of thousands of people in the drug producing infrastructure. Even with the participation of other federal agencies, manpower in the drug war has proven woefully insufficient—which is one of the reasons why Czar Bennett has been calling for deployment of the military.

But the real problem is not a lack of manpower. Law enforcement has failed because it has managed to ignore the nature of low intensity conflict. The drug war has been led by people who have no idea how to fight and win such a conflict. Drug enforcement personnel are dealing with an insurgency, but they think they can deal with it by conventional means. Instead of learning from their errors, they blindly push on. The result has been not only frustration for the drug enforcers, but a potentially disastrous situation for the United States itself.

Consider the errors the drug enforcers have made:

(1) *Alienation of popular support:* First and foremost in this form of conflict, the government must have popular support. The intelligence, recruits and sanctuary that accrue to the cartels by virtue of support from the people must be eliminated before the cartels themselves can be attacked. Yet, drug enforcement

officers make virtually no attempt to win over the native populations. Instead, by attacking peasant interests the drug enforcers push the people further into supporting the cartels. This has resulted in an alliance between peasants, local governments, and the cartels, all of whom have vested interests in continuing drug production.

Popular opposition in drug producing countries to U.S. drug policies should be expected. How would Americans react if Colombia demanded that the U.S. cease all production of tobacco immediately (on the grounds that tobacco is an addictive, life endangering drug) and sent its armed forces into the United States to burn tobacco fields and shoot tobacco farmers, and send "special agents" to the U.S. to kidnap the President of Reynolds Tobacco and bring him back to Bogotá for trial? Wouldn't Americans feel their national sovereignty had been violated? Wouldn't American tobacco farmers start shooting back? And wouldn't U.S. law enforcement officials be more likely to side with their fellow citizens than the agents of a foreign power?

Unable to deal with the situation, the drug enforcers thrash around, trying to find solutions. The two solutions now in vogue are attacking the users of drugs, and—when all else fails—calling in the military.

Some attempts have been made by Latin American governments to shift peasant support from the cartels by crop substitution programs. Governments, with U.S. foreign aid, pay peasants to raise alternative crops to coca (one of the substitutes is, ironically, tobacco).[16] However, these substitution programs fail because the peasants can make more money by planting coca. Often, they will take the government funds and then plant coca elsewhere.

(2) *A lack of ongoing operations:* Drug enforcement has no permanent presence in the countryside. Spectacular raids do destroy coca fields, but when the drug enforcers go back to their base camps and fortified compounds they leave the countryside to the cartels. The cartels then move back into regions where raids have occurred, repair the damage, and resume operations. The result is that though the number of arrests made and acres of coca destroyed look good in reports to Congress, drug production is practically unaffected.

Since the drug enforcers are not a permanent presence in the countryside, they cannot hold what they take. They cannot protect those sectors of the populace that favor law enforcement. When crop eradication causes the cessation of production in a region, the cartels go elsewhere. The problem is pushed around the countryside without being eliminated. In actual fact, crop eradication has destroyed only a small fraction of the total coca crop. Coca production has been increasing in the face of the drug war.[17]

(3) *A failure to neutralize the cartels' infrastructure:* There have been no systematic operations against the cartels' infrastructure. Enforcement operations have concentrated on a few spectacular arrests and prosecutions of cartel leaders.[18] But these have little effect on overall cartel operations because as long as the infrastructure remains intact the cartels can replace their losses by promoting people from lower echelons. Similarly, arresting the peasants and urban poor at the bottom of the organization has no real impact because the cartels can gain new recruits by using the enticement of employment in the drug trade.

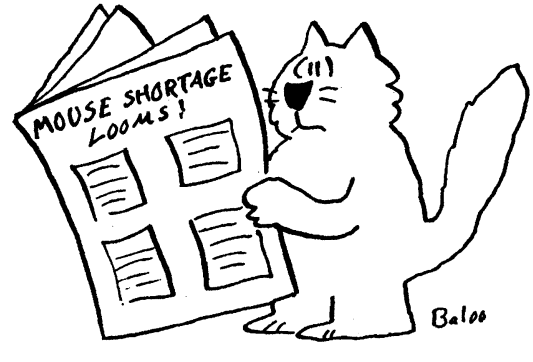
To defend against the threat of U.S. directed drug enforcement operations, the cartels have entered into an alliance with Communist guerrilla movements in Latin America, including Peru's Shining Path and Colombia's M-19. The cartels supply the guerrillas with money and weapons; the guerrillas practice terrorism against their mutual enemies. Backed up by mass peasant support they have emerged as a political and military danger to the entire region.[19]

Police find themselves faced with ambushes, land mines and attacks on police posts by guerrillas. The cartels have killed several hundred judicial and law enforcement personnel in the continuing battle for control of Colombia. In Peru, the war is over: drug eradication efforts came to an end when the guerrillas and cartel security forces made it impossible for the police and military enter the drug producing regions of the country.[20] Mass support for the cartels has been manifested by peasant protest demonstrations as well as by local farmers rallying to the defense of their fields against drug enforcement personnel.[21]

Law enforcement agencies are allowed to keep for their own use property seized from people involved in the drug trade. This reduces the police to the status of looters, making arrests simply to gain access to the houses, cars, helicopters, computers and office furniture that belong to other people.

A similar situation has arisen within the United States. Growers of marijuana have become increasingly militant, using armed security personnel and booby traps to counter law enforcement.[22] They often have the compliance of the surrounding community. Within U.S. cities, drug gangs have developed extensive infrastructures (although not yet as well developed as the major cartels' infrastructures). Gangs control many urban areas, bringing with them crime and violence.

Drug enforcement is in over its head. While in the past, drug organizations consisted of only small numbers of people and sporadic operations, such as the



celebrated "French Connection," today the cartels have grown to the point where they outnumber law enforcement personnel. [23] While drug enforcement personnel like to proclaim "victories" in the war on drugs, the fact that the Colombian government has found it increasingly difficult to find anyone to take the post of Minister of Justice is an indicator of who is really winning. Moreover, the drug enforcers now find themselves the target of terrorism. Their status as law enforcement officers no longer gives them immunity from attack.

This conflict cannot be won by one-shot measures or spectacular single operations. Bombing the drug fields would accomplish nothing in the long run simply because the cartels would move back into devastated areas and rebuild. There will be hundreds and even thousands of dead, wounded, and missing Americans.

Rather than trying to analyze the situation and then developing strategies to win, the drug warriors simply call for more of the same. A case in point is interdiction of U.S. borders. At present more than 90% of drugs get through. What good will a few more aircraft and another thousand agents be to stem the flow of drugs? The assumption is similar to that of conventional military leadership when faced with unconventional insurgents: if a policy isn't working, then do more of it and hope that somehow victory awaits at the end of the tunnel.

Unable to deal with the situation, the drug enforcers thrash around, trying to find solutions. The two solutions now in vogue are attacking the users of drugs, and—when all else fails—calling in the military.

Currently, there are several policies for attacking casual drug users: zero tolerance (the confiscation of the property of drug users, and that of people in whose vehicles drugs are found); depriving drug users of federal benefits; arbitrarily searching people entering the United States for drugs; use of "drug profiles" to identify potential drug couriers; and mandatory drug testing. [24] There are also increased federal penalties for use of drugs. Some of these are civil penalties, such as fines for use of marijuana. More extreme yet are plans to incarcerate first-time drug offenders in detention camps where they will undergo reeducation through "boot camp" style training.

These policies are doomed to failure. They affect drug users only marginally. Law enforcement simply does not have the manpower to find and apprehend every drug user in the country. Increased prosecution of casual users can only clog the criuminal justice system. In any event, there are insufficient detention facilities to hold every last person convicted of drug crimes.

These policies also alienate people from the law enforcement establishment. Drug users are not the only ones effected by these measures; in point of fact, people who have never had any involvement with drugs have had their cars confiscated because passengers possessed drugs, their persons subjected to arbitrary searches, and their bodies subjected to humiliating drug tests.

Innocent people who have been victimized by the drug war will vent their wrath against law enforcement in general, and some will turn to dubious and self-defeating forms of activism.

Another alarming trend is the use of confiscated property by law enforcement agencies. Law enforcement agencies are allowed to keep for their own use property seized from people involved in the drug trade. This reduces the police to the status of looters, making arrests simply to gain access to the houses, cars, helicopters, computers and office furniture that belong to other people.

As a whole, these attacks against the users are bad police procedure. While they may run up arrest statistics and "prove" police are doing something, they have little effect on the drug infrastructure.

Deploying the military into the drug war seems at first a reasonable move. After all, one of the missions of the armed forces is defense of American borders, which drug smugglers routinely violate. The Department of Defense, however, has been reluctant to commit the armed forces to the war on drugs. in Congressional testimony, then Secretary of Defense Frank Carlucci stated, that the primary role of the military is to defend the country from *armed* aggression. Drug enforcement is a law enforcement, not military, problem. For the military to get involved would be a violation of the Posse Comitatus Act, which forbids the military from having law enforcement power unless there is a state of emergency. [25]

The armed forces are not trained for a law enforcement environment. The armed forces use firepower, not arrests, to solve problems. The armed forces will require extensive retraining if they are to be deployed effectively in the war on drugs.

More critically, there is no clear cut mission for the military in the drug war. So far, the U.S. has used its armed forces in a limited role, mostly providing military units for border surveillance and equipment and some training to support Latin American anti-drug efforts. But these actions have been piecemeal and have had no real impact. [26]

Experience has demonstrated that interdiction is incredibly difficult. The U.S. and its allies in Indochina could not stop the flow of men and material along the Ho Chi Minh trail, a narrow land corridor, even though the United States threw the full weight of its air power against it.

How will middle America react when its sons and daughters coming back from Colombia and Peru in body bags?

What would it require to seal U.S. borders against the drug flow? The Department of Defense did an analysis, which concluded that complete interdiction would require 96 infantry battalions, 53 helicopter companies, 210 patrol ships, and 110 surveillance aircraft.[27] The required military units exceed thase in the entire continental United States. Obviously, President Bush's commitment of forces as outlined in his September 5, 1989 speech will not work.

A War Winning Strategy

What would it take to fight and win a real war on drugs? The answer is sim-

ple: it would take the same measures necessary to fight and win against an insurgency. This would mean a national strategy containing the following elements.[28]

(1) *Clear national objectives:* The United States' goals would be to eliminate *all* drug manufacture, importation, and use—not just reduce the flow, not just make drugs more expensive, but virtually eliminate them. This would require a centralized direction of all operations against drugs, with the federal government in charge.

(2) *A mobilization of the armed forces:* The United States would have to expand its armed forces to the level where they can be properly deployed for interdiction and other anti-drug operations. There would have to be a return to conscription, with the government drafting sufficient man- (and woman-) power to raise forces.

(The government could put out a call for volunteers: I am sure those people now clamoring for a war on drugs would be more than willing to spend the next several years of their lives as infantrymen patrolling the jungles of South America in armed combat with guerrillas . . .)

The United States would also have to call up the National Guard and Reserves. The National Guard contains some fifty per cent of the armed forces' combat units, and would be vital in supplementing active duty manpower. The Reserves would have to be activated, because most of the logistic support units needed for sustained military operations (such as petroleum supply, medical, and maintenance) are in the Reserves. The U.S. would have to endure the disruption of the civilian economy caused by this activation, since it would mean removing hundreds of thousands of civilians from their jobs.

There would have to be a massive retraining program so that the military could operate in a law enforcement mode. Troops would have to be trained in arrest procedure, surveillance, intelligence gathering, and search and seizure. Training in the use of complex weapons systems would have to be abandoned inasmuch as they are useless in this form of war.

There would also have to be a crash building program of patrol aircraft and ships. This would require additional taxation, or more deficit spending.

(3) *Interdiction of U.S. borders:* U.S. forces would have to track, stop and search all vehicles entering the United States by land, sea and air. Additionally, all individuals entering the U.S. would have to be searched.

(4) *Combat in drug producing countries:* U.S. forces would have to occupy drug

U.S. Imports Criminals to Fill Domestic Shortage

by Adam Starchild

Many commercial airline flights between Latin America and Europe make unscheduled and unannounced refueling stops in San Juan, Puerto Rico. Normally when this happens in international aviation—and it is a routine event in all countries—the passengers either stay on board, or are taken to a secure transit lounge adjoining the plane.

But the U.S. Customs and the Drug Enforcement Administration are using this opportunity to search the passengers and baggage. Not surprisingly, they often find cocaine. The passenger is then taken off the plane, charged with drug smuggling, and invariably receives a long federal prison sentence—often twelve or fifteen years. The new prisoner is then flown to a federal prison in the United States, since there are no federal prisons in Puerto Rico. This costs the U. S. taxpayer approximately $20,000 per year for the imprisonment, plus the cost of the trial which could be in the tens of thousands of dollars, and much more if the accused puts up a real fight. Later there is the cost of immigration detention after the prison sentence, an immigration hearing or two, and the cost of deportation, including airfare back to the country of origin.

The case of Jorge Aguilar-Peña, a 30-year old Colombian prisoner at the Sandstone federal prison in Minnesota, well illustrates the point. Aguilar was on board a Lufthansa German Airlines flight from Bogotá to Zurich, with a stop at Frankfurt. There was no mention of a stop at San Juan. When the plane landed at San Juan, a few ounces of cocaine were found in the toes of Aguilar's shoes. He received a four-year prison sentence, almost double the sentence recommended by the U.S. Sentencing Commission. The judge gave the extra time because he wanted to deter future smugglers—a wholly ridiculous notion since Aguilar wasn't even trying to come to the U.S., much less smuggle here.

Aguilar's case will cost the U.S. taxpayers at least $100,000. For this $100,000 a few agents at Customs and the DEA got to phony up their statistics and help make it look like San Juan is a hotbed of the international narcotics trade, thus justifying more money to that field office's budget.

For no tax money at all, Aguilar could have been left on the plane unsearched and the German or Swiss authorities could have dealt with their own problems at their own expense if they cared to be bothered. Multiply Aguilar by many arrests every week and you have an idea of the endless cost to the taxpayers. There are about 40 similar cases at Sandstone; about 5% of that prison's population. There is no reason for the American taxpayers to keep Europe drug-free.

Apart from the dollar cost to the American taxpayer, there is a cost to our fundamental concepts of law and justice. One of the basic principles of American law is that there must be the intent to commit a crime before a person can be convicted of a crime. How can a person who never expected to be in the United States possibly have the intent to commit a crime here?

They might have intended to commit one in Europe, but that isn't the same thing, nor is it an American problem. This type of activity by the government slowly erodes the legal structure on which America was built.

What happens when other countries start kidnapping American citizens who happen to be flying through their airspace? ❑

producing countries and then conduct anti-drug operations. These operations would be directed against drug crops and factories. The U.S. would have to occupy drug producing regions permanently in order to prevent a resurgence of the cartels.

U.S. forces would have to be employed because most countries simply cannot deal with the armed opposition from the cartels and their allied guerrillas. Already, Latin American countries have lost control of drug producing regions. U.S. forces would have to clear these regions of cartel security forces and communist guerrillas.

In the wake of President Bush's drug policy statement, the cartels launched a campaign of terrorism against the Colombian government and the anti-drug forces. If the war is escalated, we can expect the use of terrorism to increase as well. So the task of the military would complicated by its need to provide security for foreign governments as well as U.S. citizens living in effected areas.

In this struggle, the U.S. would not be able to exploit its technological superiority in the war on drugs because drug cartels will not present any mass target for American artillery and air power. Experience in low intensity conflict shows that guerrillas and terrorists can only be dealt with by small unit infantry operations such as patrols, raids, and ambushes. Moreover, indiscriminate use of firepower would only lead to noncombatant casualties that in turn would increase support for the enemy.

This conflict cannot be won by one-shot measures or spectacular single operations. Aerial bombing of drug fields accomplishes nothing in the long run simply because the cartels can move back into devastated areas and rebuild. U.S. troops must be on the ground to consolidate any victory.

This type of fighting will mean casualties. There will be hundreds and even thousands of dead, wounded, and missing Americans, both military and civilian. And, of course, there will be tens of thousands of casualties among the people of countries in which the drug war is to be fought.

(5) *Neutralization of the drug infrastructure:* The U.S. would have to conduct a systematic intelligence effort to identify the cartel members and render their organizations ineffective. The entire infrastructure—not just the people at the top—would have to be targeted. This means knocking out the people who direct routine operations; the enforcers, the informers, the recruiters, the couriers, the corruptors—every level. Intelligence operations must also separate the cartel members from civilians so they can be attacked without collateral damage.

(6) *The U.S. must gain popular support:* It is a cardinal rule that you cannot win a counter-insurgency campaign unless the peasants support your side.

The populace of drug producing regions would have to be rallied to the anti-drug campaign to destroy the base of popular support the cartels now enjoy. Cartel agents must be isolated from the people so that they lose their source of recruits, intelligence, sanctuary, etc. The U.S. must turn the popular support it gains into recruits and intelligence information for the war on drugs.

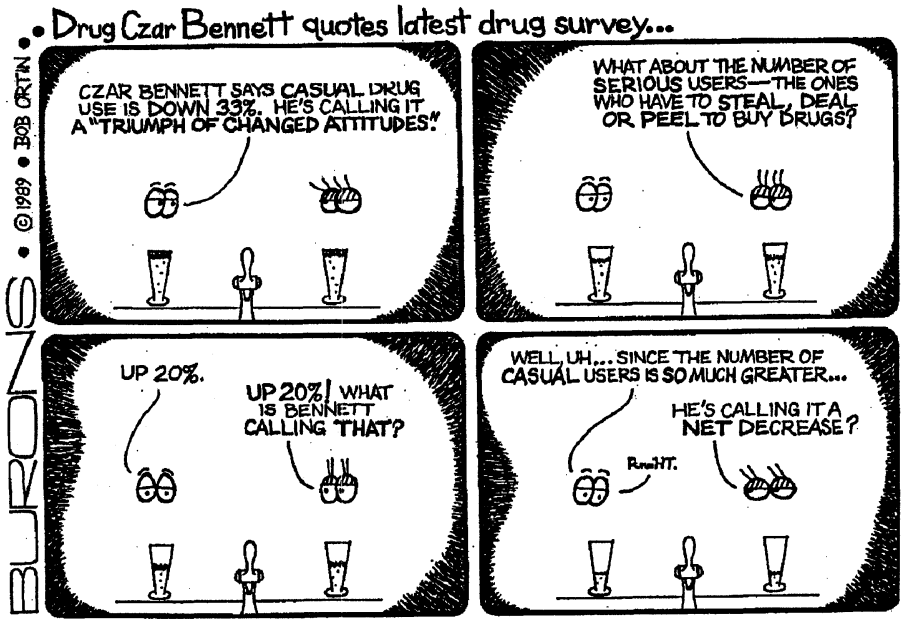
The armed forces know very well that the same Congressmen who are today calling for the use of the military in the war on drugs will be the first to scream "Who got us into this mess?" when the dead and wounded start coming back.

The U.S. and its allies would have to call a halt to those anti-drug operations that alienate the peasantry.

The U.S. would have to convince the peasants and urban poor that it is in their best interests to support the drug war. This can only be done through massive social reform programs that rally the people to the government's side. The U.S. would have to work with host nations to set up employment, medical, and educational programs to bring in the peasantry and poor. The U.S. would have to set up a realistic crop substitution program. This could be done only by massive agricultural subsidies that buy peasant crops at prices higher than those that could be gained from selling coca, marijuana or opium.

In order to maintain rural security, the U.S. would have to organize the peasants into paramilitary units to defend villages and fields from counterattacks by guerrillas and the cartels. U.S. forces would have to be stationed throughout the countryside to bolster these paramilitary forces.

Anti-drug operations would have to minimize civilian casualties. The U.S. and its allies cannot make indiscriminate attacks on or arrests of the peasantry, doing so pushes the people further into the arms of the cartels. Minimization of civilian casualties is also important because the communists would be sure to exploit such casualties in their propaganda to "prove" that the U.S.



was really conducting a war against innocent peasants and workers.

The U.S. would have to be prepared to fight for years and to an army of occupation in a hostile territory for an indefinite period of time. In a counter-insurgency war, there are no quick victories. It takes years to identify and neutralize an underground infrastructure, to build up peasant support, to hunt down and destroy guerrilla bands. The war on drugs could not be won in time to bring the boys home for Christmas, or before the next election.

The U.S. would also have to face other problems. Latin American communists would be sure to exploit a massive military intervention as an example of "U.S. imperialism." They would rally noncommunist nationalists who would be outraged at U.S. infringements against the sovereignty of their countries. In reaction to the extradition of drug lords to U.S., Colombian students rioted against U.S. interference in the internal affairs of their country. The U.S. could easily find itself at war with most of Latin America.

The War at Home

The war on drugs would also have to be fought domestically. The situation in many American cities resembles urban guerrilla warfare. The gangs, using funds made from the sale of illicit drugs, have gained increasing control of urban areas and law enforcement has proven itself ncapable of dealing with them. The armed forces would have to be deployed to U.S. cities to patrol the streets. The government would have to embark on massive domestic intelligence operations to gain sufficient evidence to convict all members of the gang infrastructure. There would also have to be a massive program of building detention facilities to confine people convicted of drug offenses.

There would also have to be operations against the drug users themselves, since the users are the ones who ultimately support the entire illegal drug industry. Obviously, it is ridiculous to think that all drug users can be convicted and sent to jail. There are, by various estimates, 23 million regular users of drugs in the U.S., plus tens of millions more of casual users. [29]

These people would have to be convinced to stop using drugs. Drug education programs have proven to be a failure in the past. They either do not affect drug use, or actually encourage it. [30] There would, instead, have to be a massive internal propaganda campaign, with mandatory viewing of anti-drug programming, attendance at mass anti-drug rallies, and other actions to create a mass anti-drug spirit throughout the land.

There could be mandatory testing of all Americans for drugs. Conceivably, this could be done at the same time people apply for their drivers' licenses, or on similar occasions. People who are found to have used drugs could be deprived of all government benefits.

Perhaps a lesson can be learned from the Ginsburg incident. If Judge Ginsburg could be deprived of the opportunity to serve as a Supreme Court judge because he smoked marijuana years ago, then why not deprive drug users of their right to run for public office? This can be taken further, and deprive the drug user of his right to vote. Candidates for public office can be made to take public urinalysis tests, a sort of act of faith to prove good citizenship.

The government could enter into alliance with business. Together, they could test all employees on a regular basis. The government would act as a labor police, ensuring a drug free workplace; in return, business would deny employment to anyone who uses drugs.

Other programs that are now incipient could be expanded. The government can promote the use of children as informers against drug-using parents. Such children could be turned into national heroes, being awarded medals in public ceremonies. If the government needs advice on the technical details of implementing this program, it could request assistance from the Soviet Union, since the Bolsheviks pioneered similar techniques for controlling the citizenry.

The Reason Why

This is what a real war on drugs would be like. Not a rhetorical sop for politicians, but a real conflict with real fighting and real deaths, with suspension of civil liberties and intrusion of the government into every last aspect of American life. It would mean the total disruption of peoples' lives, with a return to the draft, higher taxes, and inflation.

A war on drugs would become a virtual civil war, with Americans divided into those who tolerate of drug use and

those who do not. It would mean the creation of a permanent underclass. Those Americans who use, or who have ever used, drugs would become second-class citizens.

While it is fashionable now for people to demand that the government do something to win the war on drugs, one wonders: How many people would be willing to volunteer for combat units? How will middle America react when its sons and daughters coming back from Colombia and Peru in body bags?

The drug warriors have accomplished what the communists working alone found impossible; as a result of drug enforcement policies, there has been created in Latin America a popular front of peasants, guerrillas and nationalists, all united in opposition to the U.S.

This is why the military is reluctant to get involved. Military men remember the last time the U.S. went to war without first considering the human costs. Having fought and lost one no-win war in Vietnam, the military is smart enough to avoid another. The armed forces know very well that the same Congressmen who are today calling for the use of the military in the war on drugs will be the first to scream "Who got us into this mess?" when the dead and wounded start coming back. Congress can talk a good fight, but is not going to provide the resources or the national resolve to fight and win the drug war.

The Costs of a No-Win War

Why fight a war on drugs in the first place? If you ask the drug enforcers, they will tell you that the illegal drug trade provides money to support criminal gangs and the cartels. But the gangs and cartels exist because drugs are illegal in the first place. If drugs were legal, most of the criminal, social and health problems associated with drugs would be reduced to manageable levels.

After all, both alcohol, and tobacco, are legal in the United States, and these are the two most prevalent drugs of all. They cause more health problems than all illegal drugs put together. Alcohol and tobacco cause 400,000 deaths a year in America, compared to an estimated 10,000 deaths from illegal drugs. Yet, there is no call for a war on either of these drugs. Instead, they are treated as a public health problem. As a result, alcohol and tobacco use has been reduced in the last several years.

The types of arguments once used to oppose drugs—that drug use leads to addiction, a life of crime, and early death—have been discredited. People have had too much experience; they know that most people who use illegal substances do so without substantial harm to themselves or to others.

Unable to formulate a rational argument, the opponents of drugs invent the mythology of the drug war: they tell us that drugs are "invading" the United States, that the cartels are poisoning children, and that we have to fight. This justifies a paternalistic government coming in and telling the average American which substances he can introduce into his bloodstream.

Victory

There is no politician who is willing to take the case for a full-scale prosecution of the war on drugs to the American people politicians know that if they told their constituents what it would really take to win, they would be thrown out of office! So the politicians are satisfied with a few publicity-oriented moves—a spectacular bust here, a record breaking seizure there, urinalysis in the workplace.

The politicians assume that somehow the country can struggle on with a no-win war on drugs. But the U.S. is only digging itself deeper into disaster. There is nothing more criminal than for a country to enter a war it knows it cannot win. The drug warriors have accomplished what the communists working alone found impossible; as a result of drug enforcement policies, there has been created in Latin America a popular front of peasants, guerrillas and nationalists, all united in opposition to the U.S. Similarly, the dictates of the drug war have placed the United States in a virtual state of war with Panama, a country of immense strategic importance that has always had a close relationship with the U.S.

At home, the cities are rapidly coming under the control of criminal gangs who base their power on the sale of illegal drugs. Millions of Americans who have never used drugs find themselves victimized by arbitrary searches, seizures, and drug tests.

Given the course of events, the cartels and gangs will only become more powerful. Law enforcement has demonstrated its inability to deal with the situation.

The United States must act decisively to terminate this war: the only alternatives are to mobilize the nation for a real war, or to legalize drugs. Since the costs and risks of mobilization for real war are too high for politicians to bear, it is increasingly evident that legalization will eventually occur.

What will happen to drug cartels if drugs are legalized? They have become so entrenched they will not disappear overnight. They have the manpower and resources to continue their activities, and can be expected to attack legitimate sources of drugs in order to eliminate the competition.

So the government would still have to conduct enforcement activities against the cartels. But now the advantages will accrue to the government. It is the huge profits of the cartels that finance their political activities. The cartels make their enormous profits because they have a near-monopoly on scarce goods in high demand.

The cartels' fantastic profits from sale of illegal drugs will disappear as soon as people can buy drugs from legitimate sources. Moreover, the cartels will not be able to compete with legitimate drug sources because they will not be able to maintain competitive prices. Drug prices are now artificially inflated because of the illegality of drugs; the prices reflect the costs involved in bribery, protection, and legal defense as well as the costs of producing and distributing the drugs. As their sources of income dry up, the cartels will be less able to continue operations and recruit new personnel.

Politically, drug legalization would give countries the opportunity to rally the people to the side of the law. People would turn to the government and to legitimate drug industry for what the car-

continued on page 58

Loathing the Fear in New York, New York

by Murray N. Rothbard

Corruption, greed, lies, mudslinging, racism, the threat of success, the fear of failure—in other words: politics as usual in the America's Metropolis.

One of the joys of spending summers in New York is being plunged once again into the glorious if fetid pool of New York City politics. This year's melee is particularly juicy, since the mayoralty race is for once not cut and dried. Three-term mayor Ed Koch, a centrist Democrat, was no longer invincible, since his last term was shot through with a remarkable, pervasive scandal of corruption and sleaze. The scandal was touched off by the dramatic suicide of near-indicted Don Manes, long-time pal of Koch and head of the Queens Democracy. A large number of top New York Democrats eventually wound up in jail. Koch's standing was plunged even lower in last year's presidential campaign, because of his hysterical tirade against Jesse Jackson, which embarrassed even his staunchest supporters.

Koch began this summer's campaign almost invisible at the polls, but the old campaigner, always effective in TV comments and debates, managed a remarkable comeback; by mid-August he was tied for first in the polls for the September 12 Democratic primary. Koch's comeback was no great surprise; for many years, he has been "Mr. New York," in whom New Yorkers see themselves, their friends and neighbors writ large. Narcissistic to the point of egomania, New York accent to the hilt, by turns whiny, nasty, witty, cranky, and hypochondriacal, and always larger-than-life, Koch can be relied on to put on a good show. In campaigns he rises to his best, fighting for the political post that has come to define his very life. Indeed, Ed Koch is the last of the great Jewish *tummlers* who, in the early days of Borscht Belt resort hotels (before they swelled to giant palaces), were hired as permanent entertainers to play pinochle with the guests by the pool, crack jokes, insult the customers, and generally fill in the time entertainingly until the next gigantic meal.

But why did New Yorkers warm to Koch despite the corruption of his reign and the continuing rapid and grisly decline in the city's quality of life? Because New Yorkers, quite properly, realize in their heart that none of the other clowns in the race would make any difference, so if you're going down the tubes anyway you may as well have fun along the way.

The only thing that would help New York now is radical surgery, and none of the candidates are prepared to do much of anything. The city is overwhelmed not only by violent crime, but more so by the new plague of aggressive "bums," as New Yorkers are wont to call them, and to hell with the official designation of "the homeless." Plus the fact that the city's "infrastructure"—its filthy and pitted streets, worst in the country; its horrific subways; its deteriorating housing stock, punctuated by grand new, expensive and subsidized buildings; its crumbling bridges and highways—is falling apart. At least, New Yorkers feel, Koch will *talk* tough even if there is no action.

And so, since none of the candidates is prepared to make changes, they attack each other for sleaze, and they all take determined if scarcely courageous stands on foreign policy (frenetically pro-Israel), abortion (pro-choice, even Catholics—after some fast footwork), religion (*very* ecumenical and loving)

Ed Koch is the last of the great tummlers *who, in the early days of Borscht Belt resort hotels were hired as permanent entertainers to play pinochle with the guests by the pool, crack jokes, insult the customers, and generally fill in the time entertainingly until the next gigantic meal.*

and other issues that a mayor can do nothing about.

Neck and neck with Koch, and clear front-runner until August, was David Dinkins, Borough President of Manhattan, and *the* black candidate. Dinkins is the only type of black candidate who could ever possibly win as Mayor. *Not* "conservative"—his views are the usual left-liberal claptrap, akin to Jesse Jackson's. No—it's his style that sets him off dramatically from Jesse. For Dinkins is soft-spoken, elderly, courteous, even elegant, the opposite of charismatic—in personality very much akin to the Pullman porter of days gone by. In brief: *unthreatening*. For the unpublicized but vital fact about New York is the tremendous rage and hatred felt by the whites against the black population. And that means virtually *all* whites—including what used to be the last bastion of pro-black sentiment in New York: liberal Jewish intellectuals, who are mainly clustered in the West Side of Manhattan. (A straw in the wind: an old friend of mine, a distinguished Marxist academic who is the diametric opposite of anyone who could be considered a "redneck." Recently one of the seemingly endless series of governmental commissions studying the state of blacks in New York City issued the usual kind of report: calling for more welfare, more teachers, more social workers—the usual left-liberal litany of demands on taxpayer money, to solve the black problem. The response of our Marxist academic: "The only solution to the black problem is to lock up all male black teenagers until they're thirty.")

Dinkins is the only type of black candidate who could ever possibly win as Mayor—soft-spoken, elderly, courteous, even elegant, the opposite of charismatic—in personality very much akin to the Pullman porter of days gone by. In brief: unthreatening.

The bottom line is that one-hundred-and-thirty years after the end of slavery, twenty years after civil rights laws, the white masses are sick of the whole black question: sick of street crime and aggressive bums, sick of welfare payments, of affirmative-action quotas, and all the rest. The potential for race war in New York and other cities across the country is getting increasingly explosive and politicians—their heads placed firmly in the sand—can only come up with more of the same left-liberal policies that got us there.

Jesse, in short, could not get a white vote in New York if he tried. (Koch's attack on Jesse was considered too frenetic as well as—wonder of wonders!—too blatantly oriented toward Israel.) But Dinkins can, and did end up winning the primary. He was assured not only the entire black vote, but also that of Jewish liberals, including most of the union leadership in New York City.

The other two Democratic candidates were, despite their best efforts, so far behind as to be totally out of it. The best they hoped to do was to throw the primary into a runoff. Harrison Goldin, the bald-headed longtime Comptroller of New York, is a bitter enemy of Koch, and once in a while has some tough things to say about crime and the homeless. Richard Ravitch, the independently wealthy former head of the disastrous Metropolitan Transit Authority (an "independent" governmental authority that is responsible for the subways and bridges), never made it out of last place. He's got two problems. First, Ravitch has to explain why he spent several years as a lapdog of Koch in city government, and why he is not almost as responsible as the Mayor for the sad state of city transportation. Second, his voice is slow and gravelly. Gravelly, of course, is OK—indeed is in the great Northeast urban tradition, popularized by Marlon Brando in *The Godfather* (Hey, do these guys *go to school* to learn how to talk gravelly?) But slow is bad, since the New Yorker is deeply convinced that slow speech means a slow mind. (One of the fun demonstrations of this truth came in the classic Cuomo *v.* Lehrman campaign for governor in which Mario made his blazing entry into national politics. At one point, Lehrman unwisely denounced Cuomo as "a fast-talking lawyer." Cuomo's witty riposte won the hearts of New Yorkers: "All right, from now on, I'll talk v-e-r-y s-l-o-w-l-y so that he will be able to understand.")

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The non-New Yorker might well ask why it is that, aside from Dinkins, the other three mayoral candidates among the Democrats were all Jewish. The answer is that New York politics is almost all ethnic. What is hard for heartland Americans to realize is that WASPs in New York City are virtually non-existent, except for Park Avenue corporate and Rockefeller types. Most New Yorkers view WASPs as a small group of wealthy Park Avenue residents who go to Choate and Yale or Harvard. And, indeed, virtually the only middle-class or working-class WASPs reside in small pockets in the outer boroughs, far from the subway lines that are the city's communication and transportation hub: in obscure places like Ridgewood, on the border of Brooklyn and Queens, populated by German Lutherans; and a few WASPS in Woodlawn, in extreme northern Bronx hugging the Westchester County border.

That leaves Jews, who are still almost all Democrats; Italians, who largely vote Republican; blacks, who are all Democrats, and Hispanics (in New York, mainly Puerto Rican) who are Democrats as well. That leaves only the Irish, who have made a large sea change in recent decades. Once the great stalwarts of the Democratic Party machines in New York and other large Northeastern cities, the Irish have now mainly moved to the suburbs, and vote mostly Republican. Which left a power vacuum for other ethnic groups to fill as the Irish moved out and away from their old power base.

It will have become evident to the

reader that, with WASPs almost nonexistent, this leaves very little room for the Republican party; indeed, there are usually only one or two Republicans elected to the City Council—hailing from Italian enclaves in Brooklyn or Staten Island. Furthermore, within the Democratic Party, Jews are disproportionately powerful, because the Jewish turnout rate, for primaries as well as general elections, is traditionally very high, whereas the black and Hispanic turnout rate, *especially* for primaries, is very low. What of the Hispanics? Aside from their low turnout, the Hispanic vote is an enigma, since there has long been political hostility in New York between the blacks and Hispanics—sparked a few years ago when the blacks refused to support the mayoral race of the Puerto Ricans' beloved leader, Herman Badillo.

The race is further complicated this year by a Republican resurgence, or rather by the mayoral race of the young Italo-American Savanarola, former Federal Attorney Rudolph Giuliani, the conductor of the reign of terror against insider trading on Wall Street. Since Republicans cannot win on their own in the city, the politically ambitious Giuliani, who proved a master of publicity when he was Federal Attorney, set out to conduct a "fusion" race of all anti-Democrat forces in the style of the much-beloved, clownish Italo-American leftist, Fiorello ("Little Flower") LaGuardia, who ran a Republican-"Fusion" ticket. Giuliani tried to put together a Republican-Liberal-Conservative coalition, but it proved ideologically impossible for Conservatives and Liberals to support the same candidate (even in this age of bland compromise). So Giuliani is running as a "Republican-Liberal" tough on crime as befits an allegedly heroic prosecutor, but left-liberal on all other issues.

New York is the only state where Conservative and Liberal parties have managed to exist as independent, continuing entities. The Conservative Party was launched by Bill Buckley and associates to use as a hammer against Rockefeller Republicanism. Since the rise of Reaganism, the Conservative Party has been functioning as an appendage of Reagan Republicanism, with top officials getting cushy jobs in Republican Administrations.

But why a *Liberal* party in a city where almost everyone is liberal? The Liberal Party was born at the beginning of the Cold War, when the Communist-dominated American Labor Party (ALP) was a strong third force in New York politics, controlled largely by the then pro-Communist men's clothing workers union (headed by Sidney Hillman). The Liberal Party was a split off from the ALP, engineered by the Social Democrat (Menshevik) oriented ladies garment workers' union, controlled by David Dubinsky, and the hat workers union, headed by Alex Rose, who soon became the maximum leader and straw boss of the Liberals. The Liberals lingered on long past the demise of the ALP as a patronage force and another line on the ballot. Ethnically, the Liberals have been almost completely Jewish. Since the death of Rose, the Liberal Party has been controlled by a fat, cigar-chomping Boss in the old tradition, Raymond Harding, who made the deal with Giuliani to put him on the Liberal line.

The defeated anti-Harding faction of the Liberals, however, protested the choice of Giuliani, and decided to run the venerable Reverend Donald Harrington against Giuliani in the Liberal primary. Harrington, the leader of the Liberals before being ousted by Harding in a bitter struggle, is beloved as an old-time left-liberal activist organizer, and head of the Community Church in Manhattan. Harrington, a Unitarian minister, has also been valuable to the Liberals as one of the few authentic gentiles in the Party. Unfortunately, Harrington now lives in Long Island, outside the city limits. More important, since Harrington would undoubtedly have won a genuine Liberal primary and thus ruined Giuliani's fusion image, Harding was able to decree an "open" primary for the Liberals and make it stick in court, meaning that Republicans could invade the primary and vote for Giuliani. End of Harrington, and end of the Liberal primary.

The Giuliani candidacy was met with less than warmth by the most powerful Italian Republican politician in the state, Senator Alfonse D'Amato, a product of the corrupt Republican machine in Nassau County on Long Island. Friction between them supposedly began when Giuliani, preparing his resignation as Federal Attorney, tried unsuccessfully to dictate the choice of his successor, thereby overriding the traditional *de facto* appointive power of the Republican Senator. There are murmurings, however, that D'Amato doesn't want anyone challenging his high post as *capo de tutti capi* of Republican Italians in New York State.

And so D'Amato looked around to find someone to help him break the Giuliani boom; he found a willing candidate in the extremely wealthy Ron Lauder, scion of the Estée Lauder cosmetic fortune. Lauder may not be the wealthiest candidate in the history of American politics, but he is certainly willing to spend more personal money than anyone else. Spurning public funding, he spent $13 million of his own money on the Republican primary race against Giuliani, and this was *only* the beginning!

Former Federal Attorney Rudolph Giuliani, the conductor of the reign of terror against insider trading on Wall Street, tried to put together a Republican-Liberal-Conservative coalition, but it proved ideologically impossible for Conservatives and Liberals to support the same candidate (even in this age of bland compromise). So Giuliani is running as a "Republican-Liberal"—tough on crime as befits an allegedly heroic prosecutor, but left-liberal on all other issues.

Lauder has a big problem, in addition to his initial lack of name recognition. Tall and gawky, he not only *seems* dumb (like the unfortunate Ravitch); he *is* dumb. His being Jewish scarcely helps him in a party almost devoid of Jews. Also, the Lauder cause has hardly been aided by the breaking of the Felix Bloch spy scandal, which occurred under Lauder's nose when he was Ambassador to Austria. Lauder had no chance even to come close to Giuliani in the Republican primary, but still the Lauder forces, masterminded by

D'Amato ally Art Finkelstein, have run a brilliant negative campaign, slamming hard again and again at Giuliani, and successfully destroying Giuliani's shiny armor as the new White Knight of purity and integrity. Indeed, so negative has the Lauder campaign been that it was even too much for Roger Ailes, the famed architect of the Willie Horton and other negative thrusts of the Bush campaign for the presidency. Originally hired as the No. 2 Man to Finkelstein, Ailes resigned, denouncing the Lauder campaign as *too* negative, and then shifting to work for the Giuliani forces.

The New York masses began the campaign in love with Giuliani, sure that he would end corruption and all the other problems of the city. But the Lauder campaign exposed Giuliani as just another waffling and confused liberal on all the controversial issues—and furthermore as someone who would be tough on victimless crime but no tougher than anyone else on real crime.

Rudolph Giuliani started the mayoral campaign far ahead of either Koch or Dinkins in the polls; as the primary approached he badly trailed both of them. The cause is the constant hammering by Lauder, aided by attacks from the other candidates, including the formidable Koch. The New York masses began the campaign in love with Giuliani, sure that he would end corruption and all the other problems of the city—precisely because they knew nothing about his stand on any of the issues. The Lauder campaign has exposed Giuliani as just another waffling and confused liberal on all the controversial issues—and furthermore as someone who would be tough on victimless crime but no tougher than anyone else on *real* crime. Also, various sleazy peccadilloes of Giuliani himself were uncovered.

Furthermore, under pressure Giuliani did not handle himself well. Used to the universal adulation of the media, a man armored in arrogance and self-righteousness, Giuliani clearly did not understand the political process. Hit by round after round of personal attacks, Giuliani was bewildered by the sudden demise of his love affair with the world and reacted bitterly and defensively at the enormity and grave sin of anyone daring to attack Saint Rudy. Giuliani also has a deep corollary problem with the Italian masses, who one might think would embrace him with enthusiasm. For while the great bulk of Italian-Americans hail from the *Mezzogiorno* (southern Italy and Sicily), and share the general love of life and enjoyment of that culture, Rudy Giuliani stems from *northern* Italy, and his grim, puritanical style and air of self-righteousness—the style of the hated northern occupiers and colonizers of the *Mezzogiorno*—scarcely wear well with the Italian masses of New York. The Italians do not find Giuliani *simpatico*, and so his popularity turned out to be only skin deep.

The unfortunate Italians of New York have had many crosses to bear in their long struggle to make it in politics. For many years, the Italians whom the Establishment (e.g. the New York *Times*) dubbed as wise Italian-American statesmen, were not considered by the masses as *real* Italians. Fiorello LaGuardia was half-Jewish and an Episcopalian (!), Ferdinand Pecora was a northern Italian and an Episcopalian, Edward Corsi was an Episcopalian (these three must have constituted the entire congregation of Italian Episcopalians in the U.S!) and State Senator John Marchi is a dour northern Italian. Hence, the great importance of Cuomo and D'Amato (who, by the way, though of different parties are good friends): the first major Italian leaders from New York who are what their constituents think of as *real* Italians: Catholics from southern Italy.

Despite Koch's final surge, David Dinkins won the September primary by nine percentage points (52 to 43), with the other two candidates scarcely registering in the race. An estimated 29 percent of whites voted for Dinkins (26 percent of Jews) while Dinkins corraled 93 percent of the black vote. Lauder got a surprising one-third of the Republican vote against Giuliani, about twice as much as expected.

The crucial question is whether Dinkins keeps the Jewish liberals happy until November. On primary night, he got off to a shaky start, as an overwhelmingly black Dinkins headquarters crowd cheered Jesse Jackson to the rafters while lustily booing Dinkins' warm supporter State Attorney-General Robert Abrams (because of Abrams' well-founded skepticism toward the trumped-up rape story of Tawana Brawley last summer) as well as booing Ed Koch's uncharacteristically gracious concession speech. Dinkins acted quickly to cut off his troops. "No, no," he wagged his finger sternly at his supporters. "We're all together now. I'm the fella who's going to bring everyone together, remember?" Whether or not New York suffers under a dour Torquemada for the next four years depends on the ability of the courtly Dinkins to tame his own militants. Look for lots of pictures coming out of New York with Dinkins going in and out of synagogues during the Jewish High Holy Days wearing the obligatory *yarmulke*.

It looks, then, like Rudy Giulani will be brought down, and no relentless statist has ever deserved it more. To ensure this fate, Ron Lauder has gained the Conservative nomination, and is prepared to keep slugging it out against Rudy until the general elections in November, thereby taking away enough conservative and "real Republican" votes from the ticket to assure Giuliani's defeat and a Democratic victory. Well, thank goodness for small blessings; New York may not be saved by the next mayor, but at least we will be spared the scourge of Puritan despotism. ❑

Whether or not New York suffers under a dour Torquemada for the next four years depends on the ability of the courtly Dinkins to tame his own militants, aided by Lauder continuing to pour millions into his Conservative campaign. Look for lots of pictures coming out of New York with Dinkins going in and out of synagogues during the Jewish high holy days.

Polemic

Against a Capital Gains Cut

by Michael S. Christian

Libertarians usually can be counted on to oppose any tax rise, and advocate any tax cut—but Michael Christian argues not only that some cuts are better than others, but that certain ones do more harm than good.

Even after the Tax Reform Act of 1986, which eliminated the special low rate for capital gains, capital assets offer enormous advantages to taxpayers (usually wealthy) who can afford them. When an investor buys a capital asset, such as land, that goes up in value but does not produce income, he does not have to pay taxes on the gain until he disposes of the asset. This means that, year after year, as he makes money on his investment, he pays no taxes on it. Later, he may elect when to pay tax on his gains simply by disposing of the asset.

President Bush says we need to promote capital investment further by lowering the tax rate on capital gains from a top rate of 28% to a top rate of 15%. A chorus of investors—and libertarians—approves. Advocates of a lower capital gains rate assert that the lower rate will:

1. encourage investment in productive, taxable enterprises (libertarian advocates, of course, buy the first adjective and throw out the second one), and
2. encourage efficient exchanges of capital assets and foreign investment in the United States, while discouraging the flight of domestic capital to foreign markets.

What little truth these assertions hold is outweighed by the inefficiency, unfairness, and oppressiveness of a lower capital gains tax rate.

A lower tax rate on capital gains may encourage investment but only in those assets that, when sold, yield long-term capital gain as defined in the Internal Revenue Code. Only long-term capital gains benefit from the capital gains deduction. Gains from what the Code calls "capital assets" have little to do with capital investment. The expression "capital investment" implies putting resources or savings into productive assets such as machinery and equipment. But machinery, equipment, and most other productive assets used in businesses are depreciable assets. Their value decreases with time, so a cut in the capital gains rate will not encourage direct investment in them.

The biggest class of capital assets is corporate stock. If the tax code favors gains from the sale of stock, then investors in stock may be satisfied with lower returns; the cost of capital to corporations that want to expand their productive capacity may therefore become lower. But in this case, the bull's-eye is being hit with a shotgun. A cut in capital gains taxes would reduce the tax on all kinds of gains from trading in corporate stock that provide not one single dollar to corporations for investment in productive assets. In the strictest sense, only the initial purchases of stock from an issuing corporation provide money that can be used for productive purposes. Subsequent purchases and sales only shift ownership interests. Therefore, much of the reduction in taxpayers' annual bills will encourage neither direct nor indirect investment in productive assets.

But grant, for the sake of argument, that a capital gains tax cut *will* encourage investment. The conclusion that it *should* be used to do so does not follow. Such a conclusion assumes that the government should encourage investment and that it should do so through tax incentives. The first assumption collides with the theory that a free market, unperverted by government interference or incentives, produces the most efficient allocation of economic resources and the notion that freedom from government meddling is in itself a worthy end. The second assumption rests weakly on political expediency. Tax cuts may be used when the body politic won't swallow direct expenditures.

The President believes that cutting the top tax rate on capital gains to 15% will raise $4.8 billion annually. Whenever someone says he will raise revenues by lowering taxes, we should be suspicious. We should demand historical evidence. We should demand accurate econometric projections. In the present case, no credible economic history has been brought to bear, and the most favorable economic projections rely on the one-time jump in taxpayers' realization of capital gains from the sale of assets that they have been holding onto in order to avoid the tax on a large gain accumulated over a long period of time.

The Joint Committee on Taxation recently estimated that the capital gains proposal included in the President's fiscal 1990 budget would lose more than $24 billion over a six-year period (with initial increases in revenue in fiscal years 1989 and 1990 and progressively greater losses in revenue in fiscal years 1991 through 1994) On the other hand, apparently under pressure from the administration, the Treasury Department estimated that Bush's proposal to cut the capital gains rate would raise about $9.3 billion in fiscal years 1989 through 1994. However, even the Treasury's estimates show revenue gains decreasing throughout the estimate period and becoming losses in 1994.

Even granting for the sake of argument that a capital gains tax cut will encourage investment, the conclusion that it should be used to do so does not follow. Such a conclusion assumes that the government should encourage investment and that it should do so through tax incentives.

In the Revenue Act of 1978, Congress required the Treasury to study the economic and revenue consequences of the enormous capital gains tax cuts that it enacted in the same year. The resulting report, published in 1985, concluded that capital gains cuts may very well raise revenue in the short run but that they lose revenue in the long run. So, if you don't mind the threat of larger deficits, and you don't mind distorting the economy by having government encourage certain investments rather than others, you may be able to use capital gains cuts instead of lower rates across the board to decrease the amount of money the government takes in.

In their revenue estimates, advocates of lower capital gains taxes rely heavily on the reduction of the lock-in effect and the resulting realizations of gains held in the form of appreciated assets. The lock-in effect of capital gains taxes is simply the tendency of taxpayers to hold onto their assets rather than selling or trading them in order to defer federal income taxes on unrealized appreciation of such assets. Everyone agrees that reducing the tax rate on capital gains reduces the lock-in effect and, therefore, increases the frequency with which taxpayers will dispose of their capital assets and pay income taxes on appreciation.

However, only a large, sustained increase in realizations will offset the losses in revenue from the reduced tax rate. If the ratio of the percentage increase in realizations to the percentage decrease in the tax rate on realized gains (the "tax-rate elasticity of realizations") is greater than 1, then lowering the capital gains rate will increase revenue. Not surprisingly, the Treasury study found that, when tax rates are high, as they were in 1978, a big cut in the capital gains rate encourages the realization of a lot of locked-in capital gains immediately following enactment of the cut. Soon, however, the tax-rate elasticity of realizations drops to a lower level and revenue is lost.

The Treasury study also found other revenue effects of a capital gains cut, such as income shifting or the "portfolio effect." The portfolio effect occurs when investors who hold assets that produce ordinary income (such as a money market fund or certificates of deposit) shift their investments to assets (such as publicly traded stock) that satisfy the tax-code definition of capital assets and enjoy a more favorable tax treatment. This produces an increase in taxable capital gains, but also a more than compensating decrease in interest income that would have been taxable at a higher rate.

The carefully studied results of the 1978 cuts show that a reduction in the capital gains tax rate will produce an initial spate of taxable dispositions of capital assets followed by a much lower rate of such dispositions and by a shift away from ordinary income producing assets to "capital assets." Any cautious estimator would conclude that a capital gains cut will result, in the long run, in a significant loss of revenue. Presumably, politicians advocating a capital gains cut hope that voters will not expend the effort required to assess its effects.

Before the Tax Reform Act of 1986, investors only had to pay income tax on 40% of their capital gains in a given year. On the other hand, income tax rates were high (as high as 50%), resulting in an effective tax on capital gains of 20%. In the period preceding the effective date of the '86 Act, foreign investment in American assets was booming. After the elimination of the capital gains deduction and the lowering of income tax rates across the board, resulting in an effective capital gains tax rate of 28%, foreign investment in American assets continued to boom and now shows no sign of slowing. In fact, under present law, income from many assets (such as certificates of deposit) in which we should encourage foreign investment is taxed at a lower rate than it was before the elimination of the capital gains deduction, because such assets produce ordinary income (previously taxed at rates as high as 50%), not capital gains. These, low taxes in general, not necessarily special deductions for capital gains, are the best invitation to foreign investment.

Special tax benefits resulting in losses of revenue can be economically disastrous, not only because of the problem of deficit spending, but also because of the risk that higher income tax rates will be imposed on ordinary income to compensate for the revenue loss. Parading as tax cuts, tax benefits are the economic equivalent of unfunded government expenditures. Higher marginal rates and new tax loopholes are a giant step back from the best parts of the 1986 tax reforms. The higher the rates, the greater the pressure from special interest groups for tax loopholes; the more loopholes, the greater the revenue loss; the greater the revenue loss, the higher the top marginal rates to make up for the loss.

If you don't mind distorting the economy by having government encourage certain investments rather than others, you may be able to use capital gains cuts instead of lower rates across the board to decrease the amount of money the government takes in.

The result of this vicious spiral could be an economy that is largely and inefficiently driven by tax considerations rather than an economy inspired by non-tax economic considerations. A cut in the capital gains rate will remove some of our liberty to make our own economic decisions, while encouraging further steps down the same path. ❑

Dispute

Avant-Garde Redux?

Libertarianism vs. the Avant-Garde

William Clark

Libertarians and avant-garde artists, according to Richard Kostelanetz ("Indefining the Future," September 1989), belong together. Both, he claims, are "advanced" and "visionary." Further, they share an anti-authoritarian mentality: the libertarian stands against coercive political authority; the avant-garde artist stands against the authority of an entrenched artistic establishment. The opponents of avant-garde art, according to Kostelanetz, are "the guardians of culture," "cultural bureaucrats," and "established artists" and they oppose it because they feel "threatened."

Let's take this last claim first. Avant-garde art often evokes violently negative reactions from audiences, and avant-garde artists are quick to interpret any such reaction as motivated by fear—typically, they call it fear of the "unknown" or "unfamiliar." But what is there to be afraid of? Avant-garde art, Kostelanetz tells us, is characterized by its continual transcendence of "current conventions"; so we can be sure that what's "in" today will be "out" tomorrow. If there's anything to be frightened of, we know that it will go away.

Indeed, the only person who has any reason to fear the avant-garde is the avant-garde artist whose work is currently "in": his professional status and his likelihood of receiving grant money are sure to be impaired by the next upstart who "transcends" his "conventions."

What of the claim that avant-garde artists are "advanced" and "visionary"? On the contrary, their moldy rhetoric has been around for decades. The standard avant-garde line—tradition must be overthrown, one must learn not to judge but to "accept," opposition to avant-garde art proves that one's senses are encrusted by convention—all these "visionary" doctrines were already being spouted by the Italian futurists more than seventy years ago: could we leave an unfettered liberty of understanding to the public which always sees, as it has been taught to see, through eyes warped by routine?"[1] "The public must also be convinced that in order to understand aesthetic sensations to which one is not accustomed, it is necessary to forget entirely one's intellectual culture, not in order to assimilate the work of art, but to deliver one's self up to it heart and soul."[2] These comments were not made last week, but in 1912. Two years later, the futurists were proclaiming that "[b]eauty has nothing to do with art"[3] and that "the artist will be permitted all forms of eccentricity, lunacy or illogicality."[4]

The avant-garde has been singing these same old tunes ever since. The only difference, now, is in the tone of voice: the frantic screaming of the futurists is no longer necessary; their doctrines have become old-hat.[5]

Kostelanetz would have us accept his picture of the typical avant-garde artist as a fiercely independent creative spirit, struggling against the oppressive authority of a myopic artistic establishment. Presumably, it is this image that is supposed to enlist our libertarian sympathies. But the truth is very different. The avant-garde is the new orthodoxy. Its natural habitat is the university, where it thrives in the care of professors who invent their new artistic gimmicks and happily show them off to one another in blissful isolation from the real world. Independent avant-garde artists do exist, to be sure: the ones whose work has not been accepted by the current incrowd. But their struggle, for the most part, is to become part of the establishment, not to fight against it. They want what the incrowd has: an NEA grant or, better yet, a tenure-track position in academia.

The result of this academic isolation, of course, is a wide gulf between the avant-garde artist and the public. Occasionally, an artist will take time out to bemoan this state of affairs, always concluding that the public is in need of education: it must learn to be less "judgmental," more "accepting," of the unfamiliar. But sometimes an artist will come right out and say that things are really pretty much the way they ought to be—that the artist owes nothing to the public, but that the public owes him a living. Milton Babbitt, one of the "visionaries" admired by Kostelanetz, spelled this out in an article entitled "Who Cares if You Listen?"[6] From his comfortable post at Princeton, Babbitt argued that if the public is willing to fund advanced work in theoretical physics which it cannot hope to understand or evaluate, why shouldn't it be willing to fund similarly "advanced" music? And if the public doesn't understand or

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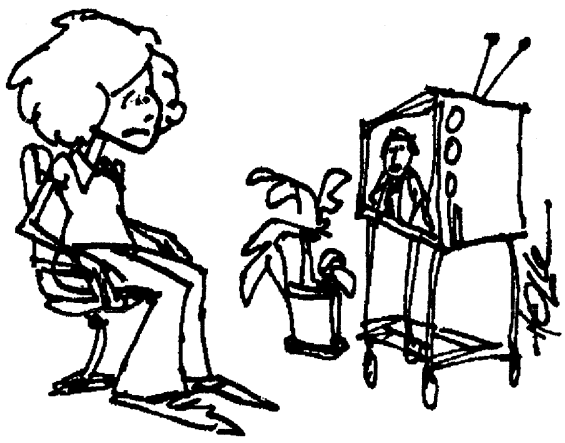
enjoy this music, why should it matter? Babbitt advocated that he and his fellow composers engage in a "total, resolute, and voluntary withdrawal from this public world to one of private performance." This would "serve to secure the means of survival for the composer and his music" because "after all such a private life is what the university provides the scholar and the scientist." So this is our ideal libertarian artist: producing his arcane works solely for the edification of his fellow "specialists," all the while expressing his disdain for the ignorant philistines who must be coerced into providing the "sole substantial means of survival" for his art.

The avant-garde offers no standards by which its work can be judged (and if it did, those standards would be "transcended" the next day). In the absence of standards, the artist can set himself up as the ultimate authority on the value of his work: anyone who dislikes it is obviously the prisoner of outmoded conventions.

The idea that the avant-garde artist must fight against an antagonistic artistic establishment is laughable. What kind of language do you use, these days, if you want to be approved for a grant, or to obtain a teaching position, or even to be admitted to a university? Do you say that you propose to further a tradition, whether that tradition flourished a hundred years ago or was born last weekend? Or do you say that you want to "break new ground," "explore new directions," and "overcome conventional limitations"? The former approach will send your application to the bottom of the pile or to the wastebasket. Academia is committed to "avant-garde-ism," so it is always in the market for new gimmicks with which to "transcend" the gimmicks of yesterday.

If there is any authoritarianism in art, it is on the side of the avant-garde. Notice the attempt at intimidation when Kostelanetz chides libertarians for being "so dumb about advanced art." This is a well-worn tactic in avant-garde apologetics: call your art "advanced," and it follows immediately that your opponents are reactionary simpletons. But Kostelanetz himself admits that only a "future cultural public" can be the ultimate judge of today's art, and that all we can do, for now, is to "try to posit tentative estimates." But then how does he know which reaction is "dumb" and which is enlightened? Why do only negative reactions count as "dumb"? The avant-garde offers no standards by which its work can be judged (and if it did, those standards would be "transcended" the next day). In the absence of standards, the artist can set himself up as the ultimate authority on the value of his work: anyone who dislikes it is obviously the prisoner of outmoded conventions.

If libertarianism as such implies anything about aesthetics, surely it implies the rejection of such a transparent attempt to insulate the artist from the evaluations of those who provide him his livelihood. ❑



"Our regularly scheduled stimulating program will not be seen tonight so that we can bring you the following mindless fluff.

Notes

1. Quoted in Umberto Apollonio, ed., *Futurist Manifestos* (London: Thames and Hudson Ltd., 1973), 50.
2. Ibid., 49.
3. Ibid., 145.
4. Ibid., 146.
5. Even some of the futurists' particular gimmicks, such as the "substitution of noises for [musical] sounds" and "free expressive orthography" in poetry, have by now become standards in the avant-garde repertoire. But some of their aesthetic innovations were theirs alone. For example, they believed that art should glorify war, "the world's only hygiene." And they subscribed to a kind of labor theory of aesthetic value—they believed that art is a "cerebral secretion capable of exact calibration," and that the monetary value of a work of art is precisely determined by "the quantity of cerebral energy" needed to produce it, and by its "natural rarity." Artists who sold their work for more than this precisely "calibrated" amount (as popular artists, in particular, often did) should be "put on trial for fraud and fined or sent to prison."
6. Milton Babbitt, "Who Cares if You Listen?," *High Fidelity*, VIII/2 (February, 1958), 38–40, 126–27. Reprinted in Elliott Schwartz and Barney Childs, eds., *Contemporary Composers on Contemporary Music* (New York: Holt, Rinehart and Winston, 1967), 243–250.

Contra Clark

Richard Kostelanetz

While William Clark sometimes seems to understand what I'm saying, he is other times way off-base. Take, for instance, the issue of "academic," which I explicitly contrast with avant-garde. He replies, "The avant-garde is the new orthodoxy. Its natural habitat is the university, where it thrives in the care of professors who invent their new artistic gimmicks and happily show them off to one another in blissful isolation from the real world." Clark's proof consists of one example, Milton Babbitt, who, as a Princeton professor, finds in liberal arts universities (not music conservatories) his most likely audience. However, Babbitt is almost unique. Otherwise, the artists fulfilling my model are mostly independent, just as most libertarians are independent of academia, for precisely the same reason—their work/thinking is simply too far away from the pieties accepted in the academy. (The university chair in Avant-Garde Art is no more likely than that in Libertarian Politics.) The professors portrayed in Clark's characterization are generally stealing from avant-gardes. Because their work could not compete in the art-world free-market, whatever they make or show needs the "blissful isolation" of academia if it is to have any audience at all.

Clark speaks of "a wide gulf between the avant-garde artist and the [general] public," which of course we are trying to bridge, but come to think of it, friends, that gulf is no smaller than what lies between the pages of *Liberty* and the general public. With feet in both camps, I may be uniquely positioned to measure. ❑

Dispute

The *A Priori* of Disagreement

Intimidation by Argument — Once Again

Hans-Hermann Hoppe

Loren Lomasky was intimidated and angered by my book *A Theory of Socialism and Capitalism*. The book is more ambitious than its title indicates. "It is," he laments, "no less than a manifesto for untrammeled anarchism." So be it. But so what? As explained in my book—but conveniently left unmentioned by Lomasky—untrammeled anarchism is nothing but the name for a social order of untrammeled private property rights; of the absolute right of self-ownership, the absolute right to homestead unowned resources, of employing them for whatever purpose one sees fit so long as this does not affect the physical integrity of others' likewise appropriated resources, and of entering into any contractual agreement with other property owners that is deemed mutually beneficial. What is so horrifying about this idea? Empirically speaking, this property theory constitutes the hard core of most people's intuitive sense of justice and so can hardly be called revolutionary. Only someone advocating the trammeling of private property rights would take offense, as does Lomasky, with my attempt to justify a pure private-property economy.

Lomasky is not only enraged at my conclusions, however. His anger is further aggravated because I do not merely try to provide empirical evidence for them, but a rigorous proof "validated by pure reason and uncontaminated by any merely empirical likelihoods." It is not surprising that an opponent of untrammeled private property rights, such as Lomasky, should find this undertaking doubly offensive. Yet what is wrong with the idea of apriori-theorizing in economics and ethics? Lomasky points out that failed attempts to construct apriori theories exist. But so what? This only reflects on those particular theories. Moreover, it actually presupposes the existence of apriori reasoning in that the refutation of an apriori theory must itself be a proof. For Lomasky, however, nothing but intellectual hyperbole can possibly be responsible for "eschewing the low road of empiricism, soaring instead with Kant and von Mises through the realm of a priori necessities."

A book on political philosophy or economy, then, should never come up with unambiguous conclusions as to what to do, what rules to follow. Everything should be left vague and at a non-operational stage of conceptual development. And no one should ever try to prove anything, but instead follow the forever open-minded empiricist approach of trial and error, of tentative conjectures, refutations and confirmations. Such, for Lomasky, is the proper path, the low and humble road along which one is to travel. And sure enough, most contemporary political philosophers seem to have wholeheartedly followed this advice.

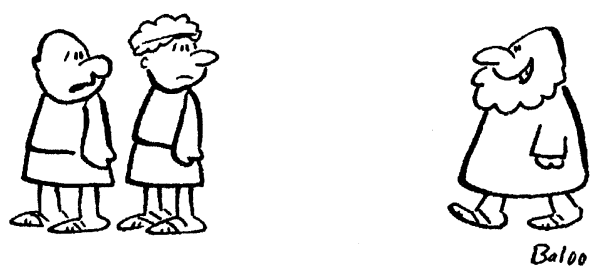
Taking the high road instead, I present an unambiguous thesis, stated in operational terms, and attempt to prove it by axiomatic-deductive arguments. If this makes my book the ultimate insult in some philosophical circles, so much the better. Apart from other advantages—that this might actually be the only appropriate method of inquiry, for instance—it at least forces one to say something specific, and to open oneself up wide to rigorous logical-praxeological criticism instead of producing, as Lomasky and his fellow low roaders have produced, meaningless talk and non-operational distinctions.

Besides finding fault with the arrogance of someone writing a book that presents a praxeologically meaningful and easily understandable thesis concerning the central problems of political philosophy and economy, and that vigorously defends it to the point of excluding all other answers as false, Lomasky also has some specific nits to pick. As might be expected from an intimidated low roader, they are either unsystematic cheap shots, or they display a complete lack of comprehension of the problem.

Arguing is an activity and requires a person's exclusive control over scarce resources (one's brain, vocal chords etc.). As long as there is argumentation, there is a mutual recognition of each other's exclusive control over such resources.

I am criticized for not paying enough attention to Quine, Nozick, and entire bodies of philosophic thought. Maybe so (though Nozick is actually systematically refuted, if only in a footnote—as Lomasky indignantly notes), but why should that make a difference for my argument?

I am criticized for misinterpreting



"Here comes Socrates — get ready for a long boring dialogue!"

Locke by not mentioning his famous "proviso." But I am not engaged in an interpretation of Locke. I construct a positive theory and in so doing employ Lockean ideas; and assuming my theory correct for the sake of argument, there can be no doubt as to my verdict on the proviso. It is false; and it is incompatible with the homesteading principle as the central pillar of Locke's theory. Lomasky does not demonstrate that it is not so.

He is annoyed at my dissolution of the public goods problem as a pseudo-problem without so much as mentioning my central contention regarding the matter—that the notion of objectively distinct classes of private *vs.* public goods is incompatible with subjectivist economics and so must fall by the wayside along with all distinctions based on it. He finds my arguments in support of the thesis of the ever-optimality of free markets wanting, because they must rely on the assumption of "the universal optimality of voluntary transactions." They must indeed. I never claimed anything else. Yet this assumption happens to be true—in fact, as I argue, indisputably true. So what then? Or is Lomasky willing to take on the task of proving it to be false?!

How dare I—in a footnote—criticize Buchanan and Tullock for Orwellian double talk, Lomasky complains. Only he forgets to mention that I give rather specific reasons for this characterization: among others, the use of the notion of "conceptual" agreements and contracts in their attempt to justify a state, when according to ordinary speech such agreements and contracts are non-agreements and non-contracts—non-contracting means contracting! Similarly for my oh-so-disrespectful remarks regarding Chicago-style property theories: I give reasons (their assumption of the measurability of utility, for instance), which Lomasky simply suppresses.

In a true intellectual marvel Lomasky gets me implicated even in eugenics by quoting an argument that is actually presented in the entirely different context of illustrating the economic effects of all redistributive measures, including intelligence-based ones; and he then ingeniously faults me for not offering statistical evidence for a thesis which is framed as a deductive argument and so requires no such evidence for its validation.

The rest, regarding my theory of justice, is either miscomprehension or deliberate misrepresentation. From reading Lomasky's reconstruction of my central argument, which revealingly employs no direct quotes, no one would grasp its main thrust and structure: Without scarcity there can be no interpersonal conflict and hence no ethical questions. Conflicts are the result of incompatible claims regarding scarce resources; and there is but one possible way out of such predicaments then: through the formulation of rules that assign mutually exclusive ownership titles regarding scarce, physical resources, so as to make it possible for different actors to act simultaneously without thereby generating conflict. (Like most contemporary philosophers, Lomasky gives no indication that he has grasped this elementary, fundamental point; any political philosophy that is not construed as a theory of property rights fails entirely in its own objective and thus must be discarded from the outset as praxeologically meaningless.)

Yet scarcity, and the possibility of conflicts, is not sufficient for the emergence of ethical problems. For obviously, one could have conflicts regarding scarce resources with an animal, and yet one would not consider it possible to resolve these conflicts by means of proposing property norms. In such cases, the avoidance of conflicts is merely a technical, not an ethical problem. For it to become an ethical problem, it is also necessary that the conflicting actors be capable, in principle, of argumentation. (Lomasky's mosquito example is thus merely silly: Animals are not moral agents, because they are incapable of argumentation; and my theory of justice explicitly denies its applicability to animals [p. 212] and, in fact, implies that they have no rights!)

Further, that there can be no problem of ethics without argumentation is indisputable. Not only have I been engaged in argumentation all along, but it is impossible, without falling into a contradiction, to deny that whether or not one has any rights and, if any, which ones, must be decided in the course of an argumentation. Thus, there can be no ethical justification of anything, except insofar as it is an argumentative one. This has been called "the apriori of argumentation." (Insofar as Lomasky has at all understood this, he most definitely appears to be unaware of the axiomatic status of this proposition—i.e., of the fact that the apriori of argumentation provides an absolute starting point, neither capable of, nor requiring, any further justification!).

Arguing is an activity and requires a person's exclusive control over scarce resources (one's brain, vocal chords etc.). More specifically, as long as there is argumentation, there is a mutual recognition of each other's exclusive control over such resources. It is this which explains the unique feature of communication: that while one may disagree about what has been said, it is still possible to independently agree at least on the fact that there is disagreement. (Lomasky does not seem to dispute this. He claims, however, that it merely proves the fact of mutually exclusive domains of control, not the right of self-ownership. He errs: Whatever must be presupposed—such as the law of contradiction, for instance,—insofar as one argues, cannot be meaningfully disputed, because it is the very precondition of meaningful doubt, and hence must be regarded as indisputable, or apriori valid. In the same vein, the fact of self-ownership is a praxeological precondition of argumentation. Anyone trying to prove or disprove anything must in fact be a self-owner. It is a self-contradictory absurdity then to ask for any further-reaching justification for this fact. Required, of necessity, by all meaningful argumentation, self-ownership is an absolutely and ultimately justified fact.)

Finally, if actors were not entitled to own physical resources other than their bodies, and if they—as moral agents, categorically different from Lomasky's mosquitoes—were to follow this prescription, they would be dead and no problem whatsoever would exist. For ethical problems to exist, then, ownership in other things must be justified. Further, if one were not allowed to appropriate other resources through homesteading action—by putting them to use before anybody else does—or if the range of objects to be homesteaded were somehow limited, this would only be possible if ownership could be acquired by mere decree instead of by action. However, this does not qualify as a solution to the problem of ethics—of conflict-avoidance—even on purely technical grounds, for it would not allow one to decide what to do if such declarative claims happened to be incompatible ones. More decisive still, it would be incompatible with the already justified self-ownership. For if one could appropriate resources by decree, this would imply that one could also declare another person's body to be one's own.

Thus, anyone denying the validity of the homesteading principle—whose rec-

ognition is already implicit, then, in arguing persons' mutual respect for each other's exclusive control over one's body—would contradict the content of his proposition through his very act of proposition making. (For one thing, Lomasky, in a stroke of genius, finds fault with the fact that the first part of this argument provides no justification for unlimited homesteading. True. But then it also does not claim to do any such thing. The second part—the argumentum *a contrario*—does. And regarding my argument in its entirety Lomasky claims that I have only shown the validity of the non-aggression principle for "the act of argument itself and not beyond . . . it does not extend to the object of discussion." At best, this objection indicates a total failure to grasp the nature of performative contradictions: If justification of anything is argumentative justification, and if what must be presupposed by any argumentation whatsoever must be considered ultimately justified, then any validity claiming proposition whose content is incompatible with such ultimately justified facts is ultimately falsified as involving a performative contradiction. And that is that.)

Philosophic and economic theorizing is indeed serious work, as Lomasky notes. His reaction to my book, however, demonstrates that he is not up to such a task. Following the style of controversy precedented by him, one might say that while the clearing of one's throat may complete the job for his co-acronymous Linda Lovelace, in the case of Mr. Loren Lomasky it won't quite do. ❑

His Own Worst Enemy

Loren E. Lomasky

How are we to understand Professor Hoppe's protestations? Try this: suppose that you had discovered a line of argument that conclusively and decisively resolves the major extant questions of ethics, politics, and economics. Suppose further that you know your argument to be of pellucid clarity and inescapable rigor. How would you be disposed toward philosophical forebears and contemporary critics?

First, you would regard it as entirely unnecessary to paint an accurate picture of the scholarly literature that preceded your own efforts. Riddled with mistakes that have now been thoroughly cleansed, it is utterly dispensable. Error *has* no rights! To be sure, you might occasionally drop a name in passing, especially when (as a gracious display of *noblesse oblige*) you can credit a predecessor with having spied some glimmer of the truth you have now revealed in its entirety. But you certainly need feel under no obligation to spell out their arguments in careful detail or to consider qualms they held concerning your own unassailable positions.

Second, you would realize that contemporary critics must be thoroughly disreputable characters. Most likely they hold some animus against you or the conclusions you advocate. Just possibly they have been unable to follow your arguments, but given the extraordinary clarity and power of the latter, that alternative isn't very probable. No, it's far more likely that they are cravenly protecting some immoral vested interest in the status quo.

Third, the objections they offer deserve to be dismissed out of hand. By pure logic alone, one knows that there can be no creditable criticism of a demonstration known to be impeccable. Out of human compassion, though, you might show them undeserved favor by continually repeating yourself in an ever louder voice; maybe they will eventually catch on.

Thus, by purely a priori reasoning, we have now assembled a logico-deductive simulacrum of Professor Hoppe. Unaccountably, some puzzles remain. Chief among them is the curious circumstance that the man so represented professes to be a philosopher/economist. Usually—but this is to take the low road of empiricism—such overflowing self-confidence and rectitude attaches to a clerical calling: the lugubrious Jim Bakker and the late Mr. Khomeini spring to mind.

Equally puzzling is the fact that Hoppe seems to have stumbled in his derivation of my own motivations. Perhaps I suffer from false consciousness, but I have never considered myself quite *that* fiendish an enemy of free institutions. Moreover, a priori reflection suggests the unlikelihood of the editors of *Liberty* inviting reviews from one eager to defend the welfare state in all its unloveliness, one who grows faint at the mere mention of anarchism. (In fairness to Hoppe, it is possible that some crypto-socialists have crept into those editorial chairs.) Quite the contrary: I embrace the majority of the policy prescriptions that Hoppe offers; it is the egregious level of argumentation and shrill tone of his book that I find objectionable. Indeed, were I not a libertarian, I would applaud the publication of *A Theory of Socialism and Capitalism*. It confirms in spades the opposition's stereotype of libertarians: disdainful of empirical data, slipshod in scholarship, long on hyperbolic flourishes but short on careful analysis, cavalier, boorish, and stylistically maladroit. No, it is precisely because I wish libertarian ide-

Hoppe confirms in spades the opposition's stereotype of libertarians: disdainful of empirical data, slipshod in scholarship, long on hyperbolic flourishes but short on careful analysis, cavalier, boorish, and stylistically maladroit.

as to flourish and spread to wider audiences that I regret the publication of this manuscript.

Despite the above, Hoppe is not without philosophical talent. His central argument, given more perspicuous presentation, would deserve some attention. Unfortunately, its merits are entirely swamped by the author's fustian incivility and inability to develop a clear train of thought. Because Hoppe possesses some core philosophical ability, I resist the impulse to invite him to don the mantle of imam or televangelist. Instead, and in all sincerity, I advise him to resist the inclination to classify forthwith as an enemy anyone and everyone who holds views different than his own; to recognize that he might actually have something to learn from scholars other than the two he repeatedly and slavishly praises; to be open to the possibility that critics are not uniformly a herd of ignoramuses or totalitarian *manqués*; and to ponder why his arguments are so persistently "misunderstood" even—or especially—by fellow libertarians. There is hope that, through persistent work, he might yet develop the knack of presenting persuasive and intelligible philosophical arguments. But since I seem to be in the advice-giving mode, one concluding lagniappe: Hoppe would do well to steer away from any further temptations to display humor or wit; that, to put it gently, is not where his comparative advantage lies. ❑

Report

The Philadelphia Story

by Chester Alan Arthur

"We open in Philadelphia tomorrow night."
"Philadelphia?"
"Philadelphia, P.A."
"Yeah, and on Sunday's it's p.u."
"You do mean Atlantic City, don't you?"
"I mean Philadelphia."
"But I . . . I don't want to go to Philadelphia."
"Who does?"

— "42nd Street" (Warner Brothers, 1932)

Libertarian Party members met in Philadelphia for their biennial convention on August 31, although the convention itself could not actually begin business until the following day, thanks to the failure of management to notify affiliates of the convention in a timely manner. This *faux pas* was hardly noticed, thanks to some fancy footwork by convention organizers, who scheduled speeches and "presentations" by the Platform Committee and the By-Laws committee for the first day; the official "Reports" of the committees had to wait until the following day.

Here at last Libertarians could experience winning an election.

The Party members convened had three major tasks: elect new officers and National Committee Members, amend the By-Laws, and make any needed changes in the Platform. Most of the attention of delegates was focused on the election of officers: here at last Libertarians could experience winning an election, rather than settling for 1% or so on the political margin.

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Perhaps the biggest single difference between this convention and past ones was the presence of C-Span, the public affairs cable network. Delegates were thrilled to receive national coverage and made constant attempts to present a good face to the viewing public. From time-to-time, someone from the convention floor would go to the exhibit area, where many delegates were talking with each other or with hucksters, and shout, "They're aren't very many delegates on the floor. This doesn't look too good on C-Span." A flurry of delegates would move onto the floor.

Also, from time to time, a speaker at the podium would turn self-consciously to the camera and encourage television viewers to join the Libertarian Party. Eventually it occurred to someone that it would be a good idea to put an ad for the LP on the lectern. So a bumper sticker that featured the party's name and telephone number was pasted on, covering most of the hotel's logo. By the end of the convention, it was reported that some 1300 people had called the Party's headquarters for further information.

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The major contest was for Party Chairperson. Longtime activist Matt Monroe announced his candidacy in January. For the first 7 months of his campaign, he had no announced opposition, but it was widely understood that Dave Walter, who assumed the chair when Jim Turney resigned with his feet to the fire last December, would run for a term in his own right. But Walter postponed announcing his candidacy until the last minute. Skeptics from the Monroe campaign suspected that the announcement of the decision to run was postponed so that Walter could better wage his unnannounced campaign from the pages of *LP News* and in correspondence to members.

Walter was not the only candidate to announce just before the convention. He was joined by Robert Murphy, a National Committee member from Oklahoma. Murphy had filed a complaint against the Party's 1988 presidential candidate with the Federal Elections Commission in June. Since most Libertarians believe that the FEC ought to be

abolished because it is engaged exclusively in enforcement of unjust laws, Murphy was denounced by many as a criminal. As the convention began, there was widespread speculation that he would receive as few as 5 votes.

Monroe, who had been critical of the bloated and inefficient administration of the Party, ran on a platform of reducing the size of the National Committee and the role of the national office. "The LP has four employees and annual revenue of about $300,000. It's not even the size of most family businesses," he said. "Yet it is run by a National Committee of 29 members."

Walter adopted the essential elements of Monroe's program a few months before the Convention, thereby removing from the campaign its only potentially serious issue. Walter's support for a smaller, more effective National Committee, combined with the general perception that the party needed stable leadership after the chaos of the Jim Turney years, left the Monroe campaign with an uphill battle.

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Are we becoming our parents? Was it just me, or has the LP become Establishment? During the entire convention, I noticed only two women wearing jeans. Most of the rest were wearing *dresses*, for Chrissakes. And a remarkably high percentage of the men wore suits and ties. A quick round of the hospitality suites revealed one fewer brand of hospitality than had been customary: no marijuana.

If I didn't know better, I would think I had stumbled into a Republican convention by mistake.

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A number of significant changes in the By-Laws were reported out of committee. Perhaps the most important was a measure to require that all individuals seeking the LP presidential nomination first agree to a contract with the National Committee. The stated intention of the measure was to get agreement on matters of fundraising and finance between the party and its candidates, but the way the measure was drafted would give the National Committee discretion to sign or not sign contracts with anyone it pleased, thereby giving it virtual control over the nominating process. Needless to say, the Convention was not happy about this idea, and voted the measure down.

But the Convention did go along with the committee recommendation to reduce the size of the National Committee to 19 members. This was still too many to satisfy Matt Monroe, who had called for a reduction to 15 members. But there was a strong consensus that it was a good move.

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The Platform Committee proposed three new planks. The first re-affirmed in more strenuous terms than those of the current provision the LP's support of a woman's right to abortion; the second acknowledged that parents have an obligation to support their children, the third stated the Party's opposition to the War on Drugs. The Abortion Rights plank was by far the most controversial. As usual, anti-abortionists were a vocal but very small minority. After arcane parliamentary wrangling that left many delegates confused, the new plank was voted down. The parental obligation plank, which had enjoyed near unanimous support in the Platform Committee, also died amidst the confusion of parliamentary maneuvers. The plank condemning the War on Drugs passed easily.

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The first showdown between Walter and Monroe forces came on Friday morning. The schedule, written by the firm that contracted to run the convention, called for only one debate, to last 50 minutes, just prior to the banquet Saturday evening. Realizing that it faced an uphill fight, the Monroe campaign instigated a motion to recess the Convention so that the candidates could debate that afternoon at 1:00. The motion passed easily, but the Monroe forces had miscalculated: Walter simply refused to attend the debate.

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"It used to be easy to get laid at an LP convention," a delegate told me. "But things have changed. All the women have gotten either married or fat." He made no mention of changes in his own avoirdupois.

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The Monroe for Chair campaign rented a $300-a-day suite for all three days of the convention and hauled in truckloads of booze and food. Each day they filled the bathtub with ice, jugs of wine, cans of Coors and Sam Adams beer. The crowd spilled down the hallways and the air conditioning in the room was hopelessly inadequate. "So nice to see you," Matt Monroe said to a hundred different guests, drawn by the free victuals and the chance to talk politics late into the night.

Other hospitality suites were a bit more spartan. Murphy chose an $85 per day guest room for his nightly parties. The Ballot Access Committee held its reception in a meeting room. I arrived two hours after it had begun, just as the booze ran out.

The Walter forces, buoyed by the confidence that only a detailed file on each delegate could give, at first felt no need to compete with Monroe in the partying department. Perhaps spurred by the Monroe largesse, they decided at the last minute to spring for a suite on Saturday night. I arrived at the suite two hours after it opened; it was out of booze. But reliable witnesses told me that it had served champagne—a pleasant extravagance that surprised those accustomed to the "imitation wine coolers" that lubricated Walter-Ernsberger hospitality suites at past conventions.

The Monroe hospitality never ran out, although it remained in operation until about 3 A.M. each morning. If elections were won by hospitality suites, Matt Monroe would have been elected in a landslide.

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"Were you at the Seattle convention?" the delegate asked me. "Do you remember the boat ride on Puget Sound?" I remembered only too well the overcrowded boat, the waiting in long lines to get into the bathrooms, the long wait for food that began to run out when only half were served, the shortage of tables and chairs, the universal relief upon return to port . . . "I didn't go on the boat, " he said. "All I could think about was, what would happen to the libertarian movement if the boat sank with the entire libertarian leadership aboard?"

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The star of the debate Saturday was clearly Robert Murphy, the only candidate with a personality. He charmed the audience with his wit and got back into the good graces of many by apologizing for his FEC complaint as the product of his "Irish temper." Monroe used the debate to detail his program for reducing the size of NatCom and improving the

Party's effectiveness, but his own effectiveness in the debate was limited by his rather dry speaking style and his accent. (English is Monroe's third language, after Polish and Russian.)

Walter's style is duller than even Monroe's. But it was plain that he didn't figure that the debates counted for much. In his conclusion, after the other candidates had spoken their piece, Walter hardly bothered to mention the race for chair, spending over half his allotted time explaining to the assembled delegates which candidates for other LP positions they should elect.

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Independence Hall and the Liberty Bell were within walking distance of the convention hotel, as were a few interesting museums and decent restaurants and pizza joints. The hotel was adequate, though it seemed more like a Holiday Inn than a metropolitan hotel. Neither the guest rooms nor the convention facilites compared with those at the 1987 LP Convention in Seattle.

Those who signed on the full, $279.95 package of convention activities got double-barreled entertainment Thursday evening. The first barrel was "The Philadelphia Food Experience," which was heralded as gigantic Philadelphia pretzels, Philadelphia cheese steaks, and south Philadelphia hoagy sandwiches. The pretzels, hauled to the hotel that morning by convention organizer Don Ernsberger in a steam-filled car, were a bit stale, and the Philadelphia cheese steaks and south Philadelphia hoagy sandwiches were no-shows, according to an eyewitness. But the organizers compensated with Philadelphia mustard for the pretzels and a mummers' band, garishly decked out in red, white and blue sequins.

The second barrel was a trip to Atlantic City for an evening of sybaritic pleasure at the gaming tables and slot machines. "After your big score at the tables," the advertising for the convention promised, "there will even be time to walk barefoot in the surf while the moon shines down on you and your honey." Alas, the convention organizers failed to consult a calendar; there was no moon that night. Neither was common sense in evidence.

When the bus arrived at Atlantic City, the driver parked across the street from Bally's Grand Casino, turned off the engine, and left, shutting the door behind him. With the air conditioning off, it didn't take long for the bus to get noxiously hot, and after about a quarter hour, some of the assembled Libertarians began to complain. Eventually, the assembled revolutionaries took up the chant, "Free the Libertarians!" This apparently had some effect, since they were released within another quarter hour with instructions to enter the casino where they would be given $10 in quarters.

The Libertarians herded across the street but the casino had more than one door; which should they choose? Eventually one hero opened a door and the others followed. Once inside Bally's Grand the herd was again at loose ends. By and by a brave figure asked a croupier where the Libertarians could get their free quarters, and led the herd up an escalator. Upon reaching the next floor, they learnt that they had erred, and immediately got on the down ecalator. For several minutes, confused Libertarians had total control of Bally's escalator. It was the LP Convention in miniature: they didn't know where they are going, but they formed factions that move in opposite directions nonetheless.

Eventually, they got their free quarters and stampeded to the slot machines.

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There was one sign that the LP still has a way to go before it enters the real world: the convention was owned and operated by a profit-making firm owned by Dave Walter, the party's chairman and candidate for re-election; Don Ernsberger, Walter's campaign manager; and another Pennsylvania party member.

In the past, the franchise to run the convention has been worth tens of thousands of dollars in profits. The relationship between the Party and the firm that ran the 1987 convention was conducted at arm's length without any signs of conflict of interest. But can how one expect Dave Walter, as Chief Executive of the Party, to negotiate at arm's length with Dave Walter, owner/operator of the firm running the convention? Incidentally, so far as I could tell, no one objected to this conflict of interest.

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On Sunday morning, Walter was nominated by 1988 VP nominee Andre Marrou and seconded by *LP News* editor Karl Hess and by David Nolan, one of the LP's founders. Monroe was nominated by 1988 Presidential nominee Ron Paul, and seconded by former National Chair Alicia Clark and libertarian philosopher Murray Rothbard. Two of the seconding speeches struck me as very odd. Karl Hess explained that he had hoped that the *LP News* would not become an issue, but that it had, so he was forced to second the nomination of David Walter. The only mention that I could recall of the *News* came from Monroe, who called for changing it to a monthly and re-iterated his support of Hess as editor.

Murray Rothbard's seconding was even stranger: his argument for Monroe seemed to consist of the fact that the convention organizers hadn't invited him, Murray Rothbard, to speak. At the conclusion of his speech, the chair immediately recognized Don Ernsberger (Walter's campaign manager) for two minutes. Ernsberger read a letter written in March in which Rothbard had explained that he would not be able to speak at the convention because of teaching commitments. Rothbard, given one minute to respond, tried to explain that his schedule had subsequently changed and that he had volunteered to speak, but that campaign organizers had not responded.

The confidence that the Walter campaign had exuded throughout the convention proved to be well-founded: Walter was elected easily on the first ballot, with 149 votes. Monroe was a distant second with 64 votes. Murphy received 49 votes—far more than anyone had anticipated when the convention began. The party's perennial dark horse favorite, NOTA (None Of The Above) received 34 votes. Monroe and Murphy made traditional concession speeches congratulating Walter and volunteering to work with him to help the party in any way they could. Walter broke with tradition: rather than welcoming the help of the defeated, he reflected about how nice it was to get recognition from his peers for all the work he had done over the years. He then opened the floor for nominations for Vice Chair.

Walter's victory was complete: virtually all the other candidates he supported were swept to victory. The newly-elected National Committee had an unusually cordial meeting, and the delegates went home. ❑

Goodbye, Galactic Empire

by J.R. Dunn

There is more to science fiction than ray guns and spaceships. Sometimes that "more" is very good, and sometimes it is horrid. The rise of libertarian writers in SF is helping ensure that the "more" is, at the very least, *enough.*

Throughout its sixty-year history modern science fiction has stood as one of the most American of literary genres. Fast-moving, heroic, technologically oriented, SF has often reflected the most admirable facets of the American character.

So it comes as a sad irony that in politics SF has consistently leaned toward authoritarianism. From the galactic empires of the pulp era to the utopias of recent years SF writers have not so much worked against ideas of economic and individual liberty as considered them irrelevant. Small, superpowerful elites have been a feature of some of the most influential works in the genre: the omniscient Psychohistorians of Isaac Asimov's *Foundation* series, the vicious Bene Gesserit of Frank Herbert's *Dune,* the shadowy Chantry Guild of Gordon R. Dickson's Childe Cycle. In these books—and countless others—the "masses" are treated at best as childlike beings to be manipulated for their own good, at worst as pawns to be used and discarded at the pleasure of their masters.

If this was all there was to it there would be little more to say. But science fiction is a wide field and there have always been writers who have taken a more humanistic course in depicting future societies.

It will come as no surprise that a large number of these writers have been libertarian. SF's role in providing a platform for libertarianism has been recognized for years, and some libertarian SF novels have gone on to become standard works. All the same, it is often overlooked how far back libertarianism goes in the genre, how influential it has been, and how it has begun to set the standard for political writing in science fiction today.

The Pioneers

It was several decades before modern SF got around to dealing with politics. During the pulp era the genre devoted itself for the most part to adventure stories of little sophistication and less social content. As SF fumbled toward maturity in the 1940s some attempts at political writing were made—notably L. Ron Hubbard's *Final Blackout* and the early installments of the *Foundation* series—but most writers chose to stick with technology and let politics ride (an exception was Robert A. Heinlein, who will be dealt with later).

It was in the 1950s that SF began to confront political questions in a big way, and it is from this period that we get the standard SF ideological slant: statism (often benignly liberal), elitism, anti-capitalism, and a cynical attitude toward society that would have been unbearable if it hadn't been treated so lightly.

But at the same time one work appeared that took a very different stance. This was a novella by Eric Frank Russell titled ". . . And Then There Were None," a successful attempt to gut the galactic empire theme that had become a cliché of the genre. Always an iconoclastic writer, Russell had worked his way toward libertarianism by instinct rather than theory.

The plot is simplicity itself. A giant, heavily armed spaceship lands on a forgotten colony world to give it the benefits of imperial government. The crew has orders to bring the planet into the empire using all means necessary, and in light of the primitive society that they find they expect no problems. But, as often happens in Russell's stories, their troubles begin immediately. The natives show a complete lack of interest, answering every question with a curt "MYOB" (which turns out to mean "mind your own business"). The galactics are stymied, even when attempting to use force: the natives, unimpressed, simply ignore them. It gradually dawns on the crew that there is in fact no government to be contacted, no leaders to be overawed, that each citizen is his own master and must be dealt with

individually. This proves so attractive in contrast to the strictly regimented empire that they begin to drift off, one by one . . . The title explains the rest.

The case for individual freedom has never been put more succinctly, even in Ayn Rand's *Anthem* (itself a borderline SF novel). Russell took some of the basic symbols of the genre (empires, giant spaceships, granite-jawed heroes) and turned them on their heads, managing to paint a hopeful picture of the future at the same time. In essence ". . . And Then There Were None" is a fable, though far more powerful than many "serious" works of the time.

> "No man is superior to another. No man has a right to define another man's duties . . . If anyone on terra exercises such idiotic power, it is only because idiots permit him.They fear freedom. They prefer to be told. They like being ordered around. What men!"
>
> *. . . And Then There Were None*
> Eric Frank Russell

Russell later misguidedly expanded the story and published it as a novel under the irrelevant title *The Great Explosion.* Nonetheless, the original story lived on: two decades later it was chosen by the Science Fiction Writers of America as one of the best short SF works of all time.

Much more typical of the period were the novels of C.M. Kornbluth and Frederik Pohl, *The Space Merchants* and *Gladiator-at-Law,* which kicked off a subgenre that has been called the "mad capitalism" story. The formula of these tales had a single industry in the near future (advertising in *Merchants,* real estate in *Gladiator,* insurance and defense in later versions) metastasize and take over the entire economy, manipulating it to maximize profits at the expense of everything else. The protagonist, always introduced as a conformist nerd, comes into conflict with the system and must avoid being snuffed out as a debit on the ledger while it slowly dawns on him that Things Are Not The Way They Should Be.

These novels were immediate successes, and *Space Merchants* is considered to be a classic. Both Pohl and Kornbluth were excellent writers and their work was sophisticated, exciting and anti-market to the core.

Thus it's ironic that it was Kornbluth who took the major step of using libertarian themes in book length with his first solo novel, *The Syndic.* At first glance *Syndic* seems yet another slapdash attempt at satire: after civilization collapses the syndicate and its associates take over the United States. On closer reading, however, it becomes apparent that Kornbluth had changed his tune: in a groping way he was working toward something not unlike what is now called libertarianism.

Though not worked out in full detail, the society in *Syndic* is presented as operating on pure free-market principles. The gangs are now thoroughly respectable; the "rackets"—whatever businesses they concern themselves with—are run without violence or coercion. Taxes are bluntly called "protection money," and buy exactly that. Everything else, whether in the economic, social or political spheres, is left to the wishes of the populace, making for a just and happy society. Through a satirical device meant to show that all governments are at base criminal gangs Kornbluth managed to create something very close to a utopia.

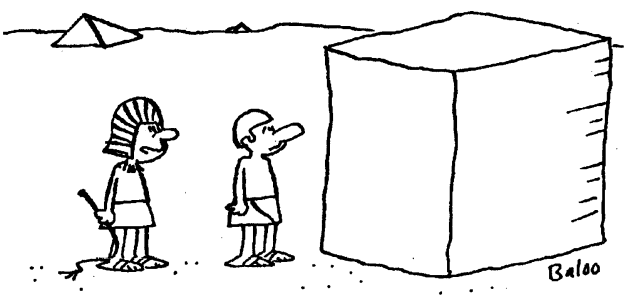
The novel itself is not first-rate. After a short introduction to syndic society Kornbluth gives in to the temptations of pulp and sends his hero off on adventures involving a resurgent federal government bent on retaking the country, abandoning his theme in the process. But he nearly does redeem himself in the final chapters, where the syndicate leader refuses to meet the crisis by returning to the evils of the nation-state. Instead of mobilizing the population he chooses to rely on a volunteer citizen's militia, in keeping with the easy-going nature of his society.

Not surprisingly, *Syndic* has been neglected by critics (it remained out of print for years) who preferred to think of the architect of the mad capitalism novel as the "real" Kornbluth, a notion with little merit. In fact, as the decade wore on Kornbluth moved further from the liberal mainstream: his last novel, *Not This August,* was an early example of the Soviet conquest story, and one of the best. He died a short time later, still a very young man.

Most other writers of the decade who touched on politics chose to continue down the trail blazed earlier. Typically their stories followed the framework of the mad capitalism novel with the romanticism of pulp SF thrown in: the hero, opposing a repressive system after many adventures works his way to the top until the puppet strings are in his hands—but it's okay now, because he's a good guy and we're sure he'll do the right thing. The message was clear: the superstate is here to stay, the masses exist to be exploited, the individual is a thing of the past.

The major exception to this sorry trend was a middle-aged ex-navy officer named Robert A. Heinlein. Among the most politically savvy of SF writers (he was one of the few with actual experience in grassroots politics), Heinlein was concerned with the future of mass democracy and what could be done to perfect it.

He began in the 1940s with a massive work called the Future History, a series of novels and stories giving a detailed picture of the United States over the coming two centuries. Not meant to be actually predictive, the Future History nonetheless contained an astonishing number of accurate social prophecies: the growing power of unions, the cultural revolution of the 1960s, problems with nuclear energy, a hiatus in space



"Remember . . . Lift from the *hips.*"

exploration, the appearance of the religious right, the return to free-market economics in the 1980s.

After completing the Future History Heinlein continued to delve into politics in novels that were as popular as they were controversial. In *Double Star* an out-of-work actor replaces a political leader in order to assure the humanistic nature of a future parliamentary democracy. The novel was dismissed as behavioristic fantasy; it is, in fact, a hymn to the common man. *Starship Troopers* outlined a meritocracy in which the vote must be earned through public service; Heinlein himself earned the labels of "fascist" and "reactionary" by critics who concentrated on the military narrative, ignoring the larger social portrait. *Stranger in a Strange Land* examined the role of religion in society through the eyes of a man who really has miraculous powers (as well as predicting the carnival-like use of the media by the likes of Tammy, Jimmy and Oral). The opinions of this character were taken as Heinlein's own and presented as evidence of insanity (the fact that Charles Manson adopted the novel as scripture didn't help matters much).

One of the most engaging of his novels during this period was *The Door Into Summer*, a gentle time travel fantasy. The first part of the book told of an engineer who builds a successful household robot out of off-the-shelf parts. This was dismissed as romanticism: everyone knew that the day of the backyard inventor was over. In fact, the book could have been a primer for the founders of Apple Computers, not to mention thousands of other hackers.

But Heinlein's major political work was to come in the 1960s with *The Moon is a Harsh Mistress*. Probably his most popular novel, *Mistress* depicted a revolution on the moon in the 21st century and can be said to be Heinlein's political testament. In it he deals fully with all the problems that had concerned him in earlier years: the shortcomings of mass democracy, the individual's duty to society, the difficulties of dealing with technological change. Heinlein's answer to these problems was libertarian, in the form of a system he calls rational anarchy:

> A rational anarchist believes that concepts such as "state" and "society" and "government" have no existence save as physically exemplified in the acts of self-responsible individuals. He believes that it is impossible to shift blame, share blame, distribute blame . . . as blame, guilt, responsibility are matters taking place inside human beings singly and nowhere else.

But *Mistress* is not simply a didactic novel: far from it. Tales of revolution have always been popular in science fiction and Heinlein had written a number himself, but never with the élan and excitement present here. Although many have tried to top it, *Mistress* remains the premier SF revolutionary novel, as well as a model for the fictional treatment of political ideas.

Heinlein's influence on the genre is difficult to overrate, even among such writers as Spider Robinson and Joe Haldeman who disagreed completely with his politics. Writers of the libertarian school were particularly influenced by his work, among them J. Neil Schulman, Melinda Snodgrass, L. Neil Smith and Jerry Pournelle.

An earlier writer showing Heinlein's influence was Poul Anderson. One of the most prolific writers in a genre noted for them, Anderson was typed early on as a hack given to churning out standard adventure stories. It was years before he began to be recognized for writing some of the deepest political fiction in the field.

Anderson was a believer in cyclical historical theories, and like Heinlein was concerned about the prospects of democracy, which he saw as comprising only a short interlude in the advance of the authoritarian state. To some extent Anderson considered this to be inevitable, and much of his work is "warning" fiction, dealing with the tragedy of the demise of liberty both in near-future and interstellar societies.

But Anderson was by no means limited to gloom-and-doom scenarios. His Polesotechnic League series, consisting of dozens of short stories and the novels *The Man Who Counts*, *Satan's World*, and *Mirkheim*, is a far-ranging future history exploding with wild incident, odd societies and colorful characters. Through his scheming, self-centered interstellar traders Anderson was virtually unique in making the connection between economic and political freedoms. In these stories the invisible hand has a galactic reach.

Elsewhere, in such stories as "No Truce With Kings," "Marius," and "The Sky People" Anderson dealt with the agonizing nature of political decisions. Edmund Burke's idea that society is a pact between the dead, the living and the yet unborn often played a large role in these stories: a decision taken only in light of today's problems may prove a betrayal of past ideals or a tragedy for generations to come. At the heart of Anderson's work is the conviction that human nature does not change, even over light-years and millennia of time, and that this must stand as the basis of any workable political system.

The Moderns

As the 1970s dawned SF dropped into the creative doldrums. The previous decade had seen a shake-up of the genre sparked by the New Wave, a technophobic and anti-American movement attempting to turn SF into a politically-correct "literature of the streets." What followed was a period of retrenchment, with the majority of writers choosing to ignore political matters in favor of a return to the romantic style of earlier days. What political writing did appear was almost exclusively left-wing: radical feminist utopias (such as *The Female Man* by Joanna Russ, *Woman at the Edge of Time* by Marge Piercy and "Houston, Houston Do You Read?" by James Tiptree Jr.), environmental catastrophism (*The Sheep Look Up* by John Brunner, *The Castle Keeps* by Andrew Offutt) and the kind of self-righteous pacifism that holds the U.S. responsible for everything wrong in the world (*The Forever War* and *All My Sins Remembered* by Joe Haldeman, *Armed Camps* by Kit Reed and *The Wild Shore* by Kim Stanley Robinson).

Few voices were raised against this.

> "You think the fate of civilization hinges on you. You're right, of course. The fate of civilization hinges on every one of us at any given moment. We are all components in the two-billion-body problem."
>
> *The Syndic*
> C. M. Kornbluth

Heinlein, plagued by ill health, was in semi-retirement. Anderson continued writing prolifically but his work grew more bleak as he saw what he feared to be the great decline coming to pass.

In the midst of all this appeared F. Paul Wilson. Well-known today for his best-selling horror novels such as *The Keep*, Wilson had started out with a series of stories, later expanded into novels, about an interstellar society based on principles of the free market and protection of individual rights—a far cry from the galactic empire so beloved by earlier writers. *An Enemy of the State* told of the founding of the confederation through the actions of a man in lonely revolt against an authoritarian system. *Wheels Within Wheels* dealt with an attempt by the Restructurists, a statist group patterned on today's liberals, to take over in the name of benign interventionism. In *Healer* the latter days of the confederation are seen through the eyes of an immortal character who must intervene to save a decadent society by restoring its early values.

Wilson is a solid writer, low-key in his approach, reasonable in his political vision (although he has a tendency to slip into the visit-to-the-cooperative-balloon-works lecturing of early utopian fiction in describing his societies). This was exactly what was needed at the time; not a voice howling in the wilderness but a figure capable of putting the case for individual liberty forward in a calm, intelligent manner. Wilson fit the role perfectly.

But the standard-bearer of the decade was Jerry Pournelle. Although a self-described conservative, Pournelle was far from the one-dimensional reactionary he was often painted as—he had once been a Communist Party member as well as a follower of Gary Davis's World Citizen movement. Although he has expressed impatience with the idealism of libertarianism, often enough Pournelle adapted libertarian ideas in his own work.

Pournelle had started out in the subgenre of military SF with a controversial series about a star-spanning mercenary force but soon moved on to wider topics. A supporter of space exploitation, much of his work has dealt with this theme, usually written from the stance that private enterprise is the best channel for opening up space—an idea that the deterioration of NASA has made far more plausible than it appeared at the time.

Later Pournelle began to collaborate with veteran writer Larry Niven on a series of blockbusters that achieved immense popularity, among them *The Mote in God's Eye* and *Lucifer's Hammer*. The most interesting of these from a political point of view is *Oath of Fealty*, which dealt with the concept of arcologies—massive buildings comprising whole cities—paying close attention to the political as well as technical aspects.

The arcology Todos Santos is a self-governing entity built on the ruins of central Los Angeles. Its political system is a strange yet compelling blend of libertarian and feudal concepts: the citizenry are asked to give up certain carefully delineated portions of their rights of privacy and self-defense in return for security and guaranteed freedom in all other aspects of life.

> "Mighty little force is needed to control a man whose mind has been hoodwinked; contrariwise, no amount of force can control a free man, a man whose mind is free. No, not the rack, not fission bombs, not anything—you can't conquer a free man; the most you can do is kill him."
>
> *. . . If This Goes On*
> Robert A. Heinlein

Oath tells of a crisis sparked by environmentalist fanatics who wish to see the arcology destroyed as a symbol of technology. Local politicians demand that Todos Santos give up its independence and integrate itself into the city government; it is left to the protagonists to choose between giving in to political pressure, negotiating a compromise or cutting the arcology off completely.

Oath of Fealty is a satisfying novel, possibly the best that Niven and Pournelle have written together, with fine characterization, realistic political intrigue and a look at a novel and interesting—if probably unworkable—political system.

But despite his achievements as a novelist it is as an editor that Pournelle has made his greatest contribution. Beginning in mid-decade he edited a number of anthologies that introduced many new writers and provided a platform for views which might otherwise have gone unheard. Among these was *The Survival of Freedom*, a collection addressing what Pournelle saw as one of the paramount questions of our era: whether the Western democracies could prevail over the total states that seemed to be the typical form of government in the twentieth century. Remarkably wide-ranging, the book included such libertarian writers as Heinlein, Wilson, and David Friedman.

Pournelle went on to edit a paperback quarterly, *Destinies*, which after several name changes is still being published. Though not the most influential magazine in the field, *Destinies* has more often than not published fiction well advanced in concept and execution beyond what has appeared in the more widely known magazines.

As the seventies ended the great liberal experiment collapsed amid stagflation, growing crime rates and savage humiliation of the United States overseas. Libertarianism gained new converts as the public grew tired of the incompetence of both major political parties, dedicated as they were to statist panaceas no matter what their rhetoric. The time seemed ripe for a great libertarian novel to appear, and so it did.

The novel was *Alongside Night*, by an unknown writer named J. Neil Schulman. *Night* was a straightforward example of fictional extrapolation, moving the follies of the 1970s ahead a few decades to show a society in a state of collapse, a picture few would have argued with at the time and which could still befall us. The question, as ever, was whether such an outcome was inevitable and, if not, what steps could be taken to avoid it.

Schulman's solution was libertarianism—"agorism," to be precise—which is presented as the ground state of any political economy, existing whether the powers-that-be desire it or not. Schulman never makes a false move in working out his system; its operations are depicted in stunning and virtually irrefutable detail. One of his most brilliant

touches (which was borrowed, along with other ideas, from Heinlein) was the portrayal of the agorist rebels as descending from today's underground economy.

Alongside Night was unusual in being hailed far beyond the confines of SF and libertarianism. Milton Friedman was highly impressed (not surprisingly—he was the basis for the book's rogue economist Martin Vreeland), and no less a figure than Anthony Burgess bemoaned the fact that he hadn't thought of the idea first. *Alongside Night* is a didactic novel that does not lecture, a revolutionary novel that avoids empty heroics. Beyond that it is a book that had to be written, and we are indeed lucky that it was written so well.

Schulman's second novel was *The Rainbow Cadenza*. Here he took another course, creating a 21st century society gone rotten, with an expendable segment of the populace—called "Touchables"—hunted for the fun of it, women drafted for sexual purposes and a government with no more regard for its citizenry than that usually shown the population of an anthill. *Rainbow* is a complex, intricate work, with a number of fascinating touches, particularly its depiction of laser imagery as a major artform. Many consider it Schulman's best novel. However, its reception did not match that of *Alongside Night*, perhaps because it lacked the first book's narrative drive and was too similar to the standard "decadent society" novel.

With the eighties libertarianism in SF came into its own. Although a number of earlier proto-libertarian writers were major figures, libertarianism had stood in relation to the genre much as it did to the political structure of society itself: a small-scale movement, interesting, perhaps of value, by no means big league. But now this changed: more writers professing libertarian values than ever before appeared, and libertarianism not only entered the political mainstream of the genre, it was in the process of becoming the mainstream.

The new writers were not interested in reinventing the wheel. Far from simply reworking old ideas they instead concentrated on themes such as computers and the new political and social realities of the late 20th century. Often they worked in the dystopian mode, portraying societies in which freedom has been swept aside, a more sophisticated approach than utopian writing and in many ways requiring greater skill.

Melinda M. Snodgrass was the first female writer of the libertarian school. SF has long been known (quite inaccurately) as a male bastion, but in recent years many female SF writers have gained fame by working within a feminist framework, with all the left-wing baggage that comes with it. Snodgrass chose another course, and her "Circuit" trilogy (*Circuit, Circuit Breaker, Final Circuit*) is evidence that this choice paid off.

"Circuit" examines the romantic notion held by many space enthusiasts that the opening of the solar system will represent unalloyed benefits for mankind. In Snodgrass's fictional world space has, to the contrary, become the arena of vicious power politics, with the U.S., the Soviet Union and lesser nations jockeying for supremacy while the actual pioneers are subject to long-distance bureaucratic control. The use of an interplanetary circuit judge as protagonist allows Snodgrass to look into such things as constitutional law and the legal basis of individual rights often neglected in the genre. The background is realistic, a convincing extrapolation of the current status quo. Add to this a maturity of tone unusual in a young writer and it is surprising that Snodgrass is not better known.

> "It's strange, governments are able to endure any amount of vice and corruption on the part of their citizens, but there's one thing they can't abide, and that's to be ignored. People who ask to be left alone are viewed as the most dangerous radicals."
>
> *Final Circuit*
> Melinda M. Snodgrass

Vernor Vinge's theme is cybernetics, in particular the idea that, far from being an instrument of tyranny, the computer will develop into a powerful guarantor of freedom, eventually leading to an unimaginable leap in man's evolutionary status. Vinge began writing in the late sixties with a handful of stories, including his first use of this idea (the marvelous "Bookworm, Run!") but then left the field for over a decade.

In general, SF's view of computers has differed little from that of the world at large: a network of government machines keeping tabs on every breath the citizenry takes or the more apocalyptic vision of a godlike, malevolent device hulking in some deep bunker, toying with humanity in the name of logic or sinister fun.

By the time the 80s had rolled around this notion had run its lame course and SF was ready for a new tack. Vinge provided this in spades with *The Peace War*. *The Peace War* was written from H.G. Wells's classic formulation of introducing one new factor into the picture and following it to its logical conclusion. Here the factor is "bobbles," impenetrable force fields controlled by a small cabal of scientists who enclose everything that, in their view, threatens world peace.

What follows is a century of stagnant, "compassionate" dictatorship, marked by the embobblement of anything opposing the scientists' hegemony. A resistance movement arises, based on a cottage electronics industry that alone can avoid surveillance by the ruling elite. The opposition looks forward to decades of quiet preparation before a move can be made. Then the bobbles, supposedly eternal, begin to vanish . . .

Vinge followed *The Peace War* with "The Ungoverned," a novelette depicting the libertarian society that arises after the revolution, based on the protective association that has long been one of the core concepts of libertarian thought. The last installment of the series was *Marooned in Realtime*, which expands the concept of bobbles to include a form of one-way time travel. The use of computers in this novel, in which each individual is empowered to the point of equivalency with the modern nation-state, is as jolting a concept as has ever appeared in science fiction.

Aside from collections of previously published work not much has been heard from Vinge lately. It is to be hoped that he is working on something to match the *Peace War* series, rather than

taking another ten years off.

One of the biggest fads of the eighties was "Cyberpunk," an attempt to merge punk nihilism with such concepts as cybernetics and biotechnology. Like the New Wave, Cyberpunk was designed to sweep aside all that had come before it and redline SF into a new era. It failed in this and is now a memory.

The Cyberpunks concentrated on a limited number of themes: burnt-out antiheroes, the cultural and economic superiority of Japan, the threat of the multinational corporation. These obsessions were in large part the cause of their decline: it seemed that if you'd read one Cyberpunk story you'd read 'em all, and most readers read one and let the rest go.

At first glance Victor Milan's *The Cybernetic Samurai* would appear to fit the mold: it takes place in Japan, involves breakthroughs in computer science and features much corporate intrigue—but to place Milan in the Cyberpunk camp (as did many, myself included) would be a mistake.

Unlike the Cyberpunks, who often worked in dismal ignorance of their subject matter, Milan writes with vast knowledge of his material. More importantly, his characters are adults dealing with adult problems rather than the superannuated adolescents of the movement writers. Finally, Milan's politics are libertarian as opposed to the masked leftism of the Cyberpunks (who have been called "Cybernistas" by some).

Like Snodgrass, Milan chose to portray a future in which liberty is under siege, although his worldview is if anything more bleak. World War III has occurred, killing its billions and leaving Japan the strongest power in the world. The other industrialized nations are Balkanized and on the ropes. On the horizon the hurricane of another war is gathering force.

Against this background we are told the story of the last independent Japanese corporation, which has created an artificial intelligence (named TOKUGAWA after the 17th century shogun) and must protect itself against the bureaucratic monster that the government has become. The story is fascinating, with a sense of things lost unusual in SF. The actions, emotions and fates of the characters—not the least the conscious computer—are realistically and convincingly depicted. Milan has managed to humanize his computer to the point where its final decision between the possibility of human freedom and a millennia of feudalism and violence—a decision that involves its own survival—is genuinely moving.

Samurai may not be a great novel—it is too crowded with characters and the haunting of TOKUGAWA by the spirit of its creator is inadequately explained and comes to nothing—but it is an impressive work nonetheless, particularly coming from a man whose only previous credentials were a neverending series of sword and sorcery novels.

These three writers are not alone in using libertarian ideas. Victor Koman has as yet written no major works although his reputation continues to build. The amazingly prolific L. Neil Smith, active in libertarian politics outside the genre, has proven himself the master of the comic space opera through a massive series (including *The Probability Broach, Tom Paine Maru, The Nagasaki Vector* and *Their Majesties' Bucketeers,* to mention only a few) which features a wild inventiveness and satirical bite not seen in SF in years. Brad Lineaweaver caused a stir recently with *Moon of Ice,* a fine alternate history novel in which a libertarian United States faces a victorious Nazi Germany.

In fact, it can be said that libertarianism has begun to set the terms of political debate in the genre. In SF as in society at large the left-liberal statist ideologies have proven bankrupt, and this, along with the devotion of many writers to faddish cliques such as Cyberpunk, has left the field of intelligent political writing open. The libertarians have moved in to fill the gap.

As yet there has been little critical recognition of this fact, but this is unimportant: in SF the readers are the last court of appeal, and despite critical indifference libertarian science fiction is widely read. In addition the libertarians have taken the matter of recognition into their own hands: the Prometheus Award is presented annually to the best libertarian novel—an award certainly unique in the literary world.

As it stands, science fiction remains the one literary genre taking libertarian ideas seriously. This may be of more significance than it seems: today SF is undergoing an unparalleled boom, with novels appearing on bestseller lists and an ever-growing body of readers. As the influence of SF grows, it's inevitable that its political element will achieve greater importance—and it is likely that this element will be libertarian.

Recent days have seen the publication of what may well be Victor Koman's breakthrough novel, *Solomon's Knife.* F. Paul Wilson has published two novels, *Black Wind,* an *almost* mainstream war story, and *Dydeetown World,* an SF novel. Victor Milan is reported to be finishing up a sequel to *Samurai.* L. Neil Smith continues outwriting everyone else around and Jerry Pournelle remains as iconoclastic as ever. Beyond that, there are no doubt young writers still to be heard from, to carry on the work begun by a handful of pioneers holding out for ideals of human freedom when the ideologies of arbitrary power reigned supreme. ❑

> "Al's Protection Racket operated out of Manhattan, Kansas. Despite its name, it was a small, insurance oriented police service with about 20,000 customers . . . But apparently 'Al' was some kind of humorist: his ads had the gangster motif with his cops dressed like 20th century hoodlums. . . . it was all part of the nostalgia thing."
>
> *The Ungoverned*
> Vernor Vinge

Memoir

Ayn Rand and I

by Tibor Machan

Ayn Rand's ideas inspired Tibor Machan to get his G.E.D., to go to college, to get a Ph.D., and to pursue a career as a professional philosopher, and Rand graciously offered him help and advice. Unfortunately, none of this prepared him for meeting her colleagues.

Ayn Rand helped me to understand the world and to identify myself. She helped me through many of life's uncertainties. I shall always be grateful to her for this. I have tried to live the kind of life that someone who takes Objectivism very seriously would and should live—give or take a few detours, confusions, failings, modifications and improvements. Had I not encountered Rand's novels and philosophy, my life would be vastly different—and much poorer spiritually.

I knew her briefly, many years ago, before being black-balled from her movement. And I remain one of her most ardent philosophical supporters. I think I have managed to present her to the philosophical community more effectively than almost everyone else who had the good fortune to have been impressed with her ideas, whether an "authorized" spokesperson or a lowly expellee such as me.

Escape to Freedom

I have always been an individualist. Even as a child, I was notoriously disobedient both to my parents and to the state. By age seven, I discovered the novels of Zane Gray, Max Brand, Mark Twain and, especially, Earle Stanley Gardner. They gave me a vision of life far removed from—and far more salubrious than—my middle class life in Stalinist Hungary. By the time I was nine, I was Americanized. At age ten, I was a black-market trader in American novels among my friends in Buda.

It was virtually impossible for me to stand at attention and sing revolutionary communist songs; I was called on the carpet several times for refusing to sing on stages in Budapest where I was conscripted to perform because I had something of a voice. I hated the mass marches we were forced to go on to honor "our dear father Stalin." They were horrible—but if you didn't show for them, your grades would be lowered.

So I was happy to leave Hungary in 1953. My father hired a smuggler to take me West. Unfortunately, while I did escape communism, I fell under the rule of my father, who was a Nazi and a sports fanatic. His virulent anti-semitic views repelled me from the outset. Once he assaulted me for praising a pianist who happened to be Jewish! And he never made me into a rowing champion, despite beating me and forcing me to endure athletic training for the entire three years I was in his custody after I escaped Hungary.

Six months after I set foot in America, I ran away from him. I never returned.

So my fiercely individualist—perhaps even rebellious—nature had a good start before I ran across Ayn Rand's ideas.

Reading Rand

In 1960 I was in the United States Air Force, stationed at Andrews Air Force Base, near Washington, D.C. I was 21 years old and a high school flunkout. The Kennedy-Nixon debates that year stimulated my interest in politics, and I got more intensely interested when I read an article by William F. Buckley, Jr., in *Esquire* magazine, entitled "Why Don't We Complain." Buckley argued that the reason violent protests occur in relatively free societies is that people suppress their dissatisfactions until they cannot be contained and have to explode. The notion that complaining is an honorable undertaking suited me very well. I wrote to Buckley and he answered with a very friendly note.

I soon subscribed to *National Review*, where one day I saw an ad for Classic Books Club. I subscribed and obtained a set of fairly good editions and selections of works from Plato, Cicero, Aristotle, Montaigne, Locke, and so on. I read them and resolved to finish high school. (I had flunked out because I just wasn't linguistically equipped to tackle chemistry and business law during my first year in the United States.)

In the fall of 1960 the little theater group I had joined at the base put on *The Night of January 16th*, Rand's popular courtroom melodrama. As I recall, I played a character who jumps up during the trial and confesses to murder, in order to save the accused heroine. Each night, a jury selected from the audience issued a verdict; after the play, the cast adjourned to a bar to debate it. I found the issues intriguing. We could never decide simply on the basis of the facts but had to reveal our sympathies for the moral traits of the characters. I didn't at this time become interested in Rand—I didn't know she had written anything other than the play. I was almost illiterate, trying hard to get my high school equivalency certificate in preparation for night college.

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Then in 1961 I became acquainted with two other airmen who had expressed enthusiasm for Rand's works. The first time I saw them after reading Gore Vidal's review of Rand's *For the New Intellectual* in *Esquire* (Vidal had panned the book for its explicit egoism) I marched up to them and said, "Your hero was sure creamed by Gore Vidal." One of them looked at me quizzically and asked, "Have you read any Rand?" I said, "No." "Well," he replied, "don't you think it would be best to read her before you decide that Vidal has the drop on her?" This, I recall, stopped me cold. It seemed to square with my sense of justice. So I borrowed *The Fountainhead* and read it.

The book was an extraordinary and exhilarating experience, a kind of liberation. Rand said emphatically and starkly the things I had known should be said, things I had hoped someone would eventually say in a penetrating way.

I had been struggling with my Roman Catholicism for some time. I had long found it difficult to make sense of the idea of God. And the Catholic attitude toward sex angered me. I had a friend who was getting divorced. He and his wife believed divorce was the best solution to their failed marriage, and it appeared to me that they were right. Yet my religion required me to oppose their divorce. I wrote about it to a friend of mine, a priest. When I posed my dilemma to him, he gave me very bland answers—"God is putting you through some difficulties." Well, of course, but . . . how about a solution to them?

When I came to the passage in *The Fountainhead* where its hero says, "God is an insult to my intelligence," it gave me great pause, stimulating my doubts about my religion. But I hadn't yet made up my mind and wanted to hear the other side of the story. I called the priest, who was pretty vague. I then went out on one of Andrews AFB's abandoned runways and walked all night long pondering the God issue.

Finally I looked up, my hands clasped as in prayer, and said, "God forgive me but I cannot believe in you." I recall exactly the chain of thought that led initially to ambivalence, then agnosticism, then atheism. I thought, if God created me and gave me a mind with which to figure out the world and myself, and my mind gave me no evidence or cogent argument for His existence, then it would be an insult to God for me to believe that He existed. But no sooner had I realized this than I dropped the conditional nature of the argument and said, "My mind simply gives me no ground for believing in God, so I disbelieve in God. I am an atheist."

Of course for months thereafter I was struggling with this problem, both intellectually and emotionally. It was difficult to rid myself of the habit of crossing myself when walking by a Roman Catholic church. I also felt I had to purge myself of all associations tainted by religion, even to the extent of becoming estranged from my family.

All this happened before I ever engaged anyone in discussion about my new ideas. But that came, too, because after I read *The Fountainhead*, I approached the Randian-oriented airmen I had met and told them how much I liked it and that I found its ideas very persuasive.

Next came the reading of *Atlas Shrugged*. I read it in two sleepless days. It was filled with great ideas and was an exciting story. Its simple mystery—"Who is John Galt?"—was no mystery for me: I recognized him when he was first introduced. The larger mystery—what role does the human mind play in the affairs of the world?—did not unfold quite so easily for me. The first time through I skipped Galt's speech. I cut it out and made it into a little book to study later. And indeed I did.

My friends and I began staying up night after night—sometimes spending uninterrupted weekends at an all-night terminal on Andrews—critically examining Galt's speech, searching for possible logical problems. We scrutinized his discussion of the purpose of morality, about original sin, free will, axioms . . . We were not able to find anything drastically wrong, based on our admittedly meager education. We started conjuring up possible reasons why Rand might not be trusted. We hypothesized that she was sent by the Soviet Union to discredit capitalism by associating it with atheism, and conjured up bizarre psychological explanations. We tried what we could. Our efforts fell short, leaving us with a growing belief that this woman had ideas we ought to study further.

We found out that the Nathaniel Branden Institute offered lectures on Rand's philosophy (which she called Objectivism) in the Washington area. I sampled several NBI lectures, and eventually enrolled in some lecture series. I met Branden, who seemed terribly aloof and snide. But what he said made good sense.

I went to New York to attend a lecture and had the chance to ask Branden some questions. I noticed that these were not exactly welcome. This was puzzling: what especially appealed to me about Objectivism was its idea of the importance of the independent mind, of the individual trying to answer questions or solve problems to his own rational satisfaction. But who can tell about people—they have free will and can have bad days—so I didn't get too upset by Branden's hostility toward questions.

I did find peculiar the clannishness of the people who attended the taped lectures, but I reasoned that they were a group with very unusual views; no

wonder they were uptight. And it did disturb me that few of them managed to laugh heartily or comfortably. Most of the laughs were snide, derisive, caddish. But, again, I thought, this bunch must feel very strange, just as I often do, having come up with ideas that disagree with all the socially acceptable ones.

Encounters and Expulsion

In 1962, my application for enrollment at Claremont Men's College was accepted. Before I went west to Claremont, I travelled to New York, hoping to meet Rand. I had called her office from Washington, and I called Branden in New York. My persistence paid off: I was told that Rand would meet with me. And so, one Sunday—I don't recall which—I visited Ayn Rand.

I found it a wonderful experience, but not an overwhelming or "religious" experience. Indeed, what stuck in my mind afterward was how warm, calming, sensible and friendly she was. One exchange I remember followed from my saying that perhaps I liked her work because I too was a refugee from the Soviet bloc. She told me that she hoped that wasn't so because her ideas were meant to have universal significance. They were not just for those who shared her personal experiences. And she said this without badgering me, without wagging her finger. She was like that sensible grandmother or aunt I wished for but never had.

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I promised to send her a particularly wrenching letter I had written to my priest friend during my struggles about my friend's divorce. When I got back to Washington I sent it. In that letter, I expressed chagrin about a book the priest had given me, Thomas a Kempis's *Imitation of Christ*. One of its ideas is that the human effort to know is an insult to God, a sign of pride. I exclaimed my frustration with this message—after all, my every effort was to know, to learn, and now Kempis was telling me that this was sinful. I wanted help, but I didn't want another story about the evil of searching for knowledge.

Rand wrote me a wonderful letter. She noted that

> The most terrifying indictment of religious morality is contained in the following lines of yours: "The trouble is that I am always asking for the logic. And the more I will know the more I will want to know. What should I do to stop wanting to know?" I hope that you realize fully to what extent you were on the premise which I call "the sanction of the victim." You were accepting as a sin the thing which was your greatest virtue and the greatest of all human virtues, your rationality, the desire to know and to understand. . . . I want to stress, as the most important advice I can give you, that no matter what intellectual errors you may make in the future, do not ever accept the idea that rationality is evil or that it can ever be proper to discard your mind. So long as you hold this as an absolute, you will be safe, no matter what errors you make.

The letter was a very sensible piece of advice to a young man who was trying to cope with the challenges of his rather baffling and uprooted life. Of course, since I found Objectivism a sound viewpoint, I thought her advice extremely sound and tried my best to adhere to it.

Shortly after I went to the West Coast, I attended a live performance by Nathaniel Branden of the opening lecture of his *Basic Principles of Objectivism* series. Someone at CMC had suggested that I ask Branden why Dagny in *Atlas Shrugged* could be so sexually promiscuous and without any apparent concern about the risk of pregnancy. I suppose it was a stupid question, but as an ex-Roman Catholic I still had some sympathies for that kind of concern. Well, Branden listened to my question—asked from near the front of an audience of around 500 people—and then started in on me with utter disdain and derision. Didn't I know about contemporary birth control measures? Didn't I know that a novelist such as Ayn Rand, whose objective is to focus on essentials, need not bother about insignificant details? How ignorant can a person be? Etc., etc.

What stands out in my mind about the event is that when at the conclusion of the lecture I tried to speak to Branden as he was leaving the hall, he brushed me aside—but Barbara Branden, to my surprise (the Ice Lady!), took a moment to speak to me and show some sympathy for my embarrassment. Her small gesture of benevolence stayed with me and was recalled when I later met her in connection with her research on *The Passion of Ayn Rand*.

Branden listened to my question and then started in on me with utter disdain and derision. This was puzzling: what especially appealed to me about Objectivism was its idea of the importance of the independent mind, of the individual trying to answer questions or solve problems to his own rational satisfaction.

After I had been at Claremont for a while, I began writing columns for the student paper in which I promulgated as best I could the ideas I had picked up from Rand and found sensible. A few of us on campus cooked up the idea that we should start a student newspaper filled with diverse ideas. We set to work. I designed the logo and we called the paper *Contrast*.

The first job I was assigned was to contact Rand and ask her to write something for the paper. I was eager to comply because I was convinced that her ideas would win readers for her works. I wrote several times, as I recall. But I received no reply to my letters

Eventually I wrote asking that she at least let me know why she wouldn't grant my request. Finally I received a letter from her. Here is its full text:

> This is in reply to your letter of December 20, 1962. It requires no philosophical knowledge, only common sense ethics and etiquette to know that one does not ask for the free professional services of any profession, whether doctors, lawyers or writers. If one permits oneself the breach of asking it, one has, at least, the decency to know that

one is asking a favor—and one does not pretend that one is offering a value in return. And when one is refused, one does not demand to know the reason.

I was hurt and angry. Why, I wondered, does this person find it so difficult to see the good will behind my approach to her work and ideas?

But I persevered. I wrote Rand several letters apologizing for not making myself clear, explaining that she must have misunderstood me because I certainly meant to do only one thing, to get her ideas before student readers. No response came to any of these efforts.

One night around 2 A.M. my suitemate, an outspoken leftist and a fellow-member of the staff of *Contrast*, asked me to report my progress with Rand. I explained that I hadn't gotten anywhere. Thereupon he started to poke fun at me—"How do you like your rational hero now?" After he left, laughing as he walked over to his room, I jumped to my typewriter and wrote a scathingly hostile letter to Rand. A typical passage went like this:

The ranks of the blackballed were growing steadily. I hoped Plato and Aristotle and all the other innovative philosophers didn't have to go through the kind of isolation Rand experienced.

> While you proceed to call all your "straw man" and real enemies all sorts of names, criticize the world and its inhabitants of wholesale irrationality (as true as this may be), you continue to practice identical methods in dealing with those who address you, who seek your advice or who wish to clarify some points with you. This approach draws no distinction between those who consider your philosophy—Objectivism—GOOD, and RIGHT, and those who are approaching it skeptically or antagonistically. You are making it quite difficult for the first group to create a better world for themselves. For this I must sarcastically thank you.

I went on in this rather belligerent and nasty way, unloading pent-up anger, acting childish and hurt. I asked Rand to return a copy of the letter I had written the priest and his response.

> . . . Miss Rand, may I remind you that when one receives a favor from a person, one has the decency to acknowledge such a favor, especially when this favor involves a very private matter, communicable only to those whom the person holds in great trust. One might also remember that, upon seeing that said letter is an original one, one might have the decency to return it upon having finished reading it. Your neglect to do this indicates to me a terrible unawareness of "common sense ethics and etiquette." And if one permits oneself the breach of this etiquette, one should at least have the decency to refrain from accusing the person who did this favor for one of "pretense," "indecency," and an act of unrighteous demanding. . . .

Not long after I sent off this tirade a letter arrived from Nathaniel Branden. Here is its text:

> At Miss Rand's request, all mail that comes to this office addressed to her is read by me. In the event that she receives crank and/or obscene letters, she has asked that these not be forwarded to her. As your letter is in the same moral category, it has not been forwarded to her. I have, however, consulted her attorney about the matter of your reprinting her letter to you. Her attorney made it quite clear that you have no legal right to do so, that such publication would constitute a clear-cut invasion of privacy, and that should you publish it without Miss Rand's permission, you would be liable to litigation. I have summarized the content of your letter to Miss Rand—and you emphatically do not have her permission. I will speak to Miss Rand about the letter to the priest and request that it be returned to you. [It never was, nor his answer.] Please do not write to this office again. We do not wish to hear from you. I have instructed Mr. Peter Crosby, my Los Angeles representative, that you are not to be admitted to any lectures, should you attempt to attend.

Unrequited Comradery

In the following year, 1964, I tried to re-establish some kind of intellectual rapport but it was rebuffed, this time in a letter from Robert Hessen. It said, in part,

> Nothing in the nature of your subsequent letters to Miss Rand or the Brandens has been such as to provide them with objective evidence that your psychology has significantly changed. A simple apology won't do it. [I had apologized for the nastier segments of the 1963 letter to Rand that precipitated the excommunication.] As the situation stands now, there is no way for any one of us to know when you will choose to lose your head again.

In 1971 I briefly went to group therapy with Branden but found that I had little in common with his other clients. They were concerned about a lack of motivation to do anything worthwhile; my problems had to do with my feelings of isolation and my relationships with women!

By this time, I had learned of some of the acrimony within the circles of Objectivism, exemplified by John Hospers's expulsion because he dared criticize Rand when she addressed his philosophy seminar on Objectivist aesthetics.*

In 1965 I learned that a Leonard Peikoff was teaching a philosophy course at the University of Denver. At this time, I was writing my senior thesis on the subject of free will. I wrote to him and we corresponded a bit about some aspects of volition and of voluntary behavior. I asked whether I could meet with him during my spring break to discuss my paper, and he agreed. So when spring break rolled around I drove to Denver to meet him. I was accompanied by another student who asked to ride along, though I knew him

* I had contacted Hospers as early as 1964, when he left Brooklyn College to join the School of Philosophy at the University of Southern California. Hospers has been the most supportive of the very few philosophers who have taken Rand's views seriously—he published my first philosophy paper, "Justice and the Welfare State," in *The Personalist*, a journal he edited at USC. (Interestingly, at a Liberty Fund conference held at Claremont Men's College in the Summer of 1970, three young loyalist Objectivists tried to persuade me, without success, to withdraw my paper from *The Personalist* on the ground that Hospers had the temerity to publish an essay by Nathaniel Branden shortly after the Rand/Branden split. This supposedly tainted the journal so badly that no moral human being knowing of the split could publish in it.)

only slightly.

I called Peikoff when we got to Denver. He told me he would not see me because I deceived him by not telling him that I was *persona non grata* with NBI. (I still didn't know about the inner circle or his membership in it. I had thought of NBI as a private school, modelled on the Lyceum or Plato's academy.) He also said that clearly I was trying to pull an altruistic blackmail on him—the one that goes: "But I drove 1100 miles, so you must see me." I had an image of Peikoff calling Branden about this interesting young man in California who was coming to see him to discuss philosophy, and Branden exploding when Peikoff mentioned my name, calling Peikoff a fool for not checking me out earlier to see if I was on the NBI shit list. Poor Peikoff, what a loss of face!

I was stunned and couldn't think of an effective protest. I asked whether the student who rode with me could go to one of Peikoff's classes. He said I would have to clear this with Branden! I called Branden and he called Peikoff clearing the fellow. When the guy returned from the lecture, he reported that Peikoff told him that he tried to call me in Claremont but my phone would not answer, and I must have stayed away from the phone on purpose, so I could try the altruistic blackmail on him and get to see him. Of course, I had no such designs, and it puzzled me how Peikoff could argue that he knew that I wanted to deceive and blackmail him.

Branden was a brilliant and colorful therapist but I never obtained the feeling that he cared about me individually, or even about my problems as my problems, as distinct from his challenges.

In 1965 or 1966 I established a philosophical correspondence with Harry Binswanger, who published *IREC Review*, a student journal devoted to Objectivist ideas. We exchanged a few cordial letters even after I explained to him about my troubles with Rand, Branden and Peikoff. Some of his letters were quite supportive and filled with advice about how I might come to re-establish contact with Rand and her circle. But he lashed out at me after I offered some ideas on possible problems with Rand's belittling of Wittgenstein in *The Introduction to Objectivist Epistemology*. He told me that I just wasn't thinking, period.

Much later, in 1967, when I was studying for my Ph.D. at the University of California at Santa Barbara, I wrote to Branden asking whether I might quote Rand or Branden in some essay I was writing. (I had not yet become adept at the game of scholarship and I was also too literal about the idea of intellectual ownership.) This letter came back:

> Please try to understand, once and for all, that I dislike and disapprove of everything I know about you, I have no interest in your thoughts whatever, and I sincerely wish that you would stop sending me letters. With regard to the announcement you received on NBI's course on Ancient Philosophy, this was caused by a computer slip-up. I trust this will not occur again, but if it does, i.e., if you ever do receive any NBI or Objectivist announcements, you may assume that this was the result of a mechanical error, and save yourself the expense of a long distance call. In answer to your letter of June 17, permission to quote from Miss Rand or myself is unreservedly denied.

Obviously, I was getting on Branden's nerves.

The ranks of the blackballed were growing steadily. I hoped Plato and Aristotle and all the other innovative philosophers didn't have to go through the kind of isolation Rand experienced. I recall an observation I heard attributed to Nietzsche that "One must forgive every great genius his first disciples."

I never had a desire to fraternize with the inner circle. I wished I had been treated in a friendlier fashion, but the idea of being "in" with them simply hadn't occurred to me. I knew these people only slightly from having seen them at early NBI lectures, and the little I knew of their rather stern style did not recommend them to me as pals. I have always been a cheery sort of person, who enjoys joshing around, joking, fun, and laughs. I saw none of this at NBI gatherings or in the tone of Rand's and Branden's writings.

Letting it Be

Gradually I gave up on the idea of getting together with these "experts" and went about the business of trying to figure things out by myself.

In 1975, my book *Human Rights and Human Liberties* was published. Douglas Rasmussen, an Objectivist-oriented philosopher, reviewed it favorably in *Law and Liberty*. Harry Binswanger, my former philosophical correspondent, wrote a nasty letter to the editor, denouncing it as pure mush. Later, when I heard that David Kelley was studying at Princeton, I wrote him asking whether he was forbidden to communicate with me, and he replied that we had better not talk.

I don't think any other libertarians have matched Rand's achievement, no matter how much sharper their tongues or how much more erudite their scholarship.

I met Branden not long after Rand split with him. He was not very eager to talk about the past, or about ideas, and he was without personal warmth. In 1971 I briefly went to group therapy with him but found that I had little in common with his other clients. They were concerned about a lack of motivation to do anything worthwhile; my problems had to do with my feelings of isolation and my relationships with women! Both were largely of my mak-

ing—after all, I escaped from my mother with full consciousness that I was doing something rather drastic. Branden was a brilliant and colorful therapist but one from whom I could never obtain the feeling that he cared about me individually, or even about my problems as *my* problems, as distinct from *his* challenges.

He and I still know each other and meet now and then. He was generous enough to send me a "fan" letter upon the publication of my first essay about epistemology, in the journal *Educational Theory*, in 1970. He said he thought it a very good piece. He has often asked me to send him works I have written dealing with the ideas he helped to promulgate. He has always received or returned calls I made to him concerning *Reason* magazine, conferences, and other business or intellectual concerns.

I am very glad that I was blackballed from the Objectivist movement.

But I never quite managed to cast out of my mind what I perceived to be his letters of gleeful rebuff. I never did figure out whether my ambivalent feelings about him were simply a matter of my own sour grapes or some actual shortcoming of his. He amuses me a bit with his enormous signature, one that seems to announce, "I want you to know I think a lot of myself." And I am not sure he has a fully accurate perception of the drama of his own life—though I see nothing wrong with him treating it dramatically; I share this predilection myself. But compared with such historical figures as Aristotle, Curie, Einstein, Jefferson, or even Oliver North, Branden has had a colorful and trouble-filled, but not really heroic, life.

"Who am I Speaking To?"

I had a final word with Ayn Rand on July 4, 1976. I called her to express my thanks for her being the most crucial contemporary thinker to stand behind and strengthen the meaning of the Bicentennial. Her husband Frank answered, and I asked for Miss Rand, and she came on the line. Here is our conversation:

"This is Ayn Rand. Who am I speaking to?"

"Miss Rand, I am a long time admirer and wish to simply thank you on this day for what you have done to keep the American revolution's ideas alive."

"Who is this?"

"My name is Tibor Machan."

"Good bye."

Who Are They Speaking To?

In 1982, Leonard Peikoff—by now Ayn Rand's designated material and "intellectual" heir—finally came out with his long-awaited and long-germinating book, *The Ominous Parallels*. In it Peikoff compared the German and American traditions of philosophy and politics, and argued that Americans were setting themselves up for a totalitarian future fully parallel to Naziism. It had been hyped for more than a decade, and portions of it had been presented as lectures before the Branden-Rand split. The joke had been that, just as parallel lines never meet, so this book will never be published. I wanted it reviewed in *Reason* but my editorial influence had waned to the point where I could only get a very brief review scheduled. I asked several people with good qualifications but all warned me they would pan it after reading it. I finally wrote the brief review myself, chiding Peikoff for missing the chance to produce a truly scholarly work that considered alternative explanations and compared them to his own, thereby demonstrating the superiority of his thesis.

I had hoped that the book would finally show the philosophical community that there is real substance to Objectivism; Rand's essays (even her *Introduction to Objectivist Epistemology*) had been too polemical to qualify as scholarship. Rand herself urged those who found her views sound to get out there and become "new intellectuals." But "new intellectuals" who cannot talk to the old intellectuals quickly become intellectually and academically isolated, ineffective as advocates of ideas.

I had learned too much from Branden and from Rand to hold a grudge against either of them. I think the Objectivist movement has made some original contributions—such as the linking of epistemology with morality, the reconciliation of modern science with ethics, the demonstration that individual rights rest on a classical egoist or individualist ethics rather than on hedonism or atomistic individualism, etc. One can argue that bits and pieces of Objectivism had been around for a long time before Rand, but not that they had been integrated with one another and introduced to a large audience. The complete edifice is quite an accomplishment, whatever the flaws of the personalities responsible for it. I don't think any other libertarians have matched Rand's achievement, no matter how much sharper their tongues or how much more erudite their scholarship.

But the closed nature of Official Objectivism remains a problem. I am very glad that I was blackballed from it. I might have become a dependent like so many others. And I am glad, too, that my expulsion was not so devastating a blow that it led me to renounce all the good ideas in Objectivism. ❑

A Rustic in New York

by R. W. Bradford

It's 2,420 miles from Port Townsend, Washington to New York. There are other, bigger differences, as R. W. Bradford found out during his recent visit.

New York. The Big Apple. A nice place to visit but you wouldn't want to live there. The center of American finance and culture—let's face it, of the world's finance and culture. Etc.

I'd seen it in a million movies. As a young man infatuated with Ayn Rand's city worship I decorated my apartment with a huge poster of the Manhattan skyline. I'd always planned to spend some time there, perhaps even live there.

But, somehow, at an age when I would be called a "grizzled veteran" if I were a baseball player, I had never set foot in Manhattan. It's not that I'm poorly traveled. At one time or another, I've visited nearly every major city in America. But somehow, New York seemed like too much hassle, too expensive, too crime ridden, too self-absorbed.

So it was with considerable anticipation that my wife and I planned our visit this past summer. We prepared carefully. My wife studied tour books, and decided we should travel light. Since street crime is omnipresent (according to both the travel books and our friends who had visited), she left her watch at home, lest some drug-crazed New Yorker snatch it from her wrist. We bought lots of travelers' checks, packed a light wardrobe and a list of friendly natives, reserved rooms at two "bargain" hotels—in Manhattan this means no more than $125 per day—and lit out on our adventure.

One of the inconveniences of living in the most beautiful place in America (the Olympic Peninsula) is that you are stuck away in the corner of the county, a two-hour drive from an airport. To catch our plane, my wife and I had to drive to the airport at 6am. I am a night person: 6am is normally the time I go to bed, not the time I arise. I dragged myself from bed at that ungodly hour, drove to the airport, and spent the next 12 hours in the custody of airports, airlines, trains, and taxicabs.

Despite my exhaustion and the indignities inherent to these rude modes of travel, I arrived in the City in high spirits. I was in New York! The first adventure was the cab ride to our hotel. Having been warned about crime infestation of the area around Penn Station, my wife and I carefully shepherded our bags, and looked for a person to hire to hail a cab for us (a preposterous idea recommended by our guide books).

Alas, there were no professional cab-hailers available, so I did the dirty deed myself. We had been warned about the ethics, linguistic talents, and manners of New York City cab drivers, so we were surprised to discover: 1) our cab driver spoke English; 2) he drove us directly to our hotel; and 3) he was polite and even pleasant. Even more astonishing was the tariff—only $7 including tip. We checked into our hotel and immediately hit the streets, glorying in the metropolitan atmosphere.

Ten Observations

For a week we sampled the pleasures of the Greatest City in the World. We wandered its streets, rode its taxis, subways and busses. We drank in its bars and ate in restaurants refined and crude. We shopped its shops and watched an off-Broadway Play. We went to the top of the Empire State Building and the World Trade Center; we hiked across the Brooklyn Bridge and rode the Staten Island ferry. We went to Harlem to see poverty, Yankee Stadium to see a ball game, the Metropolitan Museum to see art and the Museum of Natural History to see dinosaur bones. In short, we did all the things tourists from the hinterlands do when they visit the City.

For a rustic like me, the move from a town of 6,000 to a city of 16 million had many surprises. Here is a partial list:

1) On a clear day, you can see the air. There is no horizon: just a yellow-brown haze. Almost everything in New York City is dirty and grubby. The sole exceptions were in front of tony stores, whose employees sweep and wash the

sidewalks daily.

2) No street (or other) crime was evident. In a week in New York spent mostly walking the streets and riding subways, we witnessed no armed robberies, no purse snatchings, no muggings, no nothing. Okay, we did see someone offering baggies of green vegetable matter for sale in Washington Square, but he was in full view of mounted police who did nothing. And we saw a guy trying to scalp tickets at Yankee Stadium—but the only difference between scalping here and at any other major sporting event was that the scalper was hassled by the police.

When I observed this curious paucity of crime to natives of the City, without exception they advised me that we were either blind or unbelievably lucky and proceeded to tell horrifying stories about crimes they had witnessed, or nearly witnessed, or read about in the *Post* or had heard about somewhere.

How dare I say that other cities had more bums! Why, New York has the most bums and the lowest low-life! Everybody knows that!

3) We were panhandled occasionally, I saw bums sleeping in doorways when I went out for late-night walks, and some subway stations had a faint odor of urine. But contrary to the media hoopla to the effect that the City is inundated with street people, we saw fewer than in such laid-back cities as San Francisco and Seattle. In New York, we never encountered entire parks that reeked of urine and we never came to stretches of sidewalk totally occupied by sleeping bums in daylight hours as we have encountered in Seattle and San Francisco. And, unlike West Coast bums, New York bums don't have dogs. Maybe it's the pooper-scooper law.

When I made this observation to New Yorkers, the response was incredulous. How dare I say that other cities had more bums! Why, New York has the most bums and the *lowest* low-life! Everybody knows that!

4) The subway stations are filthy and (in August) suffocatingly hot. But most trains are air-conditioned, and they are usually the fastest and cheapest way of getting anyplace in the City.

New Yorkers are fond of observing how wonderful it is that you don't need a car to live in the city. I wondered if there is a connection between the absence of personal cars and the abundance of podiatrist advertising. I walk a lot when I am at home, and I was surprised at how much more tiring I got walking around the City. Perhaps the reason is that much of my walking at home is on mountain trails of dirt, while every square foot of New York is paved.

New Yorkers are quick to point out their fabulous parks. I suppose they are fabulous to someone who has never seen a real tree. The walkways in the parks are paved and lined with park benches; the grass is fenced in to keep people off, and the benches face other park benches. The trees are scrubby little sycamores, beloved in cities because they tolerate pollution well.

5) There are almost no police in New York. Except for the mounted cops in Washington Square and some foot cops on crowd control at Yankee Stadium, we hardly saw a cop in a week on the streets of the City.

6) Street vendors are everywhere people are; which is to say everywhere. For those in the market for cheap junk or bad food, the streets of Manhattan are a shoppers' paradise.

7) It is nearly impossible to get a glass of water in a good New York restaurant. The customary beverage is soda water imported from Europe. On our last day in the city, our host earned our eternal gratitude by ordering plain water, and insisting that if no bottled still water were available we would take tap water.

8) Like its reputation for crime, New York City's reputation for sin is exaggerated.

My guidebook sternly warned, "Ugh! You want to talk about urban blight? Still no self-respecting tourist should miss this bit of Americana . . . Stand on 42nd Street and Broadway and look uptown . . . Hang onto your purse or wallet while you're looking and then head north. Do not head up 42nd Street unless you happen to be with Charles Bronson and Chuck Norris. What used to be naughty is now seedy and very sad. There are no thrills left on 42nd Street."

On Saturday night, I left my hotel for a little walk. I found myself heading toward Times Square, thanks to my typically rustic voyeuristic interest in decadent city life. I figured that if the situation ahead looked as if I needed a heavily armed murderer like Bronson or Norris, I could always beat a hasty retreat.

I walked up 3rd Avenue to 42nd Street: it was well-lit, had a few gaudily flashing signs and a few pedestrians, but looked to me like no firepower would be needed. Things got livelier at Times Square. The streets teemed with people, as in the daytime, but with a difference: the people were partying. Most businesses were closed, but there were even more vendors than during the day, their cheap watches, remaindered books, fake Louis Vuitton luggage and electric teddy bears lined both the curb and the fronts of buildings.

The whole scene was reminiscent of a small town county fair: people milling around, many of them a bit drunk (or "crazed" on crack, for all I know). Occasionally one was rowdy, but most were talking, laughing and having a good time, drinking soda or beer or wine from containers in paper bags, snacking on food from vendors, some entering or leaving restaurants or bars, some of which advertised nude entertainment. It was decadent, I suppose, but the decadence of a county fair with its hoochy koochy girls, not the decadence the guide book warned about.

9) You need a lot of cash, preferably in small bills, to get along in New York. The minimum amount for charge purchase is always about $5 more than what you want to buy. No one except your hotel will cash anything bigger than a $20, and most places won't take anything bigger than a $10. Taxicabs, snacks and other sundry purchases all must be made with small bills. Keeping enough small change is a constant nuisance.

10) Noise is omnipresent. Even in our hotel room, with the windows closed and the air-conditioning on, we could hear the rumble of traffic 27 stories below us in the middle of the night.

A city is its people, and I have to say that New Yorkers earned my respect. Personal automobiles, clean air, and decent water are not the only amenities of civilization that New Yorkers must give up for the privilege of living in the

continued on page 58

S.I.L. AND L.I. MERGE

INTERNATIONAL SOCIETY FOR INDIVIDUAL LIBERTY CREATED!

A new world libertarian organization, the *INTERNATIONAL SOCIETY FOR INDIVIDUAL LIBERTY*, was inaugurated on August 30th at the "20th Anniversary of the Movement" banquet in Philadelphia -- the night before the opening of the US Libertarian Party National Convention. The announcement, which came as a complete surprise to everyone, was made by Karl Hess

ISIL is the result of a merger of the Society for Individual Liberty, founded in 1969 by Don Ernsberger, Dave Walter and Jarret Wollstein, and Libertarian International, founded in 1980 by Vince Miller. S.I.L. was the first large-scale libertarian activist and support organization in the U.S. and over the years has developed an extensive library of educational materials. It has also become well known for its devotion to campus activism. L.I. has built a very powerful worldwide network of libertarians in over 50 countries, and is best known for its series of international conferences.

ISIL will continue to emphasize networking and support of movement organizations. Former SIL members will now receive the FREEDOM NETWORK NEWS bi-monthly newsletter (which will incorporate INDIVIDUAL LIBERTY), and the "Index on Liberty" world freedom directory. Updated editions of the SIL position papers are now under development. **ISIL** will continue with its international conferences, with the next one to be held in San Francisco in August 1990. **ISIL** will also play a major role in the revival of the libertarian campus movement -- both in America and internationally.

It was also announced that **ISIL** has been incorporated as a 501(c)(3) non-profit educational foundation. Contributions to **ISIL** are tax-deductible in the USA.

The new **ISIL** Executive Board includes Vincent H. Miller, James R. Elwood, Donald Ernsberger, David Walter, Bruce Evoy (Canada) and Hubert Jongen (Holland). The new Board of Freedom Consultants includes: James L. Johnston, Leonard Liggio, Leon Louw, Robert Poole Jr., and Ken Schoolland.

For membership information, plus a complimentary newsletter and a selection of position papers, write:

INTERNATIONAL SOCIETY FOR INDIVIDUAL LIBERTY
9308 Farmington Drive, RICHMOND, VIRGINIA 23229. Phone: (804) 740-6932.

Bradford, "A Rustic in New York," *continued from page 56*

Center of the Universe. They also forego privacy, pay twice as much for everything they buy, and pay the highest taxes in the country for the privilege of enduring the worst government, and God knows what other indignities. And even with frequent visits to podiatrists, hoofing it on the hard pavement on a long term basis must be hell on their feet.

That they pay this awful price is evidence of the stern stuff of which they are made. I stand in awe of them, even if they do exaggerate the street crime, the problem of bums, and the cultural advantages of living in the Big Apple.

The ominous parallels

I noticed a number of ominous parallels between residents of the Island of Manhattan and those of another island, some 5,000 miles to the west: Maui, as in "Maui No Ka Oi." That slogan—printed on everything from T-shirts to bumper stickers, as ubiquitous in Maui as is filth in New York—translates from Hawaiian as "Maui is the best," a sentiment reminiscent of every Manhattanite's feeling about his own island.

There are other parallels between New Yorkers and Mauians, to wit:

• They talk funny. In Maui, the local patois is a mixture of English, Hawaiian, Iloco, Tagalog, Chinese, Samoan, Japanese and pidgin. To get along one must understand a wide variety of accents that often bewilder tourists from off-island. In New York, the locals speak a variety of languages, all with liberal admixtures of profanity. There is enough variety in the language of each island to give the visitor trouble.

• They eat funny food. New York likes to brag about its 25,000 restaurants, offering an incredible array of meals, including many that are exotic. More than once during my stay in New York I was served food that I could not recognize, although I sometimes recognized its name. I can't really evaluate these items because I don't know what they are.

In Maui, on the other hand, one can buy a "two scoop breakfast," consisting of two scoops of rice with goop poured over. You don't want to know what's in the goop. Take my word for it.

• They haven't an inkling of what the rest of America is like. New Yorkers are convinced that everything worth seeing in America can be seen there. A New York friend was incredulous and aghast to learn that a certain exhibit of Chinese art had been shown in Chicago and Seattle but had not come to New York. For New Yorkers, there is simply no reason to leave the City, except perhaps for sunshine in winter or seashore in summer, or to go to Europe where civilization is of a higher character.

Mauians mostly would like to see a bit of the mainland, but the trip is expensive (as much as Europe from New York) and the people there are so numerous and so foreign that a mainland trip is, well, maybe a little frightening. So they see America on TV instead.

• The isolation and insularity of both groups of islanders breeds provincialism, self-conscious on Maui, unconscious in Manhattan. Both Mauians and Manhattanites think everyone else in America envies them. Who knows? They may be right. ❑

Miranda, "The Lost War on Drugs," *continued from page 28*

tels once provided . . . employment, security, and a place in society. Latin American countries could use coca planting programs as a way of gaining support for the government. People would now have a vested interest in supporting law enforcement. The cartels would find themselves increasingly isolated from their popular base. Deprived of recruits, money, intelligence and sanctuary they would be easy targets for law enforcement.

Without the hyperbole of a "drug war," the United States could realistically deal with individuals who have drug problems.

But is the United States willing to legalize drugs? Or will it continue the failed policies of the past, policies that are placing the United States at war with much of the world, as well as its own citizenry? This is a question no one in government is willing to face. ❑

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28. Thompson.
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"Couldn't we just let the free market take care of this sort of thing?"

Report

Capitalism and the Transformation of Poland

by Krzysztof Ostaszewski

Though the "iron curtain" seems to be falling, the iron hand of statism in Soviet bloc countries is a little more firmly in place than we might like to see . . .

A popular Polish cartoonist, Andrzej Mleczko, drew a Pole lying on desert sand, ex-hausted, looking at the horizon, whispering desperately—"Capitalism, capitalism . . ."

In Warsaw today everybody agrees that Capitalism is what Poland needs, but nobody knows how to institute it. Recently it was written in the *Wall Street Journal* that in Warsaw today everybody speaks like Milton Friedman. This, unfortunately, is not true—though some people are speaking thus.

The Cracow Industrial Society, a center of pro-Capitalist ideas, has presented a plan for making Cracow into a free-enterprise zone and has supported development of similar societies in other Polish cities. Mr. Tadeusz Syryjczyk, a leading member of the Society, has recently become a member of the government of Mr. Mazowiecki.

In December 1988, in Gdansk, the first Congress of Polish liberals (in the European sense) was held. Groups from all over Poland were represented. They learned that during the last five years over 800 private firms had started in the Gdansk region. The second Congress was held successfully in 1989, after the election.

Politics, Politics . . .

What is the main opposition party in the new political situation in Poland? The popular answer is—the Communists. But Communists are not in opposition. They hold three ministries in the new government. The most popular party is Solidarity. But Solidarity rules with a coalition. The Peasant's Party and the Democratic Party, which gave Solidarity support needed to form a government, are also in the coalition.

Who is not? Union for Realpolitik, a party advocating immediate establishment of Capitalism in Poland. It has no representation in the Sejm, the lower house of parliament, and one seat in the Senate. In the June election it received only a small fraction of the popular vote, roughly comparable to the one given the Communists. It is led by Janusz Korwin-Mikke, a popular writer who refers to himself as a social-cybernetician. (The Great Soviet Encyclopeadia, published in the early fifties, defined cybernetics as a "reactionary capitalist pseudo-science.")

Over two-thirds of saving in Poland is in American dollars. Poles do not use zloty as their money; they save in dollars, calculate prices in dollars.

Korwin-Mikke usually dresses in a nineteenth-century-style tuxedo, speaks with a slight stutter, lives in the fastest of fast lanes, has six children, runs a publishing house that prints works of Ayn Rand and Ludwig von

Mises, and has a specific program for Poland: complete privatization of all industries, gradual elimination of government transfer payments, especially social benefits, independence of the judicial branch of the government from the executive and the legislature, an objective monetary standard, replacement of income and other hidden taxes by certain forms of at least partly voluntary taxation and property taxes at the local level, strong police and an army under *domestic* control.

The ruling coalition, on the other hand, appears to be for capitalism (or some parts of it) for *practical reasons only*. The most popular model country among the advisers of the prime minister Mazowiecki is . . . Sweden. Such is Solidarity's ideal. Over ninety percent of industry is owned privately in Sweden, so privatization is being considered for Poland. Among parties, only Union for Realpolitik, however, proposes capitalism because of its ideas. Nobody in the ruling coalition seems to want to reduce excessive transfer payments. Most Poles think that the government owes them medical and disability insurance, pension benefits, and child support payments.

It appears that people believe that the government made a deal with them—they gave up full control over their own lives in return for the abovementioned services. But the services were not delivered. Having concentrated all power in its hands, the government simply did not have to pay—it could lie, cheat, or inflate its way out of promises.

Nothing was delivered by the communist government. The "great" egalitarian dream promised by the Communists is dead in Poland. Everybody knows—and studies by Polish economists now openly confirm—that income and wealth differences within the society have been increasing at an accelerating rate.

The American media often present the news of hyperinflation in Poland (and other countries). I suggest this is misleading. In fact the word "inflation" may be very inappropriate. The proper description of the Polish economical situation is: "depression coupled with a rejection of the local currency."

The West seems to understand that low investment is a symptom of depression. But nobody appears to notice that the level of savings in Poland is actually *very high*, perhaps because—as estimated by scientists from the Central School of Planning and Statistics in Warsaw—over two-thirds of saving in Poland is in American dollars. Poles do not use *zloty* as their money; they save in dollars, calculate prices in dollars. So—are prices rising or falling? The answer is simple—if you want to buy a Coke for a penny, go to Poland. This situation presents a great opportunity: the new government has a historic chance to sell the state assets to Poles for those dollars, and to pay off the external debt. At the time when I am writing this, privatization is seriously considered in Warsaw.

Unfortunately Solidarity is fundamentally a socialist party. But its leaders understand that before they "redistribute" income, they need to *have* some income. New money is needed. It can be provided by the private sector of Poland, or by the West. The West is only beginning to understand that less money from the West will mean more of a private sector in Poland.

Mr. Korwin-Mikke once mentioned, in one of his letters to me, that he had a conversation with Dr. Murray Rothbard in which they had concluded that when socialism collapses in Poland, that country may become the *laissez-faire* center of the world. I hope this is the future of Poland. But it has not yet arrived. ❑

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Reviews

The Examined Life: Philosophical Meditations,
by Robert Nozick. Simon & Schuster, 1989, 303 pp., $21.95.

Beyond Philosophy

Loren E. Lomasky

Babe Ruth was once a pitcher, Ronald Reagan a Democrat, Christine Jorgensen a boy. To these momentous transformations we must now add another: Robert Nozick was once a libertarian.

Yes, the author of *Anarchy, State, & Utopia* is no longer one of *us*—although, as will emerge, it is far from clear who the *them* is to which he has joined himself. Nor is the event entirely unexpected. Nozick's second book, *Philosophical Explanations*, gave fair warning that he was not a man inclined to plow another's furrow, nor even to revisit and further cultivate his own. And in libertarian circles it had become a mark of some prestige to have been among the first to know of Nozick's forthcoming public apostasy. Now the secret is out in the open. The crucial pages are 286-7 where he writes:

> The libertarian position I once propounded now seems to me seriously inadequate, in part because it did not knit the humane considerations and joint cooperative activities it left room for more closely into its fabric. It neglected the symbolic importance of an official political concern with issues or problems, as a way of marking their importance or urgency, and hence of expressing, intensifying, channeling, encouraging, and validating our private actions and concerns toward them . . . There are some things we choose to do together through government in solemn marking of our human solidarity, served by the fact that we do them together in this official fashion.

For many potential readers, this single passage will exhaust most of their interest in *The Examined Life*. Those who happen to be libertarians will duly express either regret or recrimination, and their opponents will generate an endless parade of sentences beginning, "Even Robert Nozick now concedes that libertarianism . . ." Should they, however, read more widely in the book, both proponent and opponent will discover that the libertarian recantation is merely a sideshow. For in this book Nozick soars beyond not only libertarianism but philosophy itself.

"I want," he tells us in the introduction, "to think about living and what is important in life, to clarify my thinking—and also my life." This aspiration has historically been central to the philosophical venture, though it has suffered considerable eclipse with the ascendancy of analytical philosophy. (One of the genuine merits of this book is that Nozick attempts to revive philosophical attentiveness to this goal—even if he does not do so *as* a philosopher.) But it is not only philosophers who seek the important in life; that is also the quest of holy men, of visionaries, of *sages*. And it is as a sage rather than philosopher that Nozick spins out the 27 "meditations"—*not* chapters—of *The Examined Life*.

Some words of clarification are in order. Socrates, from whom Nozick extracts his title, is the paradigmatic philosopher. He is reported as declaring, "The unexamined life is not worth living." Only insofar as men pursue knowledge of that which is truly just, beautiful, and valuable do they elevate themselves beyond the bestial. But Socrates never claimed to have captured his perpetual quarry; indeed an equally famous Socratic dictum is his profession to know nothing except that he knows nothing. To be a philosopher, then, is to be a devotee of wisdom, not its possessor. In keeping with that conception, Socrates and his would-be philosophical successors adopt a mode of rigorous questioning along with the disposition to be skeptical concerning the adequacy of proffered answers. Philosophers are all too aware of the enormous complexity of the issues they address, the many subtle ways in which seemingly attractive arguments might have gone awry, the existence of equivalently attractive arguments that yield incompatible conclusions, and the general epistemic limits against which we bump up when we philosophize. They do not, the occasional deconstructionist aside, adopt Pilate's contemptuous dismissal of truth, but they are attuned to the difficulty of its attainment and thus the tentative character of even their best supported arguments. (That may be why philosophers, unlike economists, rarely receive 6-figure retainers to pronounce gravely on the Way Things Will Be.)

Sages are different. While they may on occasion engage in argumentation, that is neither necessary nor sufficient for being a sage. (In fact, many of the arguments left us by history's most illustrious sages will strike the philosophical reader as conspicuously bad.) Rather, their pronouncements carry authority because *they* possess authority. The sage is set off from the ordinary run of people in virtue of his privileged contact with a reality that transcends the mundane. In many traditions this status is secured through divine dispensation. (See, for example, Paul's remarks to the Corinthians

on the vocation and authority of an apostle.) In other traditions the sage is one who has completed or is well along on an arduous meditative path. Perhaps, in addition, there is some genetic trait conducive to sagehood. At any rate, the sage is not one who patiently unravels Gordian knots strand by strand or lemma by lemma; he slices through them. That is why we treasure sages; they can do for us what we cannot do for ourselves. The decrees of the sage ring true because of their source. Had someone else uttered those same words, they would carry no such weight. Thus, the crucial question becomes not—Does this proposition validly follow from appropriately selected premises?—but rather—Is this person genuinely holy/enlightened/wise? (6-figure retainers for a sage would be a bargain.)

What one discovers as one turns the pages of The Examined Life is that portentous declarations receive considerably more play than argumentation, and that where Nozick does develop a complex argument it typically concerns some recherché technical extension rather than a central contention.

What one discovers as one turns the pages of *The Examined Life* is that portentous declarations receive considerably more play than does argumentation, and that where Nozick does develop a complex argument it typically concerns some *recherché* technical extension rather than a central contention. For example, Nozick declares that the traditional conception of God as the most perfect possible being is defective; in its place he substitutes four conditions such that any being who satisfies all four is God. (Unaccountably, some fourteen meditations later he seems to forget his previous revisionary work and discusses theological explanations as if the traditional conception were adequate.) Nozick *tells* us that these conditions are jointly sufficient (and I am persuaded that he is correct), but the closest thing to an argument in the text is a footnoted allusion to "a theory of proper names and a Kripkean view of names and essence." Indeed, Nozick routinely prefaces the book's few extended arguments with a suggestion that the reader may wish to skip over the next ten or so paragraphs.

This may suggest that Nozick does not wish to overburden unprepared readers. (But *who* then does he think the audience for *The Examined Life* will be?) I believe, however, that there is more to it than that. In his first book, Nozick developed *theories*, most notably the entitlement theory of justice. A theory is the concerted and systematic attempt to assemble evidence in support of some explanatorily powerful set of propositions. In his second book, though, he deplores the coercive character of philosophical argument in the service of theories, and offers in its place *explanations*. By an explanation he means an imaginative depiction of how things could be so as to render certain propositions true without, however, the presentation of evidence that things really are that way. Now, in the third book, he turns to *meditations*, the soul's conversations with itself. There is some precedent for this approach. The most renowned meditations in the philosophical literature are those of Descartes, but their meditative quality is clearly for effect: no philosophical work ever written has been more intent on establishing the indubitable validity of a theory than Descartes' *Meditations*. Nozick is truer to the essence of the genre than is Descartes. Meditations about life, he tells us, "present a *portrait*, not a theory." In keeping with this conception, Nozick is eager to exhibit the portraits but seems unconcerned to justify particular brush strokes.

What Nozick wishes to illumine is no less than reality in its multifarious dimensions. By 'reality' he does not mean, though, simply whatever exists, but rather all that is evaluatively significant. In his own words—*no one else* could have written them (or wanted to?)—it incorporates, "value, meaning, importance, weight, depth, amplitude, intensity, height, vividness, richness, wholeness, beauty, truth, goodness, fulfillment, energy, autonomy, individuality, vitality, creativity, focus, purpose, development, serenity, holiness, perfection, expressiveness, authenticity, freedom, infinitude, enduringness, eternity, wisdom, understanding, life, nobility, play, grandeur, greatness, radiance, integrity, personality, loftiness, idealness, transcendence, growth, novelty, expansiveness, originality, purity, simplicity, preciousness, significance, vastness, profundity, integration, harmony, flourishing, power, and destiny." Through several meditations he plays around with these characteristics, working his way up to the construction of a 4 by 4 by 3 polyhedron in n-dimensional reality space. This is decidedly *not* a sequel to previous discussions of libertarianism.

Indeed, avoiding anything that resembles a sequel is very much in the forefront of Nozick's consciousness. He tells us, "Having myself written a book of political philosophy that marked out a distinctive view . . . I am especially aware of the difficulty of living down an intellectual past or escaping it. Other people in conversation often want me to continue to maintain that young man's 'libertarian' position, even though they themselves reject it and probably prefer that no one had ever maintained it at all." Accordingly, he distances himself from "that young man" as one might from an unsavory panhandler on the street, distances himself as if that young man were someone other than . . . Robert Nozick! But he is also cognizant of effecting a separation from the community of philosophers. In another meditation he writes, "The remainder of this section, I admit, contains strange and sometimes bewildering pieces of theorizing, very much against the grain of contemporary philosophy. Omitting it would save me much grief from the current philosophical community." Note especially the references to that which is *contemporary, current*. The sage will often be without honor not only in his own house but in his own time; it is to posterity he must look for an acknowledgment of his credentials.

Those who were led to appreciation of libertarianism by the scintillating arguments of the earlier Nozick need not, therefore, fear their demolition by the New Nozick.

The earlier Nozick won acclaim for puzzling his way through the Lockean

proviso, compensation and risk, the logic of side constraints, and the like. These are now seen to partake of too straitened a slice of reality. The later Nozick addresses himself to the *big* questions. For example, we are told that the significance of the Holocaust is that "It now would not be a *special* tragedy if humankind ended," and that "Whatever changed situation or possibility the crucifixion and resurrection were supposed to bring about has now ended; the Holocaust has shut the door that Christ opened" (though, he avers, it might also reveal the way in which the rift between Jews and Christians can be mended). I do not mean to dismiss these as lunatic assertions; they are important claims that deserve careful attention. But why should we believe that they are *true*? Only the most perfunctory attempts are made to anchor them to a worked-out philosophical or theological theory—but, of course, theories are decidedly not what Nozick aims to construct here. If we have reason to accept these claims, it can only be because we perceive ourselves to be in the presence of someone who has seen considerably further, deeper, and more profoundly than we ourselves have done. It is not the premises but the person that matters. And while arguments may travel well, the force of the living presence does not; thus the later Nozick asks that "no reader summarize this book's contents or present slogans or catchwords from it, no school give examinations on the material it contains." The earlier Nozick would have called this *chutzpah*.

So when the reader blessed with staying power finally arrives at Nozick's recantation of libertarianism in Meditation 25, he is not surprised to find it unaccompanied by any new, powerful arguments that shear the fabric of liberalism. Rather, liberal neutrality is weighed in the balance and found wanting because it "would prevent the majority from jointly and publicly affirming its values." This objection, of course, antedates by millennia the politics it is now trotted out to oppose. Traditional societies have, from time immemorial, denied civic standing to those who refuse to affirm its values, as have this century's most virulent illiberalisms. Nozick surely realizes that since even before the destruction of the Second Temple, Jews were accorded a pariah status precisely because they declined to "jointly and publicly affirm" the values of the communities in which they resided. It would be grossly unfair to charge Nozick with willfully feeding anti-Semitism; it is, however, legitimate to expect him to display some awareness of the pedigree of this pernicious doctrine in ideas uncomfortably close to those he now earnestly espouses.

Those who were led to (initial or enhanced) appreciation of libertarianism by the scintillating arguments of the earlier Nozick need not, therefore, fear their demolition by his successor. That individual is now well beyond libertarianism, beyond philosophy, even beyond *beyond*. The few pages he devotes to politics neither say anything new nor say it better than have numerous others. A man who takes political inquiry seriously would not have written them. Despite his self-inflicted intellectual foot-binding, though, Nozick remains one of the most intellectually gifted thinkers of our time. Although he now declines to apply his gifts to philosophy as standardly practiced, he is probably incapable of writing a book that does not display philosophical gems of a brilliance that those of us less generously endowed would kill to possess. In *The Examined Life* he offers riveting, if tantalizingly underdeveloped, discussions of love, the emotions, and happiness. It would be unfortunate if the general baffle-ment within the philosophical community that this book will predictably occasion should lead to their being overlooked. Perhaps here too we shall have to count on the good offices of posterity.

Socrates was identified in the ancient world as the individual who "brought philosophy down from the heavens." What those who offered this characterization meant is that Socrates eschewed those airy speculations of his predecessors that concerned matters far distant from the reality in which our lives are lived. Rather, through homey metaphor, precise cross-examination, and persistent unwillingness to accept conclusions that could not be validated by reason, he explored in the most forthright and pointed manner possible what it is to live well. One of the few conclusions he seems to have wholeheartedly embraced is that philosophical activity is itself a (the?) splendid human calling. To be sure, Plato's Socrates urged philosophers to become kings, but he himself was sufficiently prudent never to volun-

teer himself for such high office. Nozick, though, bids philosophers to become sages—and is the first to enlist. Apparently, he now wishes to punch philosophy's round-trip ticket. For those of us susceptible to acrophobia, however, the journey back to the heavens is ill-advised. ❑

***Profscam: Professors and the Demise of Higher Education,* by Charles J. Sykes. Regnery Gateway, 1988, 304pp., $18.95.**

Exposing the "College Teaching" Scam

Richard Kostelanetz

The first disturbing incident occurred when I attended an academic conference. As a fulltime independent, I don't often attend academic conferences; but since I'd written a book on the subject to be featured, I was invited to give one of the two major addresses. Perhaps because I'd not had such an experience before, the conference was a revelation. The presenters could be divided into two groups—professors and nonprofessors—and in all eyes the fundamental difference between us was that, to put it mildly, the professors didn't know as much about the featured subject as the other participants did, or think as profoundly about his work. Their presentations tended to be simplistic equations of pet analytical ideas with an examination, cursory at best, of the subject's work. Out of naïveté (perhaps), I was shocked.

Why were these professors invited? Many were affiliated with the host institution, some were "big names" who had passing personal contact with the subject, a few were long-term colleagues of the organizer, which is to say that, within the political requirements of the situation, all three sets "could not be excluded." Why did they participate? Damned if I know if there were reasons other than vanity, a few bucks, and perhaps the opportunity to make further biz. None seemed embarrassed by what I took to be the implicit theme of their performances—that since they were Professors they didn't need to know anything.

It seems that even with reduced teaching loads university professors are the guys who don't know anything and haven't learned anything new in years. My suspicion is that to an increasing degree they devote most of their nonteaching time to posing as professors, to fulfilling the imagery of their trade, which is to say serving on university committees, throwing their weight around, and behaving pompously before impressionable audiences, all on the assumption that their academic titles will cover ineptitude and other sins. (Thus does academia resemble another institution similarly organized into hierarchies whose titled rankings compensate for the gut incompetence of those on the upper levels—the military!)

A second disturbing incident followed the publication, in an avowedly conservative magazine, of an article of mine on literary granting. My critic happened to hold a chair at the same Ivy League university that awarded me a degree (with "honors"!) a quarter century ago. In the course of putatively rebutting me, this "Distinguished" professor attributed to me, in quotation marks, something I did not say and do not believe. In short, he opportunistically fabricated evidence. When I was an undergraduate, students caught fabricating evidence would be flunked automatically. Yet, even when I exposed his fabrication, there were no explanations and no apologies. My first thought was that the rumor must be true—standards at such Ivy League universities aren't what they used to be. My next thought was that this professor must be answering to a lower law, so to speak, than that once imposed on students.

College teachers nowadays comprise two classes, in the Marxian sense—those who have tenure and cannot move and those who, lacking tenure, can only move.

A third incident happened to a very close friend of mine who recently heard his wife of long ago complain to a mutual friend that he forced her to type his M. A. thesis. In fact, the thesis was written well after they had separated and was typed for hire by someone else. What accounts for this superficially innocuous fib was that the ex-wife, in the course of switching from English Literature to "Feminist Studies," needed to invent a personal history of male abuse to "qualify" herself for the new position (and in part to compensate for her own tardiness in boarding an opportune academic train). "You're better 'qualified,'" a friend explained, "if you can tell a story that is untrue. That shows your commitment to the ideology, in this case to discovering male exploitation." In a climate like this, all notions of academics as disinterested seekers of truth are inappropriate.

One of the charms of Charles J. Sykes's illuminating *Profscam* is its ability to explain these last two incidents to me. Quite simply, the purported principle of "academic freedom" has become a lever for professorial fibbing and other intellectual abuse unavailable to independents (let alone normal human beings). Since professors can get away with fibbing to students, who are beholden to them for a grade, some let that bad habit deceive them into lying before general public. (Or thinking that former students are still students; but since I no longer need a grade to graduate, I am free to say that this emperor has no clothes.) Not only does Sykes expose the severity of a morass that many take to be unexceptional, but his specific analyses do what great social (or art) criticism should—make the invisible visible.

Sykes is correct in attributing many problems to the principle of tenure, by

which an aspiring professor is granted lifetime job security after a purported trial period. Because of the need two decades ago for college teachers to service the post-War baby boom, many intellectually (and pedagogically) insufficient people were granted tenure rather easily. The guys and gals tenured then now earn over fifty grand a year for no more than 7 1/2 hours a week in the classroom. However, once demand for college teachers declined in the 1970s, award of tenure became scarce; so that those who got their doctorates too late, their ambitions initially fueled by the myth of academia as a land of opportunity, became a sweated class of part-time instructors, largely of beginning students, moving from job to job strictly according to the laws of supply and demand, unable to compete with the tenured professors who had already graduated, so to speak, from the free market. As a result, college teachers nowadays comprise two classes, in the Marxian sense—those who have tenure and cannot move (communities of intellectual stagnation), and

I've been waiting for the sweated class to wise up and concentrate its political energies on attacking the obstacle that keeps it chattel—tenure!

those who, lacking tenure, can only move.

It seems to me that the major social legacy of the 1960s has been the revolt of the underling, whether female, black, gay or whatever, who refuse to be subservient any more. To this thought add the general parameters of this patently dialectical, explosive academic situation, and you understand why I've been waiting for the sweated class to wise up and concentrate its political energies on attacking the obstacle that keeps it chattel—tenure!

The fact that this attack hasn't happened, even though the untenured by now outnumber the tenured, makes me wonder about the "radicalism" that conservatives say they find prevalent in American universities today. Is this "radicalism" just a polemical invention? Or are graduate students being cynically taught that it is acceptable to be "radical" about social problems far away, in Nicaragua and South Africa, but absolutely unacceptable, to the point of professional suicide, to protest social inequities immediate to them? Can it be that by equating all attacks on tenure with McCarthyism and yahooism the professors have perpetrated one of the great intellectual deceits of our time?

However, if the elimination of tenure brings a decrease in unjustified, undesirable privilege and an elimination of institutionalized deadwood, along with creating opportunities for the underclass, it should be classified as a left position that resolves the dialectic mentioned before. It is also a libertarian position that brings the values of a competitive free market—values that characterize cultural life in general—to a backwater that has declared itself institutionally exempt from such reality.

The people best positioned to attack tenure are not parents and students, as Sykes argues in his conclusion, but exploited underlings. Since teaching assistants and the like comprise the shocktroops of college teaching, an effective national strike by these sometime chumps would force the tenured professors to take over their classes. If such basic university functions were not assumed, students would leave and universities would close down, eventually declaring bankruptcy and thereby voiding all tenure contracts. Once reorganized, such universities could create wholly new, inevitably better faculties in a freer marketplace. It seems obvious that the elimination of university tenure would bring a more fluid professional world and genuine academic freedom, along with a greater public accountability and thus more human and intellectual responsibility. Utterly obvious, I hear you say.

I should add that if university professors are to be truly professional, rather than, as now, grubby unionists, they should introduce mechanisms for policing abuses by colleagues. Professors caught fabricating evidence (or purportedly reviewing books they patently haven't read or completely ignoring their students) should be suspended without pay for a year, for much the same reason that professional athletes caught using illegal drugs are now sus-

pended—they set a bad example for children while exploiting their positions of influence and jeopardizing the reputations of their colleagues. What Sykes shows, and what favorable responses to his book confirm, is that professors had better end their scam if universities are to survive. ❑

The New Right v. the Constitution,
by Stephen Macedo. CATO Institute, 1986, 60pp., $7.95.

Right, Wrong, and Constitutional

James S. Robbins

In his eight years, Ronald Reagan appointed three Justices to the Supreme Court, elevated William Rehnquist to the post of Chief Justice, and filled seats in over half the lower Federal judgeships. Despite claims to the contrary, most of the judges were appointed with an eye to their philosophical dispositions. "Liberal activists" were generally passed over in favor of "conservative strict constructivists." There was a good deal of self-righteous verbiage from the Democrats, who made it sound as though Reagan had invented the judicial "litmus test," which in fact is one of the most hallowed traditions in American politics, dating back at least to the first Marshall, and probably to John Jay.

It was during the confirmation hearings for Robert Bork that the idea of an ideologically neutral Supreme Court was most discussed, mainly as a political tool to defeat the outspoken Bork. Lawrence Tribe even concocted the unprecedented principle of "balancing" the Court, in other words, that a President be required to fill vacant seats with new justices more or less agreeing with their predecessors on the issues of the day. (This is a conspicuously political notion in the guise of neutrality, and the true mark of its sincerity will come when its originator is called upon to comment on a proper replacement for the current Chief Justice, especially if a Democrat is in office at the time.) *The New Right v. the Constitution*, by Stephen Macedo, was written shortly before the Bork-roast, and, coincidentally, used Bork as a prototype of the sort of Justices who would be shaping American jurisprudence for the coming decade.

Macedo isolates what he sees as four of the most distinct currents of thought among the justices of the New Right: a reverence for the Founding Fathers and the notion of Original Intent; a democratic impulse as the fundamental Constitutional value; recognition of the authority of text over abstract principles; and the concept of morality as a majoritarian, communitarian phenomenon, not a private, individual one. He then sets out to show the flaws in all four propositions.

The first section is probably the best argued and most conclusive. The New Right seeks to constrain the search for meaning in the Constitution, and their tool is the Jurisprudence of Original Intent. On its face, the logic of this concept is clear enough—the Constitution is a document with a history, rooted in traditions that are fundamental to its understanding. An examination of the writings of the men who conceived the document will give one the wisdom to interpret it correctly.

Critics have often cited technological change to assault this argument; since the Framers knew nothing of microwave ovens, for example, the Constitution must be flexible enough to meet changing circumstances. This is a somewhat muddled counter to an argument that is based on a completely flawed assumption, namely that the Framers were in general agreement on the meaning of the Constitution. Even a cursory examination of the literature, as recommended by the advocates of Original Intent, shows how vacuous Original Intent really is. Through several choice examples, Macedo demonstrates that there was as much agreement about Constitutional interpretation then as there is now. Madison, for example, argued that "all new laws" were to be considered "obscure and equivocal" until they had later been sorted out through the legal process (p. 15). Along similar lines, Hamilton wrote that "[n]othing is more common than for laws to express and effect more or less than was intended" (15). It is difficult to see how the champions of Original Intent could argue against the Framers themselves.

Macedo sees in the majoritarian impulse of the right a preference for the political power of the masses over individual rights. This, he says, forms the basis of the New Right's legal outlook. Advocates of this majoritarianism tend to look askance at the prerogatives of the Judiciary, even those clearly stated in Article II, as interference with the proper working of the Legislature or Executive.

Yet, the Constitution was crafted as a republican rather than democratic document, creating a government in which the various branches share certain powers (the idea of a "separation of powers" is a misunderstanding of the Constitutional mechanism) to limit each other's influence. The Constitution was definitely not established to give Congress supreme power. The legislative power, as Macedo notes, is granted, not assumed. However, the case cannot be made overmuch. Macedo fails to appreciate the potential power that Congress may wield over judicial review through limiting the appellate jurisdiction of the Court. While this power has rarely been exercised by the Congress, it could be used to defang the Supreme Court as an agent of oversight. However, such a situation would require extraordinary political circumstances.

Perhaps the weakest portion of Macedo's text is his assessment of the New Right's "scorn for abstract principles." He states that "New Right theorists destroy the distinction between moral reasons and arbitrary preferences" (35). But the case against the Right is not so clear as Macedo would make it. Much of his proof involves making assump-

tions about the motives of his subjects. For example, he quotes Rehnquist as saying, "[m]any of us necessarily feel strongly and deeply about our own moral judgments, but they remain only personal moral judgments unless in some way given the sanction of law" (34). This Macedo characterizes as "moral skepticism in the service of majoritarianism, masquerading as an innocent respect for the constitutional text" (34), a criticism totally out of proportion to the original assertion. Furthermore, one cannot assert that moralism *per se* is always a good thing. Bork's recent comments on flag burning—that it constituted a "fundamental evil"—were highly moralistic, and also quite alarming.

While nominally in the states rights camp, New Right jurists, like those of any other group, tend to favor whatever unit of power will best help them reach their ends.

In his defense of principle, Macedo writes eloquently about the Founding Fathers' common view of man—this after previously denying any unity among them. Ironically, he quotes Alexander Hamilton and Thomas Paine in the same paragraph—Hamilton, whose scorn for majority rule reached Stuart proportions, and Paine, who found truth even in the excesses of the French Revolution (until he barely escaped with his skin during the Terror) (37). Macedo, after Justice Chase, invokes "the general principles of law and reason" that constrain legislators in the performance of their duties (39). Yet, the Constitutional mechanism was designed in mistrust of the legislature, in order to keep it in check. Otherwise the Framers might have settled on a pure Parliamentary system (see Madison's *Federalist* #10 for the concise argument).

Finally, in an attempt to show the place of principle in the history of Constitutional law, Macedo states that Marshall invoked abstract principles in the case of *Ogden v. Saunders* (1827). "'Individuals do not derive from government their right to contract,' he wrote, 'but bring that right with them into society'" (39). True, this is an appeal to an abstract right, but the concept of such rights is expressed in the text itself, in the fifth, ninth and tenth amendments (at least). A better example, also cited by Macedo, is *Fletcher v. Peck* (1810), in which the state of Georgia was restrained from negating a land purchase "either by general principles, which are common to our free institutions, or by the particular provisions of the constitution of the United States . . ." In this, Marshall makes explicit the idea that there are principles coexisting with the Constitution that are as important.

Macedo describes vividly the New Right's contempt for individual morality, and the words of Bork ring more clearly here than anywhere. Bork would "treat violations of the majority's view of good conduct as 'moral harms' against the community at large—harms to be treated as 'pollution' of the moral 'atmosphere'. . . . [The] major freedom, of our kind of society is the freedom to choose to have a public morality" (52). This is a frightening thought, but it is exemplary of the kind of reasoning one may encounter when one appeals to abstract principles (in this case, moral uptightness). Macedo rebukes those who would universalize their biases, and states that "[t]he relevant question is not whether America is to be a moral community, but what kind of community it is to be." A related and very important question is, is America a community at all? It might be better if the term community were used with greater discipline, referring only to the groups to which it can properly be applied. In a good twist of reasoning, Macedo closes the section by arguing that if there is to be a public morality, it must be founded on tolerance—of the sort the New Right does not display.

One question the book does not address is the stand the New Right takes on the question of states rights versus Federal supremacy. In fact, there is no New Right position on this matter. While nominally in the states rights camp, New Right jurists, like those of any other group, tend to favor whatever unit of power will best help them reach their ends. The New Right would undoubtedly oppose a national law on abortion, for example, but would also cry out about the need for enhanced federal drug statutes, especially in states like Oregon where drug users are "coddled."

If the jurisprudence of original intent and the other aspects of New Right legal thinking are to be rejected, what may stand in their place? Macedo argues in favor of "principled judicial activism," a doctrine whereby moral theory acts as an aid (not a substitute) for interpretation of the text. New Right strict construction is abandoned, but so is the alternative "loose" construction. Principled judicial activism would allow for judicial intervention, but not based on the political whim which has, in recent times, divided rights into the classes of "property" and "human." Instead, all rights (even those not mentioned in the document) would be protected equally, and all constitutional amendments would be applied and interpreted equitably. "Only by fusing constitutional and moral theory can interpreters at once vindicate and justify the Constitution's authority as supreme law," Macedo writes, "only in this way do interpreters help insure that our republic will remain worthy of allegiance and that we will be governed by more than power and mere willfullness" (48).

Principled judicial activism is a worthy synthesis of approaches to the problem of constitutional interpretation. However, it requires that interpreters share libertarian views on the nature of rights and Constitutional norms. The

"The best part of it is that if the government ever starts to grow too big, the Supreme Court will put a stop to it."

prospective treatment of the unmentioned rights "retained by the people" in the ninth amendment may serve as an example. Some would not list universal health care, day care, housing, food, clothing and other basic requirements among these rights, but others certainly would. The correctness of the positions may be determined by an appeal to abstract principles, but when these conflict, who is correct? How is the truth found? In the political world, it is not. There, results are determined by political process, not scholastic argument over the nature of rights.

Right and wrong will always exist. But a political system cannot simply be pointed along the path of right and switched to autopilot. It is useful to have a philosophy like principled judicial activism to serve as a political tool for the organizing of one's cadre. But the law, especially Constitutional law, is not now and never will be divorced from politics. Political conditions gave the New Right jurisprudence its influence, and political conditions will in time denude it. Those who oppose it should set about whittling it down using every approach, and Stephen Macedo's monograph is a fine primer for those who would attack the problem through the avenue of legal philosophy. ❑

Letters, *continued from page 20*

No Pax with Theonomists

Jeffrey Tucker argues that advocates of liberty should consider "short-run alliances" with Christian fundamentalist Reconstructionists, who take their "marching orders" and their "blueprint" for state rule from the Bible's theocratic laws. I grew up with the Bible, and the idea of a theonomy from it fills me with horror.

Reconstructionists decree the Bible's *inerrancy* as the primary presupposition of all thinking. Mr. Tucker tells us that this doctrine "tends to minimize the role of reason." But it *abolishes* reason. It is blind Bibliolatry that fosters ethical idiocy, with clear Biblical precedents (e.g., I Samuel 15, the Divinely ordered slaughter of an entire race, "men, women, children, and infants," for an action of their ancestors). To derive a standard of right from the Bible's lessons rather than from reasoning about real-world individual human life is a ghastly mistake.

We may defeat modern-liberal statism, only to be ambushed by our theocratic "allies." Then the debates in the pages of *Liberty* will be restricted to whether heretics should be stoned or burned alive.

Ross Barlow
Russell, Pa.

Friedman Agonistes

David Friedman ("Simple Principles *vs.* the Real World," September 1989) does such a good job of punching holes in current libertarian dogma that it is a shame he doesn't realize that the underlying problem is the implied social context liberty thrives in and not just the anomalies at the extremes of the natural rights–propertarian ethic.

Friedman gives examples where the typical libertarian constructions break down and we might have to fudge a little to stay real. He regrets having to do so. It would be far easier simply to stop denying the internalization that takes place during the process of true community building and the concurrent evolution of legal concepts outside the state.

The practical developments in the grey areas only appear to be elusive because we have ignored fully one half of the ideas and processes necessary for a libertarian society to exist, even though they have been written about extensively outside "official" libertarian parameters. These ideas are imperative if we are to duplicate the social context that property and the market process requires. Our artificial coercive institutions are successful because they have done this.

The old light bulb joke about libertarians not worrying about what needs to be done because the market will take care of it just isn't funny any more. People have deep emotional and cultural needs that we aren't addressing as a movement. We fail to attract serious popular interest and lose activists because of it. We have learned nothing from the experience of the Objectivists.

As human beings we are communitarians as well as propertarians. We can either acknowledge it or continue to let the state have full reign to exploit those communitarian needs and sentiments.

Dante DeAmicis
Redding, Calif.

Perfect Information, Please!

Much of John Hospers's analysis ("Open *vs* Closed Libertarianism," July 1989) consists of variations of that age old problem: acting in the face of imperfect information.

I point this out because it might otherwise appear that Hospers has identified many separate problems. Imperfect information is a universal problem, not only disrupting the application of libertarian analysis in all its facets, but equally troublesome to all other non-libertarian philosophies.

The obvious solution is for libertarian theorists to come up with a formulation that takes into account the imperfect nature of information, and which thereafter suggests the appropriate corrective measures to insure action consistent with libertarian principles. But, of course, this is impossible. For any given case, one can always hypothesize plausible errors in information that can miscue libertarianism (or any other ideology) into engaging in exactly the wrong action. There simply is no hope of inventing a "libertarian" solution to imperfect information—there will always be the potential for well intentioned, but nonetheless, anti-libertarian outcomes.

Since this problem of imperfect information is universal, it is no argument in damning libertarianism and then switching to some other philosophy (except perhaps to ethical nihilism.) And there is no reason to accept anti-libertarian criticisms that are based upon it. But libertarian advocates should be aware of the problem, and libertarian theorists should (if they haven't already) spell out some of the general approaches used in dealing with imperfect information (and I'll wager that the words "majoritarian consensus" figure prominently in many.)

John Logajan
Arden Hills, Minn.

Hospers responds: We do not have perfect information. If we did we could solve these problems that I pose. If we had some ham, we could have some ham and eggs, if we had some eggs.

Notes on Contributors

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

"Baloo" and *"Holle"* are *noms de plume* of Rex F. May, whose cartoons appear in *The Wall Street Journal* and other periodicals.

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Adam Starchild is serving ten years for tax fraud at the federal prison in Ashland, Kentucky.

In the Next *Liberty* . . .

- **The *Liberty* Interview: Barbara Branden**—Frank talk about her life within the Rand circle, her ex-husband's steamy memoir, the art of biography, and what is living and what is dead in the philosophy of Objectivism.
- **The Greenhouse and Your House**—Environmental scientist Patrick J. Michaels compares the "popular vision" of ecological catastrophe with the scientific evidence and discovers that the world is a lot more complicated and a lot less worrisome than the doomsayers claim.
- **Animal Rights and Human Rights**—John Hospers explores the question: Do animals have rights?
- **A Free Man's Guide to Religion**—Murray N. Rothbard reviews recent developments in Christianity and explains why they are important for libertarians.
- **Libertarian Intellectuals as Government Lackeys**—George H. Smith argues that libertarians who accept employment from the state don't simply harm their own souls: they harm other libertarians as well.

Terra Incognita

New York

Ingenious suggestion to solve the Savings & Loan crisis, offered on Phil Donahue's nationally syndicated television show, as reported by the Washington *Post*:

> "Why can't the government pay for these debts instead of the taxpayer?" one man proposed, to the cheers of several hundred people in the audience.

Dermott, Ark.

Advance in political science from this outpost of civilization in southeastern Arkansas, as reported in the Denver (Colo.) *Rocky Mountain News*:

> Under a ordinance passed by Dermott City Council, parents of children who are away from home after 11:00 pm can be fined up to $500, jailed for 30 days, have their photograph published in the local paper with the caption, "Irresponsible Parent," and be held in stocks for two days.

Tunis

Advance in geneological research, as reported in the Detroit *News*:

> William Shakespeare was not an Englishman; he was in fact an Arab dignitary named Shaykh Zubayr Bin William. The discovery was announced by Libyan leader Moammar Khadafy during an address to the Tunisian parliament.

Bangkok

Advance in semantics by the leader of the Socialist Republic of Vietnam, as reported by the *Associated Press*:

> "Democracy does not mean that one is free to say what one wants to say, write what one wants to write and do what one wants to do," said Nguyen Van Linh in a speech celebrating Vietnam's National Day. "These are essentially anarchist acts."

Longview, Wash.

Progressive education, as practiced in the Pacific Northwest, as reported by the Seattle *Times*:

> Using a $252,000 grant from the State of Washington, Lower Columbia College organized a special series of classes and on-the-job training for new employees of two lumber mills. According to the manager of one of the mills, the program was a real success. "It helped the business turn a profit within three years—much sooner than it had expected."
>
> To make the program more efficient, according to one of the college's supervisors, it was decided to make up the name of class titles and give the students grades, without requiring them to attend any classes. "The classes were made-up names, and some of them weren't even logical names," one administrator advised.
>
> Linda Broderick, deputy director for the state Board for Vocational Education, explained, "This was a wonderful program, one of the best vocational-education things going." Another administrator added, "The funds were used. We did the training, and it helped us. The community now has 210 families being supported where it had only 60 before. A lot of good came out of it. The community is reaping the benefits."
>
> One state official was critical of the program. Patricia Green, assistant director of the state Board for Community College Education, suggested that if the administrators had reported the grades to the students, "more of them might have realized that indeed they were involved in the project."

Port Townsend, Wash.

Intriguing health-care announcement in the Port Townsend *Leader*:

> "PMS—Curse or Cure?" A workshop with Shinan Barclay, "Empower Your Period, Honor Your Moontime" will be conducted at Phoenix Rising Bookstore on August 6 from 10 A.M. to noon.

Washington, D. C.

Solution to the problem of daylight time, excerpted from the timetable of Amtrak, the passenger rail service operated by the federal government:

> Amtrak operates according to the prevailing local time—either daylight-saving or standard time. On the last Sunday of October, when most communities set clocks back one hour at 2 A.M., Amtrak trains will hold back for one hour to be 'on time'—not early—according to local time. On the first Sunday in April, when most communities set clocks ahead one hour, Amtrak trains may operate an hour late, however, we attempt to adhere to the published schedule.

Philadelphia

Technological progress in the War on Drugs, as reported in the Philadelphia *Inquirer*:

> Mayor Wilson Goode unveiled a new tool to fight drugs: a bulldozer. In a press event in north Philadelphia, Mayor Goode announced that the city would raze 82 buildings that he described as "places where drug dealers can hide and do their dirty work." The sites formerly occupied by the buildings will be covered with wood chips and fenced in.
>
> Capt. Bruce Forstater, who oversees the area for the Police Department, said that the demolitions would have little effect on drug traffic. "But it's better than doing nothing," he added.

Studio City, Calif.

Evidence that America treasures its cultural heritage, as reported in the Seattle *Times*:

> Residents of Studio City are seeking "cultural landmark" status for a car wash built in the 1950s in an attempt to prevent a developer from tearing it down. "It certainly is a handy place to get your car washed," one resident said.

Tokyo

Latest international culinary delight in the world's richest city, as reported by the London *Economist*:

> Uniformed McDonald's employees distributed leaflets showing a man in a white hat (identified as McDonald's "executive chef") with his latest "French style" creation: a "Teriyaki Burger," consisting of "a disk of chicken covered with a sweet and sticky soy sauce and topped off, like a Big Mac, with lettuce and mayonnaise."

Washington, D.C.

Expert testimony for government control of handguns, as reported in the New York *Times*:

> If a compulsory waiting period for purchasers of hand-guns had been in force in 1981, "I believe I would not have gone forward with the effort to shoot the President," John Hinckley said of his attempt to assassinate the president in order to impress Jody Foster.

(Readers are encouraged to forward newsclippings or other documents for publication in *Terra Incognita*.

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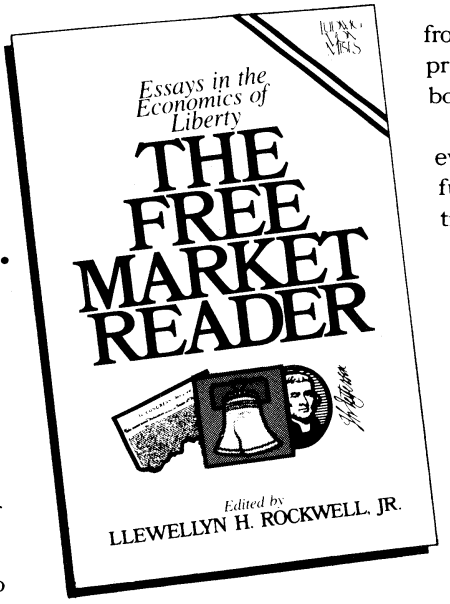

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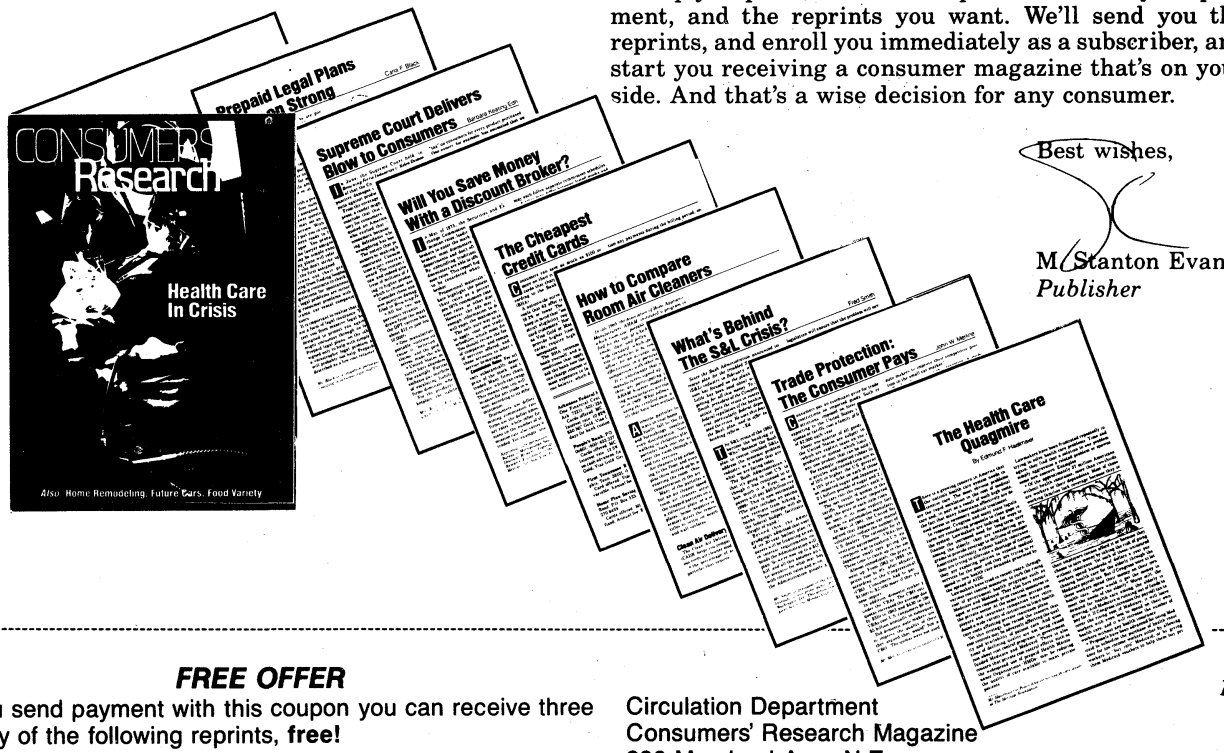

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