

Liberty

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November 2009

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Letters

Beyond Their Means

Jon Harrison in *Reflections* (September) asks whether it is true that a reported 12% of Americans are going hungry, as, apparently, a public service announcement has claimed.

I have not seen this announcement, but I have worked as an interviewer (intake volunteer) at my local emergency-helping agency (food, clothes and limited financial assistance for the qualified) for well over 15 years. My agency works with the working poor. I suspect that the statistic of one in eight being hungry refers to what the professional "advocates for the hungry" call situational hunger. I sometimes oversimplify and call it "too much month left at the end of the money." Working poor often have hungry periods, but are not chronically hungry. If you were to draw a line to represent a break-even point where these folks' income and expenses were equal, you would find that over time their actual income was sometimes above and sometimes below that break-even point. When they are taking in above the break-even point — say they have a job that pays \$10 per hour rather than the minimum wage, or gives them 35 hours a week rather than the more usual 20 — then they buy their TVs and game systems for the kids. They generally can hold on to some of those paid-for items, even though there will be weeks when their hours get cut or they lose their jobs and end up with no food in the house, while looking for another job. The shortage may occur

abruptly and unexpectedly, as these folks are subject to decisions made by others. These folks do not live month to month. It is basically week to week, if not day to day.

Also, one should not minimize the difficulties that clients may have in accessing either government or charitable food providers. Clients must try to fit visits to the pantry into a schedule where being at work, applying for jobs, or caring for kids has higher priority. I volunteer on an afternoon shift at the pantry. When I interview a client and his responses are slow, or he is accompanied by whimpering and listless children or seems unusually eager to get his food donation, I ask, "Have you had anything to eat today?" Frequently, the answer is "No." Our pantry has little preassembled bags of food for the clients to eat on the spot. Then we can take care of the longer term by filling a food donation order.

Susan Frensley
Richardson, TX

Harrison responds: Ms. Frensley raises a very important issue in her letter, viz., that some people have children they can't afford to raise. People such as she describes simply have no business starting a family. Indeed, I would say this is the number one social problem in the United States today. We allow everyone to believe they have a "right" to reproduce, irrespective of their economic circumstances. As a result the poor blithely go ahead and produce passels of brats who depend upon the

Letters to the editor

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rest of us for sustenance. Government could do something beneficial for society by starting a program to instruct the citizenry that parenthood is not in fact a right. I would gladly pay taxes for this.

I'm sorry, but I don't see that the working poor are justified in buying video games or a TV when they are above the "break-even point," if it means they will require public assistance a little later on. Instead, they should save any overage for the leaner times. Anyone feeding at the public trough should not be buying luxuries of any kind.

It's true that some families fall on hard times and have trouble making ends meet. I myself have known a hungry day or two in my life. I would spend public money on soup kitchens to ensure that every American has enough to eat every day. I don't want any of my fellow citizens, even the most irresponsible among them, ever to go hungry. But I also want the government, the

churches and the "advocate class" to tell people straight: you must not have children you can't support!

Capitalism's Black Spot

Ever the snob, Michael Christian seems not to have consulted a news media outlet of any political stripe or of any language. "Hasn't anyone noticed that the industries suffering spectacular collapses because of bad risk management are two of the most heavily regulated industries in the country — banking and insurance?" he declaims ("Bastiat on the Bay," September).

Other libertarians might not notice or care about the sleight of hand used here, but I did and I do. Part of the spectacular collapse occurred in that portion of the banking and insurance industries that was least regulated, thanks to the midwifing of Alan Greenspan and other free market defenders in the birth the CFMA of 2000. The collapse involved

From the Editor

You have to pity President Obama. (Well, maybe you don't *have* to pity him, but you can certainly try.) As Liberty goes to press, his popularity is plummeting, and his legislative agenda arouses more antagonism every day. You can bet he can't sit at his desk for five minutes without having to listen to panicked advisers demanding that he *do* something — six or eight simultaneous and contradictory things — to get his administration out of the jam.

Here is a man who sacrificed all earthly joys to the strange ambition of becoming president. And even that wouldn't be so bad, if he'd taken the job on the terms in which it was originally described — to "defend the Constitution of the United States" and "take care that the laws be faithfully executed." That wouldn't take 24 hours a day. But President Obama, like all other recent presidents, considered it his duty to "run the country," and especially to "run" its economy — without, of course, having any idea of how to do that.

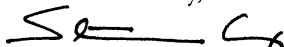
The consequence is that he spends his days being lectured by hysterical or morose and truculent aides. Most of them, he knows, are quacks, since they constantly disagree with one another, in the most bizarre and dogmatic ways. But *which* ones are quacks? That's what he'd like to find out.

How can he tell? He doesn't know anything about economics or history or even, apparently, the American people. And he doesn't have time to study up on those things. What's he to do?

Well, Mr. President, we at Liberty have a suggestion. Just send us \$29.50, and we will send you a year's subscription — eleven big issues, delivered directly to your home by an agent of the U.S. government. It won't take long for Liberty's authors to tell you what you need to know. And if you act on their advice, your popularity will return. Best of all, once you stop doing all the things you never really needed to do, you'll have a lot more time to spend with your daughters.

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For Liberty,



Stephen Cox

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those financial institutions who — with unbound hands and free will — chose to invest in a mortgage pool swelling with subprime mortgage, via such esoteric instruments as credit default swaps.

“Christian” must be more than a name, it must be a descriptive — he seems devoted to the belief that nothing bad can ever happen in a totally free market

For “show me” libertarians — who always knew that subprime mortgage lending was a disaster waiting to happen — the lesson of the collapse was that a few individuals in the right place can be so blinded by the feeding frenzy that they can bring about a different and larger disaster, one that hurts far more people.

Any more like this, and capitalism can forget about any superiority it might have — an intelligent and democratic society will avoid it. It’s time to quit thinking like a Christian.

John Eyon
Seattle, WA

Christian responds: I’m grateful for this letter. It gives me a chance to plead guilty and to reiterate something. First the guilty plea — I am, indeed, a snob, but how did Mr. Eyon figure it out? I’m perplexed. Now to reiterate — the mortgage pool swelled with subprime mortgages because Freddie Mac and Fannie Mae, both creatures of the government, made or guaranteed most of those loans and regulators with great arbitrary power over other financial institutions strongly encouraged such loans.

Self-Evident To Whom?

Stephen Cox’s review of “The Latest Illiteracy” (September), like virtually anything he writes, was an insightful pleasure to read. One particular observation, however, struck a dissonant chord with me and, at the risk of exposing myself as a complete crank and being told to “go away,” I’ll take issue with Cox’s (and nearly everyone else’s) assessment of the Declaration of Independence’s “We hold these truths to be self evident” passage.

Lofty words. Pure poetry, perhaps — but devoid of any connection to reality. It is not self-evident that “all men are created equal,” or “that they are endowed by their Creator with certain unalienable rights,” or “that among

those are Life, Liberty, and the pursuit of Happiness.” One need only look at the history of the Bill of Rights and its ignored 9th Amendment to realize that the only rights citizens retain — much less “are endowed with” — are those that they explicitly claw from their government; Life, Liberty, and the pursuit of Happiness not included. Perhaps they were too “self-evident”?

It took nearly another 100 years for those three self-evident rights to be included in the Constitution under the 14th Amendment as “life, liberty, or property.” And even now they’re not secure. “Pursuit of Happiness” was an elegant albeit vague and meaningless euphemism for property, which Jefferson was loath to include fearing it might justify slavery. Unfortunately, the omission later caused such an erosion of property rights that there is now popular clamor (one proponent being the Institute for Justice) for a property-rights amendment to the Constitution.

The slippery nature of even enumerated rights — much less “self-evidently endowed” rights — comes to mind in Justice Oliver Wendell Holmes’ dissent in the *Lochner v. New York* case. His particularly perverse interpretation of the 14th Amendment, using original intent, mind you, found that since the amendment was originally written to protect the rights of freed slaves, it could not apply to workers and management deciding the length of their workday. But then, he was famous for declaring that he could decide any case, any way, using any principle.

As populist rabble-rousing, Jefferson’s clause is second to none, and in that sense, it is great writing. However, as a description of reality or a recipe for government, it is a complete failure. Therefore I must counterintuitively conclude, being a firm believer in the dictum that form follows function, that the clause in question is neither effective nor elegant writing.

Robert H. Miller
Prescott, AZ

She’s a Keeper

All my life, I have heard the question, “Am I my brother’s keeper?” treated as though it is a serious question that asks whether one is responsible for another’s living standards. But such out-of-context quotes give a completely different meaning than the plain words

would lead one to believe. It’s a lot like the meaning given to “Give unto Caesar that which is Caesar’s,” except the true meaning of this one is much more clear.

A “keeper” is one who keeps another captive. Think “zookeeper.” “Warden” or “jailer” would be a synonym. Cain’s response to God’s inquiry, “Where is your brother?” was a smartass answer, made more asinine by the fact that Cain knew full well where his brother, Abel, was: dead by his hand. “I know not. Am I my brother’s keeper?” In other words, Abel is a free adult; Cain doesn’t control Abel’s movements. Cain’s response was *not* a serious philosophical question.

This came to mind when Barack Obama used the phrase in a speech recently, saying that he thinks he *is* his brother’s keeper. If he really means that, he is truly dangerous; he wants to turn the entire country into a prison, with him as warden.

Rush Limbaugh didn’t pick up on that; he and his co-hosts and guests treated it as a question regarding caring for one’s brother. A keeper is responsible for his captives’ wellbeing, but only because they cannot fend for themselves — a fact that many people forget about when they rail against prison health care. Obama apparently wants to make the country a big prison, so he can take care of everyone’s health.

Biblical literacy being at such a low point in this country, Jo Ann Skousen’s review (October) of “My Sister’s Keeper” also fails to note the film’s perpetuation of this Biblical misinterpretation. The quote from Emerson’s “Self-Reliance” does not employ the phrase; it probably would not have occurred to people in Emerson’s time, when most Americans actually read the Bible, to turn an obviously sassy answer to God into a serious philosophical question.

Rycke Brown
Grants Pass, OR

Skousen responds: You’re right that a “keeper” is one who keeps others in a confined location, and usually — though not always — against their will. When Cain asks “Am I my brother’s keeper?” he probably does mean, “Is it my responsibility to keep my brother by my side and in my sight?” and not “Am I supposed to take care of my brother?”

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Reflections

Some say ice — Sunspots normally peak and ebb on an 11-year cycle. But shortly after astronomers started keeping track of them in the early 1600s, the sun virtually stopped producing sunspots for a period of about 70 years. That period is known as the Maunder Minimum. Coincidentally, the Little Ice Age occurred during this lull.

Recently the sun has once again virtually stopped producing sunspots. I am not qualified to predict whether we are headed for another minimum, and I'm not qualified to say whether sunspots affect earth's global temperatures (although the evidence looks pretty good to me), but I am rooting for Little Ice Age II, for two reasons.

First, I don't want to see cities at low elevations devastated by rising oceans produced by melting ice. Second, I'd love to hear Nobel Laureate Al Gore's explanation of why the heating bill for his mansion continues to climb. — Jeff Wrobel

Hard numbers — The company that created and administers the ACT college admissions test has just released the 2009 analysis of the nationwide results, and they are not encouraging.

The results show that while 67% of high school graduates are college-ready in English, only 53% are college-ready in reading, less than half (42%, to be exact) are college-ready in math, and less than a third (28%) are college-ready in science. In fact, less than a quarter (23%) are college-ready in all four areas.

This is about high school grads, please note. It doesn't consider dropouts, who constitute a large percentage of students in most large public school districts. Nor does it consider high school grads who don't take college admission tests, either because they are going straight into the work force or are going to junior college or trade schools.

The results are essentially the same as for last year (when only 22% of the test takers were college ready in all four areas).

Considering that the sample size here is large — about 1.48 million out of the 3.3 million eligible high school students (usually juniors) took the test — it is clear that our educational crisis continues.

Indeed, the figures are so disappointing that Bob White, head of the nonpartisan Alliance for Excellent Education, was moved to opine, "We're not making the progress we need to be making. The only way you improve these numbers and get

them higher is by improving your secondary schools." Really, ya think?

But improving secondary schools requires more school choice, something Obama and the Democrats in Congress staunchly oppose. In fact, the only major educational initiative that these union-controlled hacks have taken was to kill the DC voucher program.

You can expect the primary and secondary educational system in America to continue to rot for years. — Gary Jason

Gunfight — The controversy about carrying guns in public is not new. In 1967, however, the political alignments on this issue were completely different. Many conservatives (and others) objected when the Black Panthers insisted on exercising this right in California. In response, Gov. Ronald Reagan signed the Mulford Act banning the carrying of guns in public.

Many defenders of liberty have felt the need reflexively to defend the gun-toting citizens who have recently appeared at rallies. This is a mistake, or at least an incomplete response. A far more productive contribution to an otherwise futile debate is to emphasize privatization as a solution. We can find a just and efficient answer to the question only by treating this as a tragedy-of-the-commons issue.

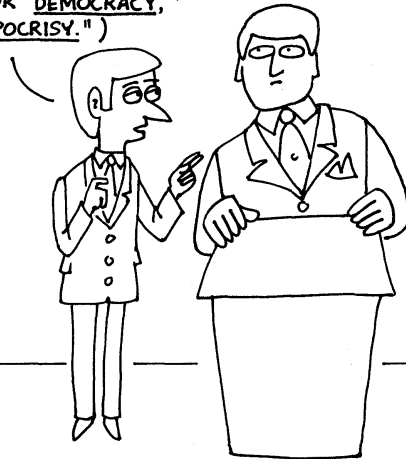
Both sides have a point, but neither can ever be satisfied as long as thoroughfares, parks, and other venues for town halls or rallies continue to be government owned. When a venue is privately owned, the issue becomes a relatively simple one: the owner decides who can carry guns. The problem (to the extent it is a problem) arises only when we take

private property out of the equation. In the absence of privatization, the controversy will never end until one side or the other forces its will over the commons through the brute force of legislation. — David Beito

Turnabout is foul play — No matter how much I try, I just can't get excited about the Republicans in Congress opposing Obama's healthcare reforms. Sure, they have correctly said it is too expensive and too socialistic. But like the proverbial pot calling the kettle black, the Republicans are hypocrites, as well as big spenders who frequently support socialist legislation, when it is their own.

How quickly conservatives forget that it was Republicans in 2003 that gave us the Medicare Prescription Drug,

(SIR, IT'S "DEMOCRACY,
SAFE FOR DEMOCRACY,"
NOT "HYPOCRISY.")



SHCHAMBERS

Improvement, and Modernization Act (PL 108-173). Initially projected to cost about \$400 billion (which is still \$400 billion too much), it is now projected to cost over a trillion dollars.

Introduced on June 25, 2003, by the Republican House Speaker Dennis Hastert and supported by the Republican House Majority Leader Tom DeLay, this reform and modernization of Medicare passed the House (220–215) and the Senate (54–44) in late 2003 with overwhelming Republican support. In fact, it was Democrats who almost defeated this massive expansion of the welfare state. Only nine Republicans in the Senate and 25 in the House voted against healthcare reform in 2003.

Why are the Republicans en masse opposed to healthcare in 2009? Have the Republicans become libertarians, or are they partisan hypocrites without any real allegiance to the Constitution or the principles of liberty and limited government? I'm afraid it's the latter.

— Laurence M. Vance

Health is in the eye of the beholder — Overhauling the U.S. medical system will do absolutely nothing to improve the health of the population. American medicine is extremely good for acute problems and diseases, but when it comes to health maintenance, it's next to useless.

Michael Moore, who is physically obese, intellectually dishonest, and philosophically unsound (what a pathetic combination — he should run for Congress), made the argument in his ridiculous movie that the average Cuban is healthier than the average American. That's correct, but it has absolutely nothing to do with the healthcare system. The average

Cuban isn't healthier than the average American because his healthcare system is better. It's a horrible, primitive healthcare system. The technology stopped advancing there back in 1960, and the doctors stopped learning new things in that year. Nothing has changed since 1960. But the average Cuban is in much better health than the average American.

There are two reasons for that: he gets a lot more exercise than the average American, and he has a much better diet, which is to say that he eats far fewer calories (and they are unrefined calories).

When things change in Cuba, so they have a diet like that of the average American and the same kind of transportation as the average American, the average Cuban will be in much worse shape.

People conflate the health of a population with a country's medical system, when these things really have almost nothing to do with each other.

— Doug Casey

Childishness — The handsome moron Van Jones resigned his job as Obama's "green jobs czar" (technically, part of the White House Council on Environmental Quality). Jones had, in years passed, reportedly signed a "truther" document alleging that George W. Bush had orchestrated the 9/11 attacks on New York and Washington, DC. He had also called all Republicans "assholes."

Jones's explanation for his resignation didn't make much sense. He said that his critics used "lies and distortions" to attack him; yet he legitimized their complaints by quitting. The New York Times had to twist its prose into logic-defying

Word Watch

by Stephen Cox

I don't know — why can't people care about the words they say and write? Don't they have any self-respect?

Mary Chesnut, the diarist of the Confederacy, wondered the same thing:

"I saw a letter from a girl crossed in love. It was shown to me and my advice asked. Her parents object to the social position of her fiancé, in point of fact forbid the banns. She writes, 'I am *misereable*.' Her sister she calls a 'mean retch.'"

For such a speller I said a man of any social status would do. They ought not to expect so much for her. If she wrote her 'pah' a note, I am sure that 'stern parient' would give in."

A "mean retch"! You have to give the girl credit — what a triumph of illiteracy!

Mrs. Chesnut adds, "I am miserable, too, today — with one s and one l." If she were here now, I'm sure she would share my own misery about the weird assemblages of letters and syllables that virtually everyone, from college professors to girls crossed in love, now accepts as words, decent and ordinary:

"Alright" ("all right" had too many letters).

"Thusly" ("thus" had too few).

"Deplane": "in the unlikely event of a water landing, passengers will deplane through the side-door exits" ("leave," apparently, had too few syllables).

"Detrain" (the inevitable result of "deplane").

"Pre-approve": "you are now pre-approved for credit" (the

actual approval will come two seconds before the crack of doom).

"Input": "please give me your input" (but why ask? — "input" is something, I assume, that I am required to give, whenever some computer bureaucrat inserts my plug in a socket, switches me on, and logs onto my brain; "input" is nothing like the old-fashioned "advice," which implied a human aspect).

That's ugly. But do people ever reflect on the weird things their words imply? Or on the nonsense that their words state directly?

Here's an account of John Steinbeck's involvement with movies. It says he provided "interesting introductions to several filmed adaptations of short stories by the legendary writer O. Henry." All right; now tell me, what are the *legends* of O. Henry? Was he the assassin of Jesse James? Or was he the guy who discovered the Holy Grail? But maybe I should be grateful that the writer didn't call him "infamous."

Of course, there are Americans who are oblivious to what they say, not on the small scale but on the grand scale. Our vice president is a fine example. In late July he gave an interview to The Wall Street Journal in which he remarked derisively on the deficiencies of the Russian political-economic zeitgeist: "They have a shrinking population base, they have a withering economy, they have a banking sector and structure that is not likely to be able to withstand the next 15 years [Wait! Is he talking about them or us?], they're in a situation where the world is changing

gibberish (or even more so than usual) to spin its coverage sympathetically to Jones.

Van Jones is a trivial figure, who may already be forgotten by the time this issue sees print. But, for me, the take-away point from his 15 minutes of fame is that people in fairly high positions inside the Beltway believe childish things. That administrations as inept as W. Bush's are able to control world events to provide *causa belli*. And that all members of an establishment political party share the same temperament.

I have a daughter in the 8th grade. She's gotten past such stupid thinking.

— Jim Walsh

For the children — As we go to press, our intrepid president is prepping to speechify the nation's children in an address which, to extrapolate from his prior bloviations, will be tedious, mawkish, and radiant with self-satisfaction. No change, then, from a normal session of government schooling. Yet the request that the kiddies set aside 20 whole minutes out of their day's intense study in order to attend to Dear Leader's words has sent many a school board to the soapbox, to announce their intended "boycott" of Obama's speech.

Presumably their complaint is not the same as mine — that those 20 minutes would be far better spent inculcating economic and mathematical understanding through such activities as slinging dimebags or shooting dice — but rather a more general objection to the attempted indoctrination. (As a side note, it would be interesting to measure the overlap between those who support a speech boycott, and those who support daily recitation of the Pledge of Allegiance.)

Admittedly, there's some credence to this charge: initial plans for the address included a Department of Ed handout that would encourage the children to "write letters to themselves about what they can do to help the president."

All the same, the fear is overstated, and there may even come benefits of enduring the president's missive. Primarily this is because kids today, however ill-taught they may be, are almost without exception media-savvy: when even lower-class families have a hundred channels, it's silly to expect that they will give more than five seconds' consideration to a single talking head — a presentation format that was already on its way out when Max Headroom had his brief static-burst of glory in the late '80s, and which is by now paleolithic. Hence the benefits: schoolchildren will be confronted with our latest political messiah, a man whose face has through sheer repetition become synonymous with "change," and they will realize that the man behind the face is, like any other adult authority figure, deeply and utterly dull.

Meanwhile, a much more audacious attempt at indoctrination has gone underreported, and would completely have escaped notice if not for the vigilance of Patrick Courrielche. On his blog, Big Hollywood, Courrielche detailed how in early August he and perhaps a hundred other artists had been recruited by the NEA to listen in on a conference call intended "to help lay a new foundation for growth, focusing on core areas of the recovery agenda — healthcare, energy and environment, safety and security, education, community renewal."

before them and they're clinging to something in the past that is not sustainable."

The vice president's words were in complete contradiction to the line that the president, his boss, had been taking toward Russia. But Biden, caring nothing for all that, proceeded to draw his own, rather dramatic, policy conclusions: "I think we vastly underestimate the hand that we hold."

Yes, maybe so. Bring out the Big Red One! But why should the vice president tip our hand?

I'm sorry to mention this, but the Russians, for once, analyzed the situation correctly. They denounced Biden for his "boorish openness." "Boorish" is traditionally the best adjective for official Russian speech, but "boorish openness" is an authentic description of enormous terrains of current American discourse.

Last month, Liberty Contributing Editor David Boaz visited San Diego, my home town, and we went out to dinner at a good restaurant. David ordered one of those weird combinations that you find only in an upscale American eatery: lobster, macaroni, and cheese. (I confined myself to more ordinary California cuisine — pork chop, sweet potato, bok choy.) The dreary thing was that we couldn't order without first being grilled by the waiter. Very nicely, very subserviently, he inquired where we were from, how we were doing, how we were doing tonight, how was everything with us tonight, how had our day gone, how was our evening going, what were our plans for the weekend . . .

Stop!

If you're from the West Coast, you'll recognize this as the inquisition you always have to endure before people are willing

to feed you. You're supposed to say, "Fine. Just fine. Doin' good. Day went well. Just kickin' back tonight. No plans, just kickin' back this weekend," and a load of other meaningless drivel meant solely to establish that you are "nice" — as if anybody cared.

I would prefer to answer: "Oh, thanks for asking. I'm from Greenland. Yeah, as you'd know by consulting the globe, but I suppose you haven't, Greenland is that goofy place that looks really big on the map. Bigger than America! No, really. Dude! I mean it. But nobody lives there. Nobody except the Eskimos. I mean the Inuit peoples. LOOK AT ME! I am one myself! Today I lost \$5,000,000 in investments, my longtime partner left me, my cocker spaniel died of a venereal disease that could have been treated if I'd known in time about the virtues of Obamacare, and I am no longer sure that I was right in my critique of the aerial shots in 'North by Northwest.' By the way, my friend and I will be spending part of our evening robbing the other customers at gunpoint, because neither of us has enough cash to pay for this meal. Just so you know. Dude."

Ah, fantasy! But I'll return to things that are real. I don't think David was prepared for the "server's" cross-examination. He just sat there, unable to respond. Maybe he was doing what I was doing — pretending to be deaf, or French, so the guy would go away and signal the busboy to give us our water. But there was no need to worry: our server wasn't interested in anything we had to say; he'd simply been trained to recite a boorish litany of supposed friendship.

Why would anyone think this was a good idea? And why would anyone think it was a pleasant and gracious custom to point at your food and shout, "You still workin' on that?" But

Courrielche was skeptical of this attempt to enlist artists in what he perceived to be a propaganda campaign — a perception amply confirmed by the lead man on the call, NEA Communications Director Yosi Sergant, who noted that “Obama has a strong arts agenda ... and has been very supportive of both using and supporting the arts in creative ways to talk about the issues facing the country. . . . now Obama is putting out the call of service to help create change.”

“Ask what you can do for your country”: if there is any dictum which sums up the beliefs of our leaders in Washington, on both sides of the aisle, it is this totalitarian call to national service — which Obama in his children’s sermon will certainly reference. This supposed imperative, after all, is a central component both of Obama’s special-interest leftism, and also of John McCain’s “national greatness” conservatism. In the conference call, it was presented in its most blatant form to these creators and taste-makers, most of whom as dutiful Hope-poster wavers could be expected to commit themselves unreservedly to the NEA initiative.

It may seem to many that trying to prevent the “politicization” of the NEA is like trying to shut the barn door after the horse has bolted. But, as Courrielche notes, in the 40-odd years the NEA has been in existence, he couldn’t find “a single instance of the agency creating or supporting a national initiative that encouraged the art community to address current issues under contentious debate.” And, unlike the technotards in charge of Obama’s inevitably awkward TV address, these artists are not ignorant of media; these are concert promoters, art directors, marketing mavens; moreover, these are street-

artists, underground poets, independent journalists — this initiative is recruiting not only those who know how to get messages out in contemporary society, but also those whose status as “outsiders” make them indispensable in overcoming any lingering skepticism among their peers.

Consider too the other organizers of the call: aiding the NEA (in the form of Sergant) were representatives of the White House Office of Public Engagement; United We Serve; Rock the Vote; and Russell Simmons. This last is arguably the most influential man in American culture, a hiphop and fashion mogul who with a nod of his head can make an artist’s career. That’d be the carrot: the stick is that anyone refusing to participate could find funding hard to come by, as the NEA remains the single biggest source of artistic funding in the country. And, as shown by the direct links to Obama and his indentured-servitude campaign, any holdouts could also find themselves as political pariahs, denounced by their fellow conference-callers and shunned by an increasingly politicized arts community.

Several commentators have jumped from this point to backdoor evocation of Godwin’s Law, but one need not raise the ghost of Leni Riefenstahl to recognize that little good can come of yoking art to power. At best, the result will be a sort of cultural Keynesianism, extending the broken-window fallacy to aesthetic products. At worst, there will arise a de facto committee on un-American artistry, ostracizing those whose products are deemed insufficiently hortatory: observe the hatchet job done on John Mackey, whose Whole Foods stores are fixtures in campus and arts communities, for the crime of

that’s what “servers” from one end of the republic to another now do, at the conclusion of every course, and if possible before the course is concluded. I remember telling Muriel Hall, who had spent the whole of her long life on the East Coast, that this was what people said in California. She thought I was joking. That was over a decade ago. Now the joke is everywhere.

But I’m sorry to be talking so much about what goes on in restaurants. There are countless worse things. Here’s one.

On August 5, Los Angeles County Police Chief Bill Bratton announced his retirement. He said he would miss his job; then he added, “But policing is never finished. That’s the great thing about it.” Let’s see — the great thing about being a cop isn’t preventing crime or bringing justice to criminals; it’s the persistence of crime and criminals, right?

Or do you think he didn’t mean that? Maybe. Then what did he mean — if anything?

Given the choice, however, I’d prefer meaninglessness to political correctness. And political correctness wouldn’t be half as bad as it is, if it were combined with even a faint concern for the structure and sound of language. But it never is.

People who believe that “men” (as in “all men are created equal”) is “sexist,” because it refers only to males, are obviously ignorant of the history of the English language and the meaning of English words. No synonym of “mankind” or “everyone” ever meant “males.” But when I hear a choir sing, “Joy to the world, the Lord is come; / Let *we* our songs employ,” I realize how many people have an oh, so sensitive ear for “sexist” words but no ear whatever for basic grammar. (“Shall we go downtown?” “Yes, let *we*.”) And why should anyone assume that people who can’t

spend a moment thinking about English grammar ought to be entrusted to revise English vocabulary?

There are much more important examples of boorishness. This summer, President Obama made a mess of his reputation as the Platonic form of racial sensitivity, first by flying off the handle about the police having acted “stupidly” in the case of Professor Gates (whose conduct was presumably impeccable), then by repenting, not in sackcloth and ashes but in an over-tailored suit, acknowledging that his words might have been better . . . “calibrated.” Tell me, what honest person prides himself on the careful *calibration* of his words? This was boorish openness, closely followed by boorish wiliness.

The president should simply have apologized for his racially inflammatory remark. Instead, he did what Bill Clinton loved to do: he constructed sentences in which the individual words were true but the sentences themselves were false. Since Clinton, this practice has been called “parsing.” Did I say something dumb? Did I say something that everyone else regards as a transparent half-truth, equivocation, or outright lie? No, I didn’t. I just failed to “calibrate” my statement well enough. But don’t conclude, on that basis, that I ever in my life said something *wrong*.

How often has Mr. Obama, either before his election or after it, plainly admitted a real mistake? The answer is: as often as Mr. Clinton did. Yet both of them spend half their time equivocating about it.

Remember all those comments by President Obama about how his healthcare “reforms” were “revenue-neutral,” despite the Congressional Budget Office’s projections of a trillion-dollar loss? His statements could certainly have been better calibrated. Yet

drawing on decades of corporate experience to offer Obama advice on healthcare reform.

This, then, is the real danger of Obama's schoolhouse address: it's political sleight of hand, drawing criticism for the indoctrination it is ill-equipped to deliver, deflecting criticism away from more subtle initiatives much better suited to propaganda. Don't be fooled by spectacle: throughout his career, Obama has done his real dealings through public-interest and labor groups, under the guise of community organization. And for most of these dealings, there will be no Courrielche on hand to expose what's going on behind the scenes.

— Andrew Ferguson

Reach out and touchy feely someone — It is easy to be critical of how businesses have responded to the global warming alarmist agenda. Most firms have fallen over themselves promising to reduce carbon dioxide (CO₂) emissions, in ways that are economically impossible or that reduce their profitability — but not all of them have.

AT&T Chairman Randall Stephenson recently listed a number of economically feasible ways to reduce CO₂: greater reliance on telecommuting, web-based data management, online delivery of books and other informational services, real-time GPS systems that encourage efficient traffic flows, and dynamic electricity pricing with telecommunication links. Unfortunately, many of these good ideas will be blocked by various state and local laws. Archaic ideas of privacy limit informational exchange. Labor rules limit people's options to work from home. Trade barriers restrict information outsourcing. These things reduce incentives to upgrade

grids and impede creative proposals, such as Stephenson's, that encourage more rational pricing.

However, Stephenson also supports popular, yet dubious, energy policies. AT&T plans to increase its reliance on alternative fuel vehicles. It is unclear whether Stephenson endorses the current subsidy policies that make wind energy and other less viable power sources possible. Government energy efficiency standards — for light bulbs, through E-Star programs for appliances, and so forth — are not free. They impose costs in terms of either price or product quality. After all, if consumers preferred the products, there would be no need for government mandates or ad campaigns. Granting energy conservation priority over other human needs may even exacerbate such serious problems as global hunger, as has happened because of pro-ethanol government policies.

Capitalism, by means of its dominant institution, the modern corporation, has done many things worthy of praise. Unfortunately, business has failed to market its virtues. Rather it has too often acquiesced to populist and political pressure regarding energy and other fields of politically correct policy. Businesses play defense, merely tweaking regulatory policies, at great cost to themselves. The telecommunications sector has suffered from overregulation of the grid and confused antitrust policies that limit rational reorganization, restricting AT&T and others' ability to innovate creatively.

In "Creating the Corporate Soul," a look at the history of corporate communication, Roland Marchand notes that not long ago AT&T was a leader in establishing legitimacy. AT&T promoted its communication networks as a social good,

by "revenue" he simply meant "something that has nothing to do with reality," and by "neutral" he meant "ditto."

Try this. It's from an August 5 Associated Press report about the corruption conviction of nine-term Congressman William Jefferson of New Orleans, the honorable member of the House who was caught with \$90,000 in cash in his freezer. Sounds bad, doesn't it? And it is. In times like these, it's a terrible thing to take all those greenbacks off the market. Some stimulus! But to the AP the important thing was how *members of the public reacted* to the case against the congressman.

The AP found, as it usually finds, that even when an argument is absolutely conclusive, some of the public are opposed and some of the public are not opposed. And as usual, the AP's public was distinguished by its boorish lack of logic.

One middle-aged lady, surprised on the street as she was waiting for a ride (in case you wondered where the AP finds authorities to interview), offered some typically nonconsecutive thought: "There was so much controversy, the way they went to the man's home and took stuff. . . . He was no worse than the others."

The logicians call this kind of argument *tu quoque* — "you too," or in this case "they too." There's evidence that the congressman took bribes? So do the rest of them! And therefore . . . what?

This logic emerged in another form, from a Christian minister who promised that he would be Jefferson's "supporter until the last breath in [the minister's] mouth": "If Marion Barry [former mayor of Washington] can be convicted of smoking crack cocaine on video and come back, then I think Bill Jefferson can

have a second chance." Again, "he too." And unfortunately, this argument may be vindicated. The honorable Mr. Jefferson may well get another try at the trough.

But so much for logic. How about taste? Plain old-fashioned taste? And how about a taste for liberty?

Carl Isackson, a denizen of northern California, reports a visit to a school concert. "One of the second-grade classes," he says, "sang Santana's 'Evil Ways' with changed lyrics":

You've got to change your evil ways — people ! . . .
You've got to use it, re-use it, recycle today,
Tell your friends and your parents to start right away,
This can't go on !

Was there no one in the audience except Carl who thought it was a trifle tasteless for second-graders to tell their parents and guests that they had "evil ways"? Was there no one except Carl who thought it was tasteless for adults to ventriloquize their finger-pointing puritanism by using second-grade children as their dummies?

I don't think Carl is off-base in comparing this rudeness to the behavior encouraged in totalitarian states: "I can just see the kids reporting to their teachers that Mommy's eating cookies instead of fruit and Daddy isn't recycling his wine bottles. Then, off to the gulag!"

Carl doesn't mean to be funny about this, and I don't either. Ayn Rand warned us to fear the influence of the second-raters. Now we must fear the influence of the second-graders, who are being trained to be even more boorish than their parents — and much more open about it.

proudly asserting that it enhanced America's core values of freedom, security, and fairness. AT&T produced brilliant ads during this period — the "Reach Out and Touch Someone" ad series extolling America's egalitarian values and more recently, the prize-winning, "Girls Just Wanna Have Fun," illustrating a mobile phone resolving the problems of a working mother. The mobile phone, much like Samuel Colt's revolver, had become a "great equalizer." And, as Marchand mentions, other businesses followed AT&T's example.

Today, AT&T still provides a healthy alternative to the apologetic stance of most businesses, but even it has succumbed to popular whims championed by its critics. Capitalism has yet to gain the moral legitimacy it merits, and that failure, if not soon addressed, will prove costly. — Fred Smith

Shut up, they explained — Earlier this year, the U.S. House of Representatives discussed and subsequently passed the cap-and-trade bill, a massive new tax and regulatory regime intended to slow global warming by dramatically cutting U.S. emission of greenhouse gases (GHG). (Of course, India and China, which produce more GHGs than we do, have refused to join us in this act of economic *hara-kiri*.) But it has now been revealed that during the same period a brave researcher at the EPA, Dr. Alan Carlin, put out a report expressing reservations about the science behind the global warming hypothesis, and the EPA went to great lengths to suppress both the report and the author.

Yes, that's right. President Obama, during his campaign, loudly trumpeted promises of transparency in governance, and an end to what he claimed was the politicization of science. But his administration tried to bury the nearly 100-page report written by Carlin and an associate in March. Carlin, by the way, has been with the EPA for 35 years, and is a senior analyst with the Agency's National Center for Environmental Economics.

When Carlin's boss, Al McGartland, was presented with the report, he emailed Carlin a command forbidding him from entering into direct communication about it with anyone outside the agency. In another email, McGartland said that since the EPA had already determined to issue its "finding" that carbon dioxide endangers the environment (a finding that did proceed to issue, in March), Carlin was to cease all inquiry into climate science.

But the report and the emails have just been outed by the Competitive Enterprise Institute (CEI). The report makes fascinating reading, and is available in full from the CEI website, despite the EPA's attempt to quash it.

Since the release of the report, Carlin has been subjected to a concerted smear campaign. He is now labeled a "denier," although he isn't; he merely wants the science of global warming to be reexamined before we make any major economic changes. His credentials have also been questioned. After all, his detractors say, he is "only" an economist — despite the fact that his undergrad degree, from Cal Tech, is in Physics.

The points Carlin makes should have been discussed in the debate over the cap-and-trade bill. They are trenchant and compelling. He notes that the EPA's most recent position on global warming (set forth in March in its Technical Support Document, the "TSD") was the basis for the cap-and-trade legislation approved by the House and awaiting action in the

Senate. But the EPA's position is based upon science that is more than three years old, in a field (climate science) that is rapidly changing. He points in particular to six major areas in which the EPA's science is out of date.

First, as he notes, during the past 11 years, average global temperatures have dropped, while both the atmospheric level of carbon dioxide and the amount of worldwide carbon emissions have steadily gone up. Second, the consensus among climate scientists that anthropogenic global warming is causing the number and intensity of hurricanes to increase has broken down. Third, the consensus among climatologists that global warming is causing Greenland to lose its ice cover has now collapsed. Fourth, the TSD was formulated before the current worldwide recession hit, with its consequent dramatic slowing of the increase of carbon emissions. Fifth, a paper that came out this year strongly questions the claim that there is a strongly positive feedback of water vapor from increasing carbon dioxide levels — a claim that lies at the heart of the vast majority of computer models that predict global warming. In fact, the data indicate a decrease of water vapor from an increase of carbon dioxide.

Finally, another paper, also out this year, argues that the solar data upon which the TSD rests are faulty. Indeed, the paper concludes that solar variability can explain up to 68% of the increases in global temperatures.

Dr. Carlin's report deserves to be discussed, and I hope it will be discussed in the Senate debate. As an economist, he undoubtedly understands the massive economic costs of cap-and-trade. And as a free American, he certainly doesn't deserve to be silenced. — Gary Jason

Pat and Adolf — Patrick Buchanan stirred up a fuss with his column, "Did Hitler Want War?", which was published on Sept. 1, the 70th anniversary of the day German panzer divisions rolled into Poland. Buchanan argues that the answer is "no" — an opinion that outraged a number of commentators. I wasn't outraged, but I wasn't impressed, either.

Buchanan argues that Hitler invaded Poland because of his appetite for Danzig, a city-state between Germany and Poland, and a protectorate of Poland. Buchanan does not mention Germany's remilitarization of the Rhineland before that, or the annexation of Austria, or the deal at Munich for the Sudetenland, or Hitler's breaking of that deal in his conquest of the rest of the Czech lands. Danzig was not a demand that stood alone. It came at the end of a string of demands, and a large broken promise.

The Allies had carved out Danzig (now Gdansk) from German territory at the end of World War I. Buchanan calls it "a town the size of Ocean City, Md.," which is grossly inaccurate. Danzig Free State contained 759 square miles (half the size of Rhode Island) and 366,000 people, double the population of today's Providence, R.I.

True, Danzig was 95% German-speaking. It had been cut from Germany without its consent and, Buchanan says, "Even British leaders thought Danzig should be returned." Buchanan's column implies (but does not say) that *had* Danzig been returned, Hitler would not have ordered the invasion of Poland. The problem with this argument is that when Hitler did go to war, he didn't just order the conquest of Danzig, and stop there; he ordered the conquest of *two-thirds of Poland*. His

actions told the story. Danzig was a pretext. He wanted Poland as *Lebensraum* — living space — for the German people.

He was not devoted to peace. In his first years in power, he built up the German military as much as he could, and during the 12 years of his regime, he ordered the invasion of every country that touched Germany except Switzerland. This is not a leader who “didn’t want war.” No doubt he didn’t want all the countries fighting him that eventually did, but he was radically aggressive, belligerent, and willing to risk war.

Some of this is hindsight, of course; but Buchanan is also arguing from hindsight. He avoids discussion of the real problem by running after a straw man — the argument that the West had to stop Hitler because he aimed to take over the world. That was said by a lot of people, including President Roosevelt. It was nonsense, and it’s easy for Buchanan to knock it down. Germany was not strong enough to think seriously about taking over the world. It was a land power only, and its land power crested at Leningrad, Moscow, and Stalingrad. It had no navy except for U-boats and a handful of capital ships, which the British sank or chased back to German-occupied ports fairly early in the war. The German army could not get across the Atlantic. It couldn’t even get across the English Channel.

In the second half of his column, Buchanan knocks down the “take over the world” thesis. But his demolition job doesn’t get him where he wants to go. He set out to prove that Hitler *didn’t want any kind of war*, and if that’s so, the obvious question is, “Then why did he start one in 1939?” And two years later, in invading the Soviet Union, why did he start another one?

— Bruce Ramsey

The long wake of the law — An odd and perplexing matter has come up in the Netherlands. A 13-year-old Dutch girl, Laura Dekker, wants to sail around the world — alone. And her parents have given her permission. The state, however, has intervened to delay, and perhaps prevent, Ms. Dekker’s departure.

I should mention that the young lady is already an accomplished sailor. She was born while her parents were sailing around the world, and spent the first four years of her life at sea. She has sailed solo as far as England.

According to reports, Laura’s parents tried to dissuade her, but eventually gave in to her pleadings. Apparently the mother, a German woman, was more opposed than the dad, but as the parents are in the middle of divorce proceedings, she feared losing contact with her daughter. Of course, she may lose the child forever if the latter actually attempts the circumnavigation.

Personally, I think it’s too big a job for a 13-year-old, no matter how good a sailor she may be. We know that brain development, including the area that controls judgment, is not complete before about age 25. There are good reasons why we prevent minors from doing certain things. On the other hand, a 17-year-old English boy just completed a solo voyage around the world. At 14, he crossed the Atlantic alone.

Is the state justified in intervening? The parents, who are not deranged, decided Laura could attempt the voyage. Their decision may be wrong, but should government then step in?

A Dutch court decided it should. Once Laura’s proposed voyage became known publicly in the Netherlands, the Dutch

equivalent of Child Protective Services obtained a court order blocking her from setting off. The girl has been put under the supervision of child care workers for 60 days while a court-appointed psychologist determines her ability to withstand the stresses the voyage would entail. The judges even considered removing Laura from her father’s home, but decided she could remain there under state guardianship.

Now it seems obvious to me that the state has a right, and indeed an obligation, to intervene when children are physically or sexually abused in the home. I even accept (though with some uneasiness) the state’s right to compel very sick children (i.e., minors) to undergo medical treatment against their parents’ wishes. But this case disturbs me. Shouldn’t Laura’s parents, who are expert sailors, decide whether to allow their child to sail around the world? It’s not as if Mom and Dad planned to place a toddler in a boat and then push it out to sea. So what justification is there for the involvement of social workers, psychologists, and judges?

We may believe that in this case Mom and Dad are using very poor judgment, but should the state get involved, and should it have the *right* to do so? I would like to know what other libertarians think about this.

— Jon Harrison

All the president’s ads — I’ve just seen two recently released public service ads, both starring our president. Before seeing these I was concerned that he wasn’t getting enough air time.

In the first, he takes a moment from his busy schedule to share with us his insight that fathers should spend time with their kids. For those eager to follow the president’s recommendation but simply unable to understand what to do, he is kind enough to provide specific examples. It seems that fathers can “play ball, visit a park, or go to the zoo.” He assures fathers who are concerned about the time commitment that “it doesn’t take that much time,” which must be true because he has two girls himself and despite running everyone else’s lives seems to find time to spend with them.

The second ad shows him extolling the virtues of voluntarism, going so far as to mention the great volunteer efforts of the astronauts who got us to the moon. I had assumed that the astronauts were actually paid military personnel, doing their jobs. My error.

I understand that upcoming ads will show the president providing pointers for children learning to tie their shoes and the proper technique for stacking plates in the dishwasher to optimize their shine. At this journal’s deadline, rumors that a 24/7 cable All Obama channel is in the works have not been confirmed, but requests to the FCC for call letters WOBMA have been denied as duplicative.

— Ross Levatter

The dissent of man — “Dissent is patriotic.” I detested that phrase from the moment I first heard it — much as I detested the equally inane phrases “the audacity of hope” and “change we can believe in.” Though, mercifully, that first, once ubiquitous, phrase is now rarely heard, I find it coming to mind.

First, I am not so sure that dissent and patriotism are naturally equivalent. The two do not equate in the way this phrase was used by Democrats who opposed the Iraq or the Afghanistan war; they simply sought to avoid questions about any alternatives they might offer. The way this phrase

is written, and was uttered by Democrats, implies that dissent in and of itself is patriotic. In that regard, the phrase makes no sense. Among the definitions of dissent are "disagreement, withholding assent, to disagree with the methods, goals, etc., of a political party or government." Dissent is simply an act. If, perhaps, it was written and uttered as "I dissent from this war because it is against my fundamental ideals, philosophy, and beliefs," then it would have made sense. Of those who were against the war(s), it seems that only libertarians made such cogent statements.

Second, among the definitions of dissent is "to disagree with or reject the doctrines or authority of an established church" and "separation from an established church." Regardless of one's opinion of former President Bush, no one could plausibly maintain that his supporters treated him as an object of religious devotion. Unfortunately, the same cannot be said about the current president's supporters. The fervor of many of Obama backers — especially those in the media — borders on religious fanaticism. I feel comfortable stating that many of us are indeed dissenters from any religious aspects of this presidency.

Third, almost everyone is aware of the tea parties and the more recent town hall meetings. The town hall meetings appear to have been intended as staged forums for politicians to tell American citizens what shall be done about healthcare. Any of the numerous video clips available online reveal how offended the politicians hosting these gatherings were by any expression contrary to what they wanted to tell the audience. Though I have yet to be able to attend a town hall meeting, I love what's happening. The American citizenry seems to be awakening from its stupor, no longer complacently accepting the repeated infringements of its freedoms in the form of laws, regulations and ordinances (which like the healthcare reform proposal, are cast as for our own good).

Change is happening. Whether Democrats wish to "believe in" this change is immaterial. Citizens are engaging the government that is supposed to be by the people, for the people. And, this change is forcing the Democrats to expose their own hypocrisy. Now that they hold the reins of government, Democrats no longer see dissent as patriotic — they are firmly opposed to it.

Finally, I still don't know if the phrase "dissent is patriotic" is accurate. But, frankly I don't care. What I do know is that active, intense dissent from "the methods, goals, etc., of a political party or government" which is fundamentally at odds with ideals of liberty, is absolutely necessary — now more than ever.

— Marlaine White

Past, prologue — President Obama's early-September address to the nation's public school children stirred up a fair bit of controversy. Right-wing commentators expressed justifiable concern about what the content of the speech might be, and shock that the Department of Education had provided associated lesson materials to schools that included questions like "Why is it important that we listen to the President?" and "Are we able to do what President Obama is asking of us?" Throw in the presidential hagiographies that many students were assigned to read prior to the address, and it's understandable that parents might worry their children were being prepped for political indoctrination.

Commentators on the left rushed to assure the nation that the president would address the importance of education, not hot-button political topics, and pointed out that, after all, George H.W. Bush had given a similar address to the nation's schools in 1991 — no matter that Democrats complained then just as Republicans complain now.

In fact, the two episodes, taken together, are a fine example of team mentality in action. In both cases, partisan teammates of the current commander in chief defended the president's address, while opposing teammates derided it as an abuse of power. Both teams now ignore the arguments they made 18 years ago, because their positions are reversed.

Being a member of neither team, I find it amusing, in one sense, to see through the rhetoric and recognize it as the dissembling and obfuscation it is. In another sense, it's dismaying to realize that because everybody is busy cheering for his own team and demonizing the other one, few people stop to consider the danger in setting up any politician, under any circumstances, as an inspirational figure for the nation's children.

The nature of politics is so conducive to corruption and the abuse of power that every politician — in any position, from any party — should be regarded, at best, with unflagging skepticism. We may be stuck with such people littering the public sphere, but we should save any inclination toward hero worship for people who've earned it outside the realm of the parasitic class. More than anything, we should teach the nation's children to doubt the motives and promises of people who wield power, and in the rare case in which a politician proves their suspicions wrong, they can be pleasantly surprised.

— Eric D. Dixon

Waterworld — I live on an island that is part of an atoll. An atoll is the coral ring around the place where a larger island used to be. Over the eons, the island eroded away but left behind the much sturdier reef, which is very similar to a solid band of concrete. Coral grows only under water, so at the time when this atoll was formed, the land I'm sitting on was at least a few inches under water at low tide. Right now, this land is a few feet above water at high tide.

Why is it above water now? Every coral isle dotted around the 154-mile circumference of the ancient island is the same height above water, and this is true for just about every atoll in Micronesia. It's not likely that tectonic forces lifted the whole thing out of the water while keeping everything else level. The only reasonable conclusion is that sea levels were once much higher than they are now. From where I'm sitting, I'd say they were roughly 10 feet higher. And they had to be that high for quite a long period of time for the very slow-growing coral to build to this point.

While I'd hate for global warming to submerge my home, it does seem that would be the more common state of nature.

— Jeff Wrobel

Private practice — It was the classic slip-n-crunch. I stepped on wet tile in my bare feet and the next thing I knew, I was dancing an impromptu salsa that ended with a thud on my wrist. Ouch! I'm usually a wait and see kind of person when it comes to medical care, but this felt like a break.

I don't have a regular physician here (I live part-time in two different states), so I thought about going to the local

emergency room to get an x-ray, but ERs are designed for major trauma and I was just nursing a sore wrist. I didn't need Shostakovich when the neighborhood piano teacher would do. So I asked the ER receptionist if there was a walk-in clinic in the area. She told me about a clinic in Yonkers and gave me the phone number and address. Good for me, I thought. I'll save money and time.

At the walk-in clinic I asked how much the visit would cost me. (I have a high deductible that wouldn't kick in for something like this.) "That depends on your income," the receptionist replied.

"Let's just assume I'll be paying the full amount," I told her. "How much will it be?"

"I don't know," she insisted. "It all depends on your income." I looked around and realized that I was in a welfare clinic. All I wanted was a private, for-profit, ambulatory urgent care center, the kind where you can go for minor illnesses and injuries without needing an appointment.

The answer to my next question was just as discouraging: "How long will it take to have it x-rayed?"

She looked at the clock. "First you have to see a doctor. And Radiology closes at 12:30." It was already noon. I gave up on the x-ray, bought a soft cast from the drug store, and immobilized the wrist myself.

A few days later I was lamenting the lack of non-welfare walk-in clinics in our county. My friend told me about one near her home. My wrist was still hurting, so I went to the urgent care center she recommended.

There I was greeted by a smiling receptionist who took my information and offered me a seat. Ten minutes later I was ushered into an examining room, where I hadn't even opened a magazine before the nurse practitioner walked in, examined my wrist, and sent me to the Radiology Center down the hall. Although it was a separate business, I didn't have to fill out additional forms; all of that was handled by computer. Ten minutes later I was back at the clinic, and five minutes after that the N.P. was giving me instructions for treatment and sending me on my way. Total time? Less than one hour.

I'm a big fan of nurse practitioners and physicians' assistants. They are highly trained professionals who can do just about everything a medical doctor will do during an initial visit. They can diagnose illnesses, treat simple fractures, suture wounds, and prescribe antibiotics. They work closely with large medical practices and can refer a patient quickly to a doctor or hospital in case of serious illness or injury, often securing an appointment faster than the patient could do alone.

Nurse practitioners and physicians' assistants usually spend more time with the patient, and they charge less. One N.P. I know charges a flat \$25 per visit, and she schedules a full half hour for each patient so she can spend some time talking about lifestyle and nutrition. She doesn't take insurance, but who needs to file with an insurance company when the total charge is barely more than a co-pay would be?

Medical care is one of two services I know of where we are expected to buy without asking the price. (The other is a funeral.) This factor is the bane of the third-payer system, and the primary reason that healthcare costs continue to skyrocket. Increasing the variety and availability of health care by encouraging the expansion of alternative providers will do

more to reduce costs than any government program.

We haven't had a free market in health care for over 100 years. We have to get government out of the way and let a true free market do what it does best: increase the quantity, quality, and availability of goods and services. A combination of high-deductible insurance to pay for catastrophic illnesses and injuries coupled with health savings accounts to pay for day-to-day expenses is the best way to achieve the best health care for the most people at the lowest cost. — Jo Ann Skousen

Dash it all — A lot of people are upset these days. The federal takeover of healthcare, pending inflation, text-messaging while driving: you name it, we've got things to be unhappy about. As for me, I'm unhappy, too — about the demise of the emdash. It's dying faster than newspapers.

The emdash is the equivalent of an emphatic comma or parenthesis. According to the "Chicago Manual of Style," it is used to amplify or explain (see example above). It's much more powerful than the puny endash, which is used mainly for connecting numbers, as in "Duke beat UNC 64–63." (Both are good crossword-puzzle words, however.)

But no one knows how to make an emdash in Word. It's tricky; you have to type two hyphens without spaces, and the dash doesn't form until you've put a space after the second word. (There's also the technique of going to the symbol menu item, but that takes time — and where is it, anyway?)

It's easier to type a space and that little bitty endash followed by another space. And now that publishers are simply "inputting" authors' Word manuscripts, even genuine published books (the latest, "After Tamberlane," by John Darwin) are riddled with those little floating flecks surrounded by space. Pretty soon the emdash will be completely forgotten. Even crossword-puzzle writers won't have it to kick around anymore.

— Jane S. Shaw

Warring paradigms — Anthropologists and sociologists tend to view the world in terms of communities; they emphasize the way in which society shapes how individuals interact with one another. Economists and psychologists tend to view the world in terms of how individuals affect society. But are these perspectives so different?

Ronald Coase, F.A. Hayek, and other economists display a rich understanding of the cultural context in which individuals interact. Indeed, Coase sees the market as the set of cultural and legal rules that allow individuals to conduct voluntary exchange with one another in society.

These thoughts are triggered by "Missing Persons: A Critique of Personhood in the Social Sciences," by the late Mary Douglas and her colleague, Stephen Ney. In this volume, Douglas critiques the dominance of *homo economicus* in the political world (she wrote this book before the recent resurgence of political collectivism). She portrays economic man as "selfish and unmannered, brutish as Caliban, naive as Man Friday." But is this the view libertarians really hold of man?

To some extent, it is. Libertarians do talk of "methodological individuals." America does not go to war with Iraq; rather, some people in power commit troops to that theater. And Randians eschew any concept of mankind that is not self-centered.

Coase and many libertarians believe the purpose of policy

is to steer the cultural and legal institutions that reduce transaction costs in, and thus barriers to, voluntary exchange among individuals. This approach to economics is certainly “social,” yet, it is also profoundly libertarian, in a sense. Perhaps the term “classical liberal” better captures this societal element of libertarianism. Reducing transaction costs liberates the energy and genius of otherwise isolated individuals, allowing them to interact with others.

We at CEI are seeking better to understand the ways in which individuals react differently in the political world of “rational ignorance” from the way in which they react in the private world of self-interest. Since the modern world is roughly half political and half private, it is critical for us to understand it and to craft our policies and their marketing accordingly.

Now, does anyone know of any social psychologists or cultural anthropologists with some understanding and sympathy for individual freedom? If so, I’d appreciate an introduction . . .

— Fred Smith

The color of stupidity — Seattle Mayor Greg Nickels, who led more than 500 U.S. mayors to sign a promise to abide by the Kyoto Protocols, and who is president of the U.S. Conference of Mayors, has lost his bid for reelection. In the August 18 primary, after seven and a half years in office, he came in third behind two political novices.

In the March Liberty, I had a Reflection about Mayor Nickels. During a big snowstorm last December, his people had refused to salt the streets. Salt was said to be bad for the salmon in Puget Sound. This is a “green” city and an 85% Democratic city, but voters wouldn’t excuse having nearly unusable streets for a week. In their next chance to vote for him, three-quarters voted for somebody else.

The snow was the most recent thing, but it wasn’t the only thing. There is a matter of a highway, old US 99, which bypasses downtown along the waterfront. In the 1950s, this highway was put into a double-decked concrete viaduct. In 2001 an earthquake left the viaduct damaged but still usable, and in 2002 Mayor Nickels proposed to tear it down and replace it with a tunnel.

The arts people and the urban-design people had always hated the viaduct. Most of them welcomed the tunnel, no matter what it cost. So did Seattle’s downtown establishment, because a tunnel would make the waterfront nicer, and unblock some views. The tunnel was, of course, the most expensive option. The state highway people wanted to build a new viaduct for a billion or so less. The progressives wanted to knock down the viaduct and replace it with bus service — the “surface transit option.” The conservatives (there are a few of those in Seattle) wanted to prop up the old viaduct with a bit of steel and keep using it for another 30 years.

Gov. Christine Gregoire, Democrat, offered Seattle money for a new viaduct, but not enough for a tunnel. Nickels held out for a tunnel. He asked the state’s two Democratic senators to get money in Washington, DC, on the argument that Route 99 carried international cargo, making the tunnel part of a transportation project of national importance. Actually the extra cost of a tunnel rather than a viaduct was not a transportation project but a *beautification* project. It wasn’t of national importance; it wasn’t even of suburban importance.

Well, the senators couldn’t get the money. Even the Bush people weren’t that stupid.

To strengthen the mayor’s hand against the governor, in March 2008 Seattle had a public vote. The ballot said viaduct, yes-no; tunnel, yes-no. Mayor Nickels was hoping for people to vote yes for a tunnel and no for a viaduct. They voted no on both: 55% no on a viaduct and 70% no on a tunnel. He said he was happy with the vote because the viaduct had been clearly rejected.

Enter the Discovery Institute, a conservative thinktank that champions Intelligent Design, which refers to human origins, not roads. Discovery also promotes transportation projects — big ones. Here it argued that the mayor’s tunnel was the *wrong kind*. His was a cut-and-cover project. That was too messy. It would tear up the waterfront for seven years. What was wanted was a *bored* tunnel, deep, like the one under the English Channel. A bored tunnel wouldn’t disrupt the city. Others picked up the argument (not crediting the Discovery Institute, which is untouchable by Seattle liberals).

And so Nickels cut a deal with the governor to have a tunnel bored from one end of downtown Seattle to the other. The state was to pay any cost overruns. The legislature codified the deal, except that it changed the part about overruns: Seattle would pay for those. Mayor Nickels laughed this off, saying the state’s proviso was unenforceable. And there, on August 18, it stood. No other vote of the people had been held other than the one in 2008, in which 70% had said, “No tunnel.”

Mike McGinn, one of the two candidates who knocked Nickels out on August 18, made “no tunnel” the big issue of his campaign. He is a Green, and because he favors the surface transit option, he won the votes of the left. By pointing out again and again the tax liability of the tunnel, he also, I think, got most of the votes of the right.

There was another thing on the Seattle ballot on August 18: a 20-cent tax on disposable grocery bags, whether paper or plastic. The idea was to “incent” people to use cloth bags, which would not foul the environment either in their manufacture (paper) or disposal (plastic). The City Council had passed the tax, Mayor Nickels had signed it, and the two candidates who beat him both supported it. But the plastic-bag manufacturers had collected signatures for a referendum and had run a campaign to annul it. In mailers and TV ads they argued that the law was punitive, that it exempted big retailers like Wal-Mart, and that it hurt the poor. The grocery chains, except 7-Eleven, gave them little help. But they spent \$1.3 million — a fact trumpeted by opponents — and they beat it. The vote was 53% no. The bag tax was defeated, having never gone into effect.

— Bruce Ramsey

Behind closed doors — In past issues of Liberty I’ve mentioned the various real estate scandals involving key members of Congress, such as Sen. Chris Dodd (D-CT) and Rep. Charlie Rangel (D-NY). There’s another such affair, one that’s being largely ignored by the major media, which seem to function primarily as propaganda organs for the Democrat Party.

The Countrywide Financial Corporation, which was such a large player in the recent mortgage crisis, had a special VIP program, officially called “Department 850” by Countrywide but nicknamed “Friends of Angelo” by company employees

(after Angelo Mozilo, Countrywide's controversial CEO). This program existed to give sweetheart loans to powerful government officials, including many of those supposedly having oversight responsibility for the mortgage industry.

Now, you would think that, given the massive mortgage meltdown from which the country still struggles to recover, Congress and the mainstream media would be on fire to discover precisely who got "Department 850" loans, under what conditions, and why. After all, Countrywide generated a lot of the dicey paper that Freddie Mac and Fannie Mae bought, which cost the taxpayers dearly.

To his credit, Rep. Darrell Issa, ranking Republican member of the powerful House Oversight and Governmental Reform Committee, has been fighting to have the committee subpoena the damn records, so we can all discover which of our virtuous solons got these loans. But he is being stymied by the chairman of the committee, Rep. Edolphus Towns (D-NY), who has refused to issue the requisite subpoenas.

Why on earth would he do that? Because he was himself a Friend of Mozilla.

Yes, it turns out that Rep. Towns received a VIP loan — actually, two loans — from Countrywide. Towns denies that he knew he was getting special loans, but his claim seems dubious on the face of it. Not only were the interest rates considerably lower than the going rates at the time, but both of the mortgages had a mailing address that referenced "Room 850" at Countrywide's headquarters.

Let us accept Rep. Towns' claim that he didn't know he was getting special treatment. Fine. Then what does he have to hide? Why should he block the acquisition of records, so that the oversight committee can, you know, like, oversee them?

Towns' actions reek of corruption. But they don't much interest the news media. — Gary Jason

Guarded optimism — I've been in India for a week and I have to say, I have never felt more optimistic about my homeland.

The reason has absolutely nothing to do with the government (which is extraordinarily corrupt) or Prime Minister Manmohan Singh (who is perhaps the most spineless human being I have known).

I attribute my optimism to technology. Telephony, internet, and other media are bringing enlightenment to some of the most backward parts of India.

Of course, India is still a pathetically poor, violent, corrupt, self-centered, lawless, abusive, and extremely superstitious country. Unless you spend your time here only in five-star surroundings, you will be literally and figuratively molested almost nonstop. However, technology is changing the culture, bringing in awareness, and rather rapidly. I cannot help being amazed at the small civilities now developing, fruits of modern commercial customs. The changes are happening, in their small ways, in so many areas, and the interactions between those areas, that I doubt it is possible to predict what India will look like in 20 years.

It is Black Swan country. But it will be a very, very different country, and in my opinion mostly much better.

I have just been to the gym here in Bhopal. It has expanded to perhaps four times its former size. The machines are all new

and modern. And still I could not find a machine to work on. This has all happened in the last six months.

But that's the little picture. In the big picture, what is happening is a sea change in the attitude of middle-class Indians. They have grown increasingly polite and sophisticated. I had thought that India's historical baggage would make it difficult for it to change. I was wrong. Indians in their early 20s are hardly distinguishable from those in the West, and are perhaps more optimistic and focused. I have talked and talked for the last week with all possible people. I can see that the English language and India's better interaction with the West will make it possible for it to change rather rapidly, once those now in their 20s come to positions of leadership.

I visited Morena, a small town in central India. Violence has a long and deep history in this part of India (as it has in the rest). The local culture is about "might is right." That belief runs so deep in this area that you would be stupid to negotiate with most people, based on what you would call "logic" and "rationality." The belief system is not very different from what you perhaps see in parts of Africa: "I want this so I will take it." You have to experience this to understand it.

In Morena, kidnappings are common. Murders and rapes are used to settle scores. You stole from me, so I will rape your daughter, the logic goes. This area is well-known for human trafficking. Just 25 years back, it was known for the open auctioning of women. And often such things are supported by the local democratically elected bodies. No wonder that I see "democracy" as a fanatical western religion.

Today's newspaper says that the government did virginity tests on girls that it helped get married. This is unconstitutional, but the people in the government are so appallingly stupid that they did not even realize that what they were doing was unconstitutional.

Corruption in India seems to be worse than it ever was, but then, I have just been to the driver's licensing office.

The changes of the past two decades have been attributed to Manmohan Singh, democracy, and liberalization. I do not believe in this attribution. I attribute the changes of these decades to media, telecommunication, and the general technological revolution.

I normally don't like media; I have no interest in what runs on it. But if you understand the time and space in which Morena exists, even the stupid programs on TV have been culturally revolutionary. They have brought a lot of awareness among the people. In Morena, people now resist, go to the media, and fight back. Children, increasingly educated in English, move out to bigger cities, to work in big companies, and then bring back new ideas, to give to their parents. This may be setting off a chain reaction.

In my gym in Bhopal, there is a girl who wears a Che Guevara T-shirt. Every cell in my body wants me to ask her if she ever cared to ask her parents what socialism really means. But then, if you understand the time and worldview that a lot of the country exists in, even a lazy interest in the likes of Che is a sign of a significant improvement in the thought process. This is a move from a lifestyle of absolutely no ideas to that of a few.

Four hundred million SIM cards have been sold in India. Although this is believed to mean that there are now 400 million subscribers in India, the real figure is much lower.

Everyone I know has more than one SIM card. There are even cellphones with a multi-SIM-card option. When I lived in Delhi, a call to Bangalore would cost \$2 a minute in today's real terms. It would have taken a huge bribe to get a phone connection; property prices were often valued on the basis of the connection. Now the same connection is virtually free, and the call costs perhaps one-half of 1% of what it did before.

So low are the cellphoning costs that most people don't seem to know what they are. This has made it possible for the poorest people to keep themselves informed. Because of these low prices, the growth rate in cellphones will continue for a long time. I did not appreciate the revolutionary effect of this on India's isolated villages. But even Morena is showing signs of changing.

But the biggest change I have seen is that in the attitude of people below 25 years of age. They might as well have come from a different culture. They do not have the utter corruption of my parents' generation or the confused and conflicted minds of my generation. Of course I am only talking about a small section of middle-class youth. But now these folks ensure that other people will line up. Until two years back, I had never seen this happening. In Bhopal, these youths actually stop to give way to the disabled or the old. A few years earlier it was normal to hear the old and disabled being called such and asked to hurry up or move out of the way. And this seems to be forcing the parents of these youths to mend their ways.

To me, an amazing change is starting to happen, which will in the final analysis have more consequence for growth than anything else. I can see a change that I could not have predicted when I was here only eight months ago. I had not expected that given the aid of technology, culture could change so rapidly.

So, despite the fact that I see huge short-term social problems, I am no longer pessimistic about India. I see hope, growth, and very good possibilities of making money. So optimistic have I grown that I have just taken an Indian cell-phone connection. I have also, with some difficulty, renewed my Indian driving license — a process which shows there is still a long way to go before corruption will cease to be a part of every transaction. — Jayant Bhandari

Modestly proposed — There are so many rumors about healthcare reform going around these days, it's hard to know what's true. For instance, I just heard about a new program coming out from the Department of Health and Human Services called Cash for Geezers. It tries to eliminate the huge costs paid by the government for Medicare patients in their last month of life and deal as well with the growing shortage of organs needed for transplant.

If your grandparents are on Medicare and meet certain other qualifications (Alzheimer's; other forms of dementia; send more than two complaining letters per year to their congressman; don't contribute to the DNC), you can turn them in to the nearest university-affiliated medical center for \$4,500 cash!

There, the Geezer brain is smashed so that no one else can turn it in for cash (a clever cost-savings technique that guards against fraud and abuse). The transplantable organs are then harvested and reused. The financial savings to the govern-

ment, especially after the passage of universal coverage, is tremendous. Those on the transplant list benefit too. As White House Press Secretary Robert Gibbs said, "It's a real win-win. Young people get cash to help stimulate the economy; Medicare costs fall; transplant waiting lists go down. Old people no longer have to suffer for a month only to die."

This program makes as much sense as most government programs, and more than many. So you can understand my confusion about whether it has actually been proposed or is just a brainstorming . . . so to speak . . . effort of some policy wonk at the Center for American Progress (likely a wonk with bills to pay, whose grandparents no longer send birthday gifts).

— Ross Levatter

Smashing our way to prosperity — President Obama says that the energy legislation he sponsored, a cap-and-trade scheme along with subsidies for new energy technologies, will create 3 million new jobs. Thus he displays once again a knowledge of economics on par with the average teenage ninja turtle, another pop icon of virtue if not of economic literacy.

You can say a lot about cap-and-trade, depending on where you stand in the global warming debate. What is clear is that it will act like a tax on energy, which will ripple through the economy. What is also inarguable is that the government has a lousy track record for picking winning technologies (read: companies). Job creation? Since when does increasing costs throughout the economy create new jobs, even if you throw subsidies at a few favored companies to make up for it? The answer is, only in the wacky world of Obamanomics.

But why stop at cap-and-trade and subsidies? The president should hire an army of patriotic hooligans to break every window in America, then a second army of glaziers to fix them. Voila. Another 3 million jobs, maybe six. House Bill 2556: Break It and Fix It.

Since Obama defers to Pelosi to flesh out his economic initiatives, expect the following enhancements:

- No homeowner will be allowed to fix his own windows (gotta protect those new jobs).
- Only unionized glaziers need apply (gotta reward those Democratic Party stalwarts).
- Anyone earning less than \$50,000 can claim a tax credit for repair costs, whether or not he owns a home, or a window, or, for that matter, pays taxes (gotta be fair).
- Income earners above \$250,000 will pay the cost of repairs (or the theoretical value of the repairs) for everyone.

There you have it, an economic policy for the Age of Obama: deficit spending, financial stimulus, bailouts, subsidies, higher energy costs for all, higher personal taxes on the well-off, a stew of politics, ideology, and class warfare, devoid of economic literacy.

— Bob Marcus

Nixon with charisma — As Obama's healthcare socialization bill faced a surprising surge in opposition, he began to resemble Dick Nixon ever more eerily. We beheld yet another Obama persona: NixObama.

Perhaps the most famous self-defining remark by NixObama is what he said to a group of fans in Philadelphia

during his campaign: "If they bring a knife to the fight, we bring a gun." But what really brought out NixoBama was the sight of angry constituents showing up at various Democratic congresspeople's "town hall" propaganda sessions, intended to grease the wheels for the American National Health System (brought to you by your friendly neighborhood post office). Everywhere on the internet were videos of statist Dems sweating as angry constituents peppered them with questions about how much Obamacare would cost, whether it would require rationing, and so on.

NixoBama and his flunkies in Congress were furious. They called these protesters such epithets as (quoting from a DNC official, Brad Woodhouse) "angry mobs," "mobs of extremists," and "rabid right wing extremists." The Democratic powers-that-be claimed that these people were organized by the vile insurance industry. Nancy Pelosi immediately reported that the anti-Obamacare protesters were carrying swastikas, and both she and Rep. Steny Hoyer branded the protesters "un-American." Rep. Brian Baird (D-Vancouver) said that the protesters were using Brown Shirt tactics. NixoBama even set up an email address, flag@whitehouse.gov, so that *bien pensant* citizens can narc off those filthy traitors who question socialized health care, or spread lies about it. You have to admit this is a clever twist: an automated enemies list.

I couldn't resist sending an email myself, reporting a particularly egregious liar about health care: Barack Obama himself. No doubt I can expect a tax audit in a month or so.

That Obama and his backers are doing this is doubly hypocritical. First, Obama started his career as a "community organizer." Obviously, this community organizer supports organizing only leftist communities.

Second, Obama, during his campaign, urged his followers to confront people and politicians of opposing views. For example, in a campaign speech in Elko, NV, he said, "I need you to go out and talk to your neighbors. I want you to talk to them whether they are independent or whether they are Republicans. I want you to argue with them and get in their face." But nobody is allowed to do the same with him or his punk brigades.

This NixoBama is certainly an amazing piece of work.

— Gary Jason

Che-town — A friend recently gave me a copy of an article from the Russian publication Pravda. It was a commentary about Americans willingly rolling over for socialism. Though recent popular mobilization inspired by dissent over Obama's healthcare proposal gives me hope that we can prevent the conversion of our free society to a socialist one, it remains an uphill battle.

Over time, American citizens have gradually traded liberty for eccentricity. The epitome of this unequal exchange is seen on college and university campuses across America. Anyone who has occasion to frequent them can attest to the following. Our undergraduates have a penchant for expressing their "individualism" (as I have often heard students call it) and "freedom of expression" in their attire. In expressing said individualism and freedom, virtually all of them wear the same clothing. Some are goth. Some are punk. My favorite — and, by far the most common expression of "individualism" — is the ubiquitous "Che" shirt. "Che" shirts are so prevalent

on American campuses, I've often wondered if these shirts are handed out at student orientation.

I am not a prude or a generational snob. And I am not picking on college and university students. They simply serve as a useful example of a larger problem of self-deception in our (at least for now) free society.

Our society seems to have lost the very important distinction between individualism and idiosyncrasy. Citizens are mistakenly equating a definitional conflation for an ideological, philosophical, political outlook. Talk about false consciousness! The difference between mere idiosyncrasy and individualism as a philosophy or ideology is huge. Economic, philosophical, social, and political theories and ideologies of individualism maintain that individual initiative, action, and interests should be independent of governmental or social control; that the source of rights and duties originates in individuals, and not in the social whole; and, that the individual and not society is the paramount consideration or end. Idiosyncrasy is an individual's peculiar physical or mental constitution; a characteristic, habit, or mannerism peculiar to an individual — an eccentricity or quirk, such as the blue-streaks I wore in my hair as an undergraduate, or my one legal colleague's habit of always wearing polka-dot ties.

The Rule of Law (as I have discussed in previous reflections) has played a significant role in this unequal bargain. Citizens have continually forfeited control of their own lives by allowing greater government control over their lives in the form of ever increasing laws and regulations. As a society, we seem to have allowed a greater (and welcome) social tolerance for eccentricity and formerly "abnormal" behaviors to substitute for actual freedom.

Students manifesting their freedom of expression or "individualism" by sporting "Che" shirt uniforms rarely, if ever, seem to truly contemplate ideologies of individualism, like libertarianism. I have also found that many of these students, contentedly clad in their uniforms and satisfied with idiosyncrasy mislabeled and misunderstood as individualism, very seldom consider what they cannot do — from campus speech codes, to smoking bans, to restrictions on academic freedom — and the larger implications of that. They have given up so many liberties, and all they got was a lousy T-shirt.

— Marla White

How minimal? — I regretfully recognized, long ago, that my philosophic views weren't, well, *sexy*.

I recall, for example, taking a course in Existentialism as an undergrad. I wish I could have bought that rap — you know, life is meaningless, so just engage the world, choose your values and your life project, and bear bravely on. Select a course of action, and don't worry, no course of action can be proven or justified logically; you just need to be authentic!

Brother, that was real leather-jacket philosophy, philosophy for tough guys. If some chick asked you (as they sometimes did back then) if you would respect her in the morning, you just shouted, "Existence precedes essence, babe! Deal with it!", and it was done. You were in like Flynn, or at least like Sartre.

It never clicked for me. I could never figure out why committing yourself to an action made it right. Couldn't I authentically choose to be a drug addict or a Nazi? It all escaped me,

even though I love Paris immensely.

Matters are the same for my political philosophy. I really wish I could be an anarchist. To say you want a minimal government sounds so wimpy. And to say you are a “minarchist” sounds just weird. Why not be bold and say to hell with all government? It seems so much cleaner and bolder, tougher, more *masculine*. It is so conceptually clear and consistent.

Of course, a philosophy or an ideology can be conceptually clear and consistent, not to mention “masculine,” and still be wrong, vile, or even outright nuts. Need I mention Nazism or communism?

But I can understand the appeal of the no-government mantra. When you say you favor a minimal government, the obvious challenge you are going to hear is, “Well, once you start thinking that a little government is necessary, on what basis, and at what point, do you draw the line? How can you argue with a modern statist liberal who just wants more of what you yourself think is necessary?” It would appear that a minarchist inevitably falls prey to a Sorites paradox: if you say that X amount of government is good, why not X plus some small amount more? And then why not a small amount more, and so on, until you have socialism or worse?

One important tool for making the case for minimal government is empirical data on the relationship between government size and economic growth. There are quite a few economic studies showing that both too little and too much government stifle the growth of prosperity, and seeking to quantify that tradeoff.

A really excellent recent contribution to the literature has just been released by the Institute for Market Economics (the IME), one of the preeminent neoliberal economic thinktanks in Eastern Europe (it is based in Bulgaria). The article, “What is the Optimum Size of Government?”, is by economists Dimitar Chobanov and Adriana Mladenova and is available for download from the IME website.

The article notes that, at present, the average size of governments, measured as the total of government spending at all levels as a percentage of GDP, is about 41% for the OECD (Organisation for Economic Cooperation and Development) countries. The United States, alas, is right up there at over 37% — much larger than many Americans realize, supposing us to be a country that doesn’t believe in Big Government.

The authors then do an extensive literature survey. (The survey alone is 17 pages; it is appended to the paper so that the reader can rapidly check out the prior studies.) They note that most prior studies had shown a statistically significant and markedly unfavorable relation between the size of government and economic growth.

Of course, they note, the “quality” of government enters in as well, but even when you are dealing with a relatively good government (minimally corrupt, for example), big government hurts the economy. Get it much beyond its core function — protection of people’s property and liberty, including national defense, provision of a stable legal framework, and promotion (not necessarily provision) of very basic public goods — and government lowers prosperity.

As to the sweet spot, i.e., the optimum size of government, the prior studies ranged rather widely, from as low as 17% to as high as 40%. Most of the estimates, however, fall in the range of 20% to 30% for the optimal size of government. That

means that the OECD governments, including our own, are almost all too large.

But the authors were able to refine the estimate considerably. They found that at the 95% confidence level, the optimal level of government spending is 25%, using the standard model. And they suggest that it is probably considerably lower, given limitations on the data, such as the fact that the data are skewed because rent seeking is pervasive even in countries with smaller governments (“rent-seeking bias”). The paper makes interesting reading. It helps minarchists specify the size of government they prefer. Unfortunately, it still won’t make minarchism particularly sexy. — Gary Jason

Managed constituents — In the Town Hall meetings about medical care, the Ron Paul movement has been in the thick of it. At the meeting I attended, held on Aug. 12 in Everett, WA, by Rep. Rick Larsen, Democrat, several people flew the yellow Gadsden flag with the snake, and one man wrapped himself in it like a cape, holding his hand up to be called upon. Well, they didn’t call on him.

The meeting was held outdoors in a small baseball stadium, with the congressman standing near home plate. Both sides — for and against Obamacare — showed up. Nearly 3,000 people attended, sitting on bleachers, many of them holding signs. Opponents had handmade signs, such as these:

National Healthcare=National Suicide
National Care is Rationed Care
No Govt run “take a number” healthcare
Preserve Freedom: Join a MOB
No to Socialism
My Life, My Death, My Business
Health Care Is Not a Right

The other side had professionally printed signs supplied by the unions and by Planned Parenthood. But many on the left were more radical, and had their handmade signs, too:

Private Insurance Companies ARE Death Panels
Put Single Payer on the Table

At one point Larsen measured the two sides by eliciting cheers, and declared the crowd evenly divided. It was not; there were more opponents. That was also apparent in the people called on to speak. The congressman’s staff tried to make it random, and most of the people called on were critics.

The Paul sentiment was clear when one man stood up and said that Larsen had an enviable job, because he got “to work with my personal hero, Ron Paul.” Some in the crowd cheered at that, some whooped, some hooted, and some laughed. No other Republican politician was mentioned by any of the questioners.

The Paul supporter said he had two questions. The first was whether Larsen would support Paul’s audit-the-Fed bill. The second was whether there was anything in the Constitution that authorized the federal government to force Americans to buy health insurance.

The second was the better question, at least for this forum. Larsen answered the first (no) and called for the next question. Shouts broke out.

“Answer the other question!”

“What about the Constitution?”

He ignored them, answering the questioners selected by his staff and not the ones shouting at him. But a few question-

ers later, his staffer picked a woman who said her husband was a libertarian, and cared about that unanswered question. "My question is," she said, "where in the Constitution do you see a mandate for health care?"

Larsen replied, "There is no mandate for health care in the Constitution. There is no mandate for the Air Force in the Constitution." In other words, don't worry about it. He said that constitutional questions are up to the Supreme Court (and might have added that the Court would no doubt follow the precedent of *Helvering v. Davis*, 1937, in which it approved Social Security on a vote of 7–2).

Opponents asked other questions. Said one man, "Is there any example of government running things better than the private sector — I mean, *anything*?"

"Medicare," Larsen said. There were some hoots at this, but not too many.

A woman asked the congressman if he believed people had a right to health care. She thought they did not have such a right.

"I don't know the answer to that," he said.

Rep. Jim McDermott, the leftwing Seattle Democrat, would probably have said yes. A longtime supporter of single-payer, McDermott had signed on to a "Medicare for all" single-payer bill. Larsen told the crowd, "I don't support a single-payer system." When a leftist from Radical Women, Seattle, spoke in favor of one, Larsen said, "I'll pass your comments on to Jim McDermott," a polite reminder that she was not in his district.

A man said that Larsen should read "The Whole Foods Alternative to ObamaCare," an opinion piece by CEO John Mackey that had appeared in the previous day's Wall Street Journal. The man noted that the piece had begun with a quotation from Margaret Thatcher: "The problem with socialism is that eventually you run out of other people's money."

"I agree," Rep. Larsen said. "That is a problem with socialism."

When David Arnold Bishop, an independent contractor from Snohomish, Washington, said, "I can't live the way I live unless I'm free," Larsen said he agreed with that, too.

Larsen urged everyone to be polite and was polite himself. Knowing there would be acrimony, he had begun the meeting by having a high-school girl sing the national anthem — "one thing we can all agree on," he said. Larsen is a skilled politician. He is also a fairly sure vote for Obamacare, when and if it reaches the floor of the House.

— Bruce Ramsey

Overinflated fears — You've all heard them at cocktail parties, the inflationary cognoscenti.

"So, Ted you made 8% on your investments this year. Well, let me remind you, my friend, that since inflation ran at (let us say) 3%, you only made 5%"

Dumb! It all depends. Mainly on two things.

First, the accuracy of the inflationary figures. Economics in general is hostage to numerical accuracy. (They just recently figured out that the CPI is as flighty as your pet cockatoo. Energy included? Groceries, taxes, cab fares in Yazoo City?) Besides that, there's got to be a huge political bias in a number that affects 10 million retirement checks.

Second, the fact that in reality all of us have our own individualized index, depending on what we buy and sell. What

is good for me is bad for you, or vice versa. Our market baskets of goods and services are all different. Sure there's overlap, but let gas prices skyrocket — so what? I'll still be sitting on my patio reading and watching the rust grow on my '02 Mercury sitting in the driveway. And college tuition — that inflationary dragon can continue to breathe fire; I ain't got no kids to eddicate. The housing market flips and the average annual price scoots up 10%. Who cares? There are no houses on my get list.

And there is no universal number that applies to all of us. How could it be otherwise? Memories of such anomalies as the Weimar Republic disaster mesmerize economists, and highly distort our investment judgments. Sometimes 8% is 8%. I say we've vastly overstated the danger. And even when the roar of the government printing presses breaks the sound barrier, it's magnifying the price of all my possessions, is it not?

— Ted Roberts

First thing we do . . . — On August 25, on the legal blog Volokh.com, a 4th-Amendment expert and conservative law professor, Orin Kerr, published a post entitled "Explaining the Unpopularity of Lawyers."

It led, in less than 24 hours, to over 180 comments, as the many lawyers who haunt Volokh.com responded — some seriously, others capriciously.

I read them all.

But I'm still not clear. Why does the unpopularity of lawyers require explanation?

— Ross Levatter

It's not easy being green — Not since Jimmy Carter has a president managed to bungle things so badly in such a short time. Indeed, he bids fair to eclipse the wretched Carter's failures, which is probably why Carter admires him.

Not content with the healthcare debacle, BungleBama is leaving his mark in the energy arena. His truly sophomoric vision of replacing fossil fuels not with nuclear power (which he shuns, despite his campaign promises), but with wind, solar, and biofuels, is blowing up in his face.

Consider the Van Jones debacle. Anthony "Van" Jones was Obama's choice to be the "Green Jobs Czar." He escaped scrutiny, because as a presidential czar he doesn't have to be vetted by Congress, and because America's news media (a.k.a. the Fourth Estate) are of course giving Obama a complete pass on everything he does.

But the counter-media took notice of Obama's strange appointment. It turned out that Jones was a race-baiting leftist nut-bar of the first rank. Where to begin? He was videotaped calling Republicans "assholes" for being less enviro-screwy than he is. He also signed a petition for the 9/11 "Truthers," who allege that George Bush was complicit in the attack upon the World Trade Center. All in all, a remarkable choice for a president who ran on a platform of healing partisan divisions.

Jones was also on record as describing himself as a communist — in the 1990s! I mean, talk about crazy timing; you choose to become a commie after communism collapses. God, what a buffoon.

He has also publicly pushed his view that "white polluters" have been "steering poison" towards — guess whom? — black folk. This ties in with his remarkable sociological analysis of the Columbine High School killings. To quote Jones,

"You've never seen a Columbine done by a black child. Never. They always say, 'We can't believe it happened here. We can't believe it's these suburban white kids.' It's only them!"

As these and other incidents became known (it has now been discovered that the American public knows how to Google someone, even if the *soi-disant* "journalists" in the mainstream media don't) Jones resigned over the Labor Day weekend.

But Obama's dream of a "green jobs" explosion (which was supposedly Jones' area of "expertise," as if one could have expertise in a domain that is void of content) looks raggedy, anyway. Consider several recent reports.

First, the release — to complete lack of interest by the mainstream media — of a major study by the Energy Information Administration. This work, dryly entitled "Energy Market and Economic Impacts of H.R. 2454, the American Clean Energy and Security Act of 2009," estimates that the cap-and-trade bill Obama and Pelosi rammed through the House of Representatives in June will by itself raise electric power prices by a massive 20% within 20 years (over and above other projected increases).

Unlike prior reports critical of the bill, including one by CRA International that estimated it will cost 3.2 million jobs over the next 15 years (the subject of a previous Reflection of mine), this is one report the Obama administration is finding hard to dismiss. The Energy Information Administration is not some private thinktank; it is part of the U.S. Department of Energy.

Second, a story from The Wall Street Journal (Sept. 3), carrying the sober headline "Spanish Solar-Power Collapse Dims Subsidy Model." It seems that the Spanish government has thrown in the towel about its massive solar power program, which only recently Obama touted as an example of how green energy is economically beneficial.

As of last year, fully half of all new solar power installations were located in Spain. But by the end of 2008, as the world recession hit that country, the government decided it could no longer afford its prodigious subsidies for such an economically ludicrous technology. Indeed, solar power companies around the world have had to slash jobs dramatically.

Finally, another recent WSJ article (Aug. 27), with the clever title "U.S. Biofuel Boom Running on Empty," explores the collapse of the so-called "biofuels revolution." "Biofuels" is a term that encompasses three types of fuel: biodiesel (produced from vegetable oils and animal fats); "next generation fuels" (produced from plants such as switch grass that are not foodstuffs); and ethanol (produced here from corn, and elsewhere — in the sane world — from sugar cane).

But two-thirds of the American biodiesel capacity is now idle, because of the fall in oil prices. For example, Green Hunter Energy, the country's biggest biodiesel refiner, ceased production several months ago and is contemplating selling a recently built plant.

Meanwhile, the companies that produce or plan to produce next-gen biofuels are finding capital virtually impossible to get. No doubt hindering their progress is the fact that Cello Energy (which was expected to supply nearly three-fourths of the government-set target for biofuels produced from cellulose) has been found guilty in federal court for defrauding the investors.

This is all on top of the widely acknowledged failure of corn-based ethanol to prove economically viable. Thanks to Midwest congresspeople, corn ethanol productions get tremendous subsidies, so it will likely stumble on, despite the fact that it has driven up food prices and proven to be ridiculously costly as a fuel.

The obvious way to deal with global warming and dependence on foreign oil is a rapid expansion of our nuclear power industry, together with a dramatic expansion of drilling for oil and gas in areas of the country foolishly put off-limits for human use by insane environmentalist regulation. But Obama refuses to consider, much less do, either one. — Gary Jason

The Kennedy curse — It is said that people make gods in their own likeness. If that is true, what kind of people created Edward Kennedy (1932–2009)?

Kennedy's biological father was a goatish, pro-fascist crook whose politics were chiefly motivated by Irish-American nationalism and the desire to make one or more of his children president, for no other reason than that they were his children. His mother was a twisted religious bigot. ("Dad was the spark," Teddy recalled; "Mother was the light of our lives.") Their children were all, to one degree or another, seriously damaged by their domineering parents. One of the children was lobotomized by a father disgusted by her mental "slowness." The others were deformed by the assumption that the only way to amount to anything was to achieve power over others. A more vicious premise can hardly be imagined. It is fortunate that at least one of them — John F. Kennedy — knew better, although his life was still grievously influenced by his father's political ambitions and his lessons in sexual aggression.

Teddy, youngest male of the family, was a person of average intelligence and below-average capability, darkly overshadowed by his older brothers. He got Cs at prep school but was admitted to Harvard because his family was rich. At Harvard he was caught cheating and expelled. At the University of Virginia Law School he was ticketed for reckless driving four times and received the kind of punishment that the children of wealthy fixers generally receive.

In 1962, after a one-year career as assistant to the district attorney of Suffolk County, Massachusetts, he was elected to the Senate of the United States, for no other reason than that his father was rich and his brother was president. He was 30 years old, and he held the job for the rest of his life.

In 1969, he hosted a party on Chappaquiddick Island, MA, for some girls who had worked for his brother Robert's presidential campaign the previous year. Drunk, he took one of the girls out in his car and drove the car off a bridge. While his companion struggled for life in the overturned vehicle, Kennedy extricated himself, ignored the lights in a nearby house, fled across the island, swam an inlet, and returned to his hotel. In the morning, other people discovered the car and the dead girl, and Kennedy finally reported his association with the event, after soliciting advice from the kind of statesmen who flock around money and power. He went on television to deliver the first of many lachrymose speeches in which he urged people to support him because his brothers were dead. And Massachusetts voters did support him. They reelected him eight times.

During the following years, Kennedy repeatedly ran or threatened to run for the presidency, convinced that a person who had no work experience, no relevant education, no analytical ability, no sense of morality, no qualifications of any sort except his association with a wealthy family, had a duty to become the nation's chief executive. He failed ignominiously. Eventually he gave it up, having discovered that even so incompetent and unpopular a figure as Jimmy Carter could beat him handily. Strangely, political pundits were incapable of reaching the same conclusion. For the rest of his life they considered Kennedy the idol of the American people.

After magnanimously relinquishing the presidency, Teddy devoted himself to his four favorite pursuits: drinking, eating, womanizing, and pushing people around ("legislating"). Like other people who know just enough to understand that there is always someone dumber than they are, Kennedy played the demagogue to an audience of poor people and Hollywood liberals, making violent speeches in which he denounced all who opposed his policies as racists and sexists. Then, in private, he cuddled up to Republican politicians who had no qualms about selling out their party. Together, they produced "compromise legislation" that (imagine!) gave Kennedy virtually everything he had originally wanted. (The press lauded this as "bipartisanship.")

Kennedy's constant desire was to increase the power of government. Always he advocated state power, from the days when he demanded universal conscription to the days when he demanded racial quotas for hiring ("quotas, shmotas" was his contemptuous dismissal of those who objected to this patent inequity) to the days when he moved heaven and earth to impose government healthcare on an unwilling populace. He could not be troubled to read a book, consult experience, or consider the logical implications of the things he wanted. He just *wanted* them, because they gratified his ego, no matter what the costs might be to others. He had money, so he wanted power. He was a wicked man, a thousand times more wicked than the man who holds up a 7-Eleven, desiring only the cash that's in the till.

In 2008, Kennedy developed brain cancer. Instead of resigning the duties he could no longer fulfill, he kept on being a senator, using his remaining days to demand more government, plan a heroic funeral, and try to get his home state to change its electoral laws so that a clone could be inserted in his place. He died on August 25, before he could do any more harm. President Obama, in his funeral oration, called him "the greatest legislator of our time" and "the soul of the Democratic Party."

Soul. Can it be that this ranting, bloated, redfaced drunk was the soul of anything?

It staggers the imagination. Yet this was the hero of the academics and the intellectuals. This was the organism over which National Public Radio claimed "the nation is in mourning." This was the entity that prompted Yahoo News to run a headline in this form: "Throughout history, Kennedys have grieved losses in public" — as if the Kennedys had, like gods, existed from the dawn of time, making spectacles of themselves to mortals and reveling in their attention.

All of this is embarrassing to contemplate. But the biggest embarrassments are the teachers and commentators, the political leaders and self-proclaimed idealists, who created

Edward Moore Kennedy in the image of their highest aspirations.
— Stephen Cox

Where's my guillotine? — Sen. Edward M. Kennedy died in late August. His passing brought forth the usual prefabricated obituaries and reverent balderdash. A few, lonely voices pointed out that the arc of the man's life — from cheating in college to depraved indifference to a young woman's death to a failed marriage to unseemly abetting of his nephew's indictable offenses — was not something decent people should emulate.

Kennedy's politics were, of course, orthodox urban statism. Reflexive, unexamined. No surprise there; he represented Massachusetts in the U.S. Senate.

But neither his politics nor his shoddy personal life was what made the man so loathsome. What did?

The feeble-minded television pundit Eugene Robinson stumbled around the point when he said — as a compliment, apparently — that Kennedy played the part of a prince well. What is this, the Grand Duchy of Fenwick?

The flabby, dissolute, venal brother of iconic popular figures was a "prince." That's why I loathed him. And why I loathe the likes of Eugene Robinson. Off with their heads!

— Jim Walsh

He's outta here — Tuning in the Red Sox game on the evening of Aug. 26, I was confronted with what I had managed to avoid all day — the death of Teddy Kennedy. I had made a point of not looking at the morning papers or turning on any cable news programs (especially MSNBC and CNN) in order to avoid the overwrought displays of mourning for that bloated excuse for a statesman.

The Red Sox organization, however, went all-out to honor the blob. The flag was at half-staff; the PA announcer read a long, saccharine tribute to the man; a moment of silence was observed. All this for a guy who was expelled from Harvard for cheating, used his connections to avoid combat during the Korean War, and left a woman to drown after driving his car off a bridge.

What really struck me about the Sox's tribute was a line in team owner John Henry's encomium. Kennedy, Henry wrote, "shaped the lives of millions." Well, perhaps he did. Certainly he threw plenty of money at people's problems (real or imagined) during his very, very long career in politics. I may have been one of the few members of the viewing audience who went cold at the words. Imagine a single legislator, elected by the voters of one medium-sized state, "shaping" the lives of millions of Americans. Be it for good or ill, do we want one man to have such power? In Kennedy's case, of course, it was largely for ill.

The senator's martyred brothers, whatever one thinks of their politics, had courage, and President Kennedy deserves to be honored for getting us out of the Cuban missile crisis without a nuclear war, and then ending nuclear testing in the atmosphere. But Teddy? A limousine liberal *par excellence*, an inebriate, a cheater, a man who fled the scene of an accident while a woman was drowning — this excuse for a man deserves burial at Arlington? Bah! I say good riddance.

— Jon Harrison

Robert Novak, R.I.P. — It is fashionable to scorn Robert Novak (1931–2009), the political journalist and

television commentator who died on August 18, a victim of one of the several grave illnesses that plagued him during the latter part of his life.

Modern liberals hated Novak for the cynical way in which he exposed the cynicism of their social projects, the heartless way in which he revealed the heartlessness of their humanitarianism. Modern conservatives feared his mordant wit, his never-concealed assumption that they were mostly provincial hacks, like the liberals, although they came from another province. Many libertarians distrusted him because he was only a "libertarian conservative." What was *that*, anyway?

The libertarians ignored the fact that Novak's motto was "Always love your country but never trust your government." Like the modern liberals and conservatives, they refused to appreciate the fact that Novak was the smartest journalist in Washington. He had a virtually unmatched ability to think for himself, so naturally he failed to please most people, most of the time. But he usually hit whatever target he aimed at. On the typical Washington "insider" show ("Capital Gang," for instance), the conversation went like this:

Establishment media liberal: "Insiders tell me . . . The New York Times got it exactly right . . . The experts agree . . . This is a good bill — not a perfect bill, but a bill that will bring this country into the 21st century . . . I know that Neanderthals like Novak may disagree [smile, eyebrow lift, and snort from Novak] . . ."

Establishment media conservative: "It's obvious that something must be done . . . The nation demands action, and rightly so . . . Nevertheless, the devil is in the details . . . The bipartisan amendment now being drafted by Senator Smurf remedies most of the problems that Novak and other reactionaries have been orating about [angelic smile from Novak] . . . Insiders tell me . . . The experts agree . . . It's important to reach a viable consensus . . ."

Novak: "As everyone knows, or ought to know, this bill is a complete disaster . . . It will increase the national debt by roughly 5% . . . It will cause a massive loss of jobs . . . No one is really in favor of this turkey except the fanatics and the lobbyists for groups that plan to profit from it, so it will probably pass, unhappily for the republic . . ."

Establishment media liberal and establishment media conservative: Momentary silence, accompanied by hateful glances. Nervous, though condescending, chortles.

Moderator: "Well, now we've heard from Robert Novak. As usual, Bob [amicable sarcasm, as if to a retarded boy], you're the *only* one who's right."

But he was. And that's why people tuned in to those shows. It wasn't to watch the \$500,000 a year ignoramus from The New York Times or the wry little Oyrish humorist from PBS; it was to watch Bob Novak, the Prince of Darkness, who got that name because of his educated pessimism about the pretensions of this country's political leadership, a subject he always understood much better than the pundits he encountered.

Novak wrote a nationally syndicated column for 45 years. He was a pioneer of the television talk show. But it's his autobiography, "Prince of Darkness" (2007), that will keep his memory alive. I reviewed that book when it came out, and I don't want to repeat all the things I said back then (visit Liberty's website and look for the June 2008 issue). But let me ask you, How many autobiographies of Washington journalists have

you read? That few? Why? Could it be because you've found that these people normally write like the hack politicians they *cover*, as opposed to *reveal*?

Novak didn't hesitate to disclose the facts, about other people or about himself. He withheld information only when he thought innocent people would be damaged. He depicted most of the political functionaries and almost all the presidents he knew as brazen liars or astonishing fools (usually both). He reached similar conclusions about the people who ran for the presidency and failed. In addition, he depicted much of his own life as folly, with particular attention to the amazing quantities of liquor he guzzled before deciding to stop being a drunk.

He told his life story with the kind of detail that almost no memoirist ever includes, right down to the amounts of money he received for his writing and his television appearances. It has been said that people are much more willing to discourse about their sex lives than to hint at the size of their bank accounts; but Novak, again, was the exception. He showed himself changing from drunk to sober, from agnostic to Christian, from modern liberal to libertarian conservative, and he did so without any hint of self-righteousness. Describing his 1998 baptism, for which Senator Daniel Moynihan acted as a sponsor, he quoted Moynihan as joking, "Well, Bob, now that you've become a Catholic, when are you going to become a Christian?"

Novak had a real and often hilarious sense of humor. He had a large knowledge of American history and an encyclopedic knowledge of how things work in America. He had genuine insights about what we piously call Our Political System, and he expressed his insights crisply and cogently. Few of his thoughts were original, and some of them were, in my view, dead wrong; but they were never stereotyped, never motivated by a desire to reach a consensus with either the Ins or the Outs. *He* was original, and that's a lot to say about anyone.

— Stephen Cox

Rose Friedman, R.I.P. — When Rose Friedman died on August 18 at the age of 98, the chief theme of the obituaries was the close partnership she had with her more famous husband, Milton Friedman.

As far back as 1962, "Capitalism and Freedom," a path-breaking book based on a series of lectures by Milton, included the words "with the assistance of Rose Friedman" on the title page. "She pieced together the scraps of the various lectures," Milton wrote in the preface, "coalesced different versions, translated lectures into something more closely approaching written English, and has throughout been the driving force in getting the book finished."

Given today's attitudes, one might wonder, if she did all that, why wasn't she named coauthor? In later books such as "Free to Choose" and "The Tyranny of the Status Quo," Rose was, indeed, coauthor. But the real answer to the question is that their partnership was based on a division of labor, one that suited them both.

Rose had been an excellent graduate student at the University of Chicago, praised by the prominent economist Frank Knight, for whom she was a research assistant. But she never finished her dissertation. And once she and Milton were

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Property Rights — or Property Permissions?

by Timothy Sandefur

A disturbing trend, reaching back to the
Progressive Era, continues to deform property
rights in America.

When Craig and Robin Griswold applied for a building permit to renovate their small home in the southern California city of Carlsbad, they were shocked to learn what city officials wanted in exchange: the city demanded that they give up their right to vote.

Article XIII of the state constitution guarantees California homeowners the right to vote on whether their properties are assessed for the value of local improvements such as the construction of new streetlights or sidewalks. Assessments differ from property taxes in that they are levied only on the properties in the neighborhood that benefit from these improvements. In 1996, after years of abuse by cities that routinely assessed property owners without restraint, voters passed an initiative amending the constitution and requiring cities to hold elections before assessing property owners for local improvements.

But Carlsbad officials have found a way to avoid this constitutional provision. Rather than allowing homeowners to vote on assessments, the city simply imposes assessments on homeowners whenever they remodel their homes in ways that cost more than \$75,000. This estimate is done by the city, according to its own formula, when the homeowner applies for the necessary building permits. If the city thinks the ren-

ovation would exceed that amount, it automatically — and illegally — assesses the owner for the construction of sidewalks, curbs, lighting, and other projects. This demand can be extremely expensive: in the Griswolds' case, the city asked for an upfront payment of \$114,979.

But, recognizing that such an amount would prove prohibitive to many homeowners, the city also offers an alternative. For those who cannot afford the illegal assessment, the city offers a waiver form, giving up the voting right conferred by the state constitution, and waiving any right to "file or bring any protest, complaint, or legal action of any nature whatsoever challenging the validity of the proceedings." This waiver is quite explicit, specifying that "the owner hereby consents to, and approves of . . . the levy of an assessment against the property . . . [and] grants to the city a proxy to act for and on behalf of the owner, the owner's successors, heirs, assigns, and/or transferees, for the limited purpose of

completing and submitting an assessment ballot in support of the levy of the assessment." In other words, in exchange for a permit to renovate their home, the Griswolds were forced to give up their constitutionally protected voting right — and the waiver binds not only the Griswolds, but anyone to whom they might sell or give the property.

The Griswolds, represented by attorneys at the Pacific Legal Foundation, filed a federal civil rights lawsuit to challenge the constitutionality of the assessment scheme, arguing among other things that it's an illegal poll tax, since the city conditions the right to vote on the payment of a fee. Although the trial court dismissed the case on a procedural technicality, the Griswolds appealed to the 9th Circuit Court of Appeals, which heard oral arguments in May.

It might seem outlandish that government officials would demand that property owners waive their right to vote in exchange for a building permit, but this case is only one extreme example of an increasingly common phenomenon: the abuse of permitting powers by local governments that want to force property owners to give up their rights — to money, to land, or to the ballot — in exchange for permission to use their own property as they wish. Nor is it an isolated incident. The city of Santa Rosa, California, enforces an ordinance that forces permit applicants to give up their right to vote on a different kind of tax. Similar rules appear to be in place in Missoula, Montana.

In the 1987 case of *Nollan v. California Coastal Commission*, the United States Supreme Court invalidated an attempt by one of the state's most intrusive bureaucracies to extort land from a Malibu family who sought a permit to construct a second story on their home. Commission members claimed the home would create a "psychological barrier" between motorists on Pacific Coast Highway and the nearby beach. But rather than denying the permit, or imposing a height restriction, the Commission demanded that the Nollans agree to an easement allowing the general public to walk across their yard to the beach. In the decision he wrote for the 5-4 court, Justice Antonin Scalia explained that government agencies cannot make demands on property owners that are totally unrelated to the potential effects of construction. They may make such demands only when proposed construction might harm the public or impose significant new demands on public resources — as when new home construction will increase

traffic and overload local roads. Even then, the demands must somehow help alleviate those effects. If the government can make demands on permit applicants without any such connection, Scalia wrote,

the situation becomes the same as if California law forbade shouting fire in a crowded theater, but granted dispensations to those willing to contribute \$100 to the state treasury. While a ban on shouting fire can be a core exercise of the State's police power to protect the public safety . . . adding the unrelated condition alters the purpose. . . . Similarly here, the lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was. The purpose then becomes, quite simply, the obtaining of an easement . . . without payment of compensation. . . . In short, unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but "an out-and-out plan of extortion."

Scalia's point seems obvious if one presumes that landowners have the right to use their property as they see fit, consistently with the rights of others. Under this premise — known in the law as the "*sic utere* principle," from a Latin phrase meaning "one should use one's property so as not to injure someone else" — it makes sense for the government to deny permits to people whose construction might harm the public. Government agencies might also take a lesser step than outright denial: they might require the owners somehow to reduce the deleterious effects of their projects, for instance. If officials have the "power to forbid construction," wrote Scalia, then they also have "the power to condition construction upon some concession by the owner, even a concession of property rights, that serves the same end."

But not everyone holds the *sic utere* principle that property owners are free to use their land as they see fit. Indeed, many if not most judges and law professors today view that right as no right at all, but rather as a permission given by the state to those citizens it deems worthy. On this premise, requiring owners to pay for the privilege of using their property makes perfect sense. This was the approach taken by Justice William Brennan, who wrote a dissenting opinion in the *Nollan* case. "[S]tate law is the source of those strands that constitute a property owner's bundle of property rights," he argued. Thus if a state decrees that owners have no right to develop their property, or to exclude others from walking across it, that is the end of the matter. He regarded it as "curious" for Scalia to "somehow suggest[] that 'the right to build on one's own property' has some privileged natural rights status."

In the two decades since *Nollan*, some academics have gone quite far in arguing that owners of property can be forced to pay for the privilege of using what belongs to them. Professors Gideon Parchomovsky of the University of Pennsylvania and Abraham Bell of Fordham have labeled this approach "givings," to contrast it with the 5th Amendment's "takings" clause. When the government takes an action that increases the market value of property — such as granting a building permit — it may, in their words, "collect a 'fair charge' in exchange for the giving." Whether or not lawyers and judges explicitly embrace Bell and Parchomovsky's approach, it is in reality the way many local governments view their permitting authority. In fact, shortly after the Griswolds filed their voting



"I urge the Court to take into consideration the fact that my client only burglarized *local* merchants!"

rights lawsuit, Carlsbad City Attorney Ron Ball told the San Diego Union-Tribune, "In this state, development is a privilege and development is allowed to be conditioned."

This is the crux of the dispute. If private property is a basic human right, then it pre-exists the state, and government bears the burden of justifying the limits that it imposes on an owner's freedom to use what belongs to him. But if property is created by government's decision not to interfere, then the owner must obtain that permission by yielding other rights. As Janice Rogers Brown, then a justice on the California Supreme Court, wrote in a 2002 case, local governments taking the second approach effectively tell property owners, "We have the power; therefore, pay us to leave you alone. By any measure, that is extortion. . . . Instead of the government having to pay compensation to property owners, the government now wants property owners to compensate *it* to get back the fair value of property the government took away through regulation."



The notion that property rights are created by government fiat is an old one, but its contemporary form is a legacy of the Progressive Era, when philosophers and judges overthrew the concept of natural rights underlying the American Constitution, and replaced it with the positivist view that rights are simply spaces of free discretion that citizens enjoy thanks to the state's protective influence. Progressive intellectuals were often quite explicit that their theory did not stop with property rights: all rights, including freedom of speech and freedom of religion, were simply privileges of citizenship. "All my life I have sneered at the natural rights of man," wrote Oliver Wendell Holmes, one of the pioneers of the Progressive approach. For Holmes and his allies, the state manufactured individual rights to serve its own purposes. Thus, for instance, free speech was to be protected, not to preserve individual autonomy, but because society benefits from the exchange of opinions. "Persecution for the expression of opinions seems to me perfectly logical," wrote Holmes in a famous 1919 case. But "the theory of our Constitution" is that "the ultimate good desired is better reached by free trade in ideas." And since government creates the freedom of speech to serve its own ends, it can also squelch free expression if that is more conducive to its ends. Thus in another case that same year, Holmes held that a war protester could be jailed for distributing pamphlets protesting the draft. "When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured." The Progressives took the same view of private property. Justice Brandeis encapsulated the era's attitude toward individual freedom when he wrote "rights of property and the liberty of the individual must be remodeled, from time to time, to meet the changing needs of society."

The conception of private property as a tentative government permission carries with it troubling philosophical and practical baggage. First, it implies that wealth is a fixed product to be divvied up according to some criterion such as fairness or equality. It takes no account of the origin of wealth,

or of the rights of those who produce it. The classical liberal conception of private property on which the Constitution was based sees property as inseparable from the liberty with which the individual creates wealth. Because a person devotes time and effort to the construction of a thing, that thing is

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rightfully his, not according to a scheme of social improvement, but according to principles of justice. Grounded in the individual's natural desires for a realm of privacy and the improvement of his standard of living, this conception of property rights combines a humane moral insight — that, in John Locke's words, "being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions" — with powerful economic incentives. Each person is responsible for his own pursuit of happiness, able to enjoy the rewards, and required to suffer the burdens, of his own private choices. But the Progressive approach is silent on the questions of wealth's origins, or the individual's just claim to the product of his labor. Instead, it assumes that wealth — and the individual effort that gives rise to it — belongs to the state, and should be distributed according to the state's lights. Indeed, for the Progressives there were to be no meaningful barriers to the government's power of controlling individual choice and redistributing wealth. "To these thinkers," wrote political scholar Charles Merriam in 1903, "it appears that the duty of the state is not and cannot be limited to the protection of individual interests, but must be regarded as extending to acts for the advancement of the general welfare in all cases where it can safely act, and that the only limitations on governmental action are those dictated by experience or the needs of the time. . . . It is not admitted that there are no limits to the action of the state, but on the other hand it is fully conceded that there are no 'natural rights' which bar the way. The question is now one of expediency rather than of principle." That this approach posed a serious danger to individual freedom and dignity was made clear by the Progressives' later successes in imposing prohibition, segregation, and eugenics programs — including the forcible sterilization of women, which Justice Holmes ruled to be constitutional in the infamous 1927 case *Buck v. Bell*. The right to have children was just another discretionary benefit that the state could take away for society's "benefit."



Lawyers refer to local governments' extortionate demands from property owners as "exactions," and in addition to their philosophical weaknesses, they have some troubling practical

consequences. Exactions have become so commonplace that some researchers blame them for the wildly distorted cost of real estate in states like California, where the abuse of permitting powers is particularly egregious. In his latest book, *"The Housing Boom And Bust,"* economist Thomas Sowell even blames them in part for the recent economic downturn. Sowell observes that one of the reasons for the artificial rise in housing prices preceding last year's real estate crash was the excessive burden placed on builders by local government regulators. Because exactions and other bureaucratic costs emanate from city or county governments, the national market became speckled with enclaves of exaggerated housing costs. Although "most of the country was *not* suffering from skyrocketing housing prices," those communities with excessive burdens on construction were — and the consequence was an illusory crisis that politicians strove to address by devising easy financing options for risky first-time buyers. "Government regulations and interventions are precisely what pushed lending institutions to reduce the standards which they had traditionally required of prospective borrowers before making mortgage loans to them." It was the lowering of those standards that precipitated a series of defaults leading to today's recession.

It is easy to see why the burdens that local governments put on building permits would translate into confiscatory housing prices. In one 2006 case, the Sacramento suburb of Elk Grove, California, demanded that Muhammed Ahmad and his wife Jonette Banzon pay \$240,360 in "in lieu fees" in exchange for a permit to construct a second story on their home. The city explained that the fees were for such street improvements as paving roadways, adding street signs and stripes, and for the

Commission members claimed the home would create a "psychological barrier" between motorists on Pacific Coast Highway and the nearby beach.

planting of new trees. In another case, the California Coastal Commission agreed to allow Dan and Denise Sterling to build a home on their 143-acre property in San Mateo County — but only if they signed a permanent easement pledging forever to use 142 acres of their land as a farm. The Sterlings aren't farmers or ranchers, but the owners of a modest doublewide where they live with their four children. "[T]he Commission wants most of my land put under a government easement and set aside for farming," said Dan Sterling, "but farming is the one thing my family couldn't make a living at with this property. What's really happening here is that we're being forced to give this land over as a park or open space for the community, but we still pay taxes on it, and are still responsible for the other liabilities of property ownership."

Forcing particular landowners to give up rights in exchange for permission to use their property allows local governments to avoid the politically unpopular alternative of

paying for public amenities with tax dollars. If political leaders can make developers pay for the construction of roads, streetlights, new libraries, or parks, such projects seem to most voters to have been provided for "free." In fact they are not free; they are extracted from individual property owners who lack

If private property is a basic human right, then government bears the burden of justifying the limits that it imposes on an owner's freedom to use what belongs to him.

the political influence necessary to defend themselves from political exploitation. And, as the New York Court of Appeals observed in a 1976 decision,

the ultimate economic cost of providing the benefit is hidden from those who in a democratic society are given the power of deciding whether or not they wish to obtain the benefit despite the ultimate economic cost, however initially distributed. In other words, the removal from productive use of private property has an ultimate social cost more easily concealed by imposing the cost on the owner alone. When successfully concealed, the public is not likely to have any objection to the "cost-free" benefit.

These effects became starkly real to southern California businesswoman Janet Auxier in 2006, when local officials ordered her to construct three new sections of roadway, install traffic lights and a new water main, and make other improvements totaling more than \$200,000 — even though she had not applied for a permit to begin with. Auxier, who runs a business that sells decorative rock and gravel, bought the land in 2003 in the desert city of Hesperia, California. The property, which sits alone with no neighboring structures, had previously been used by a business that sold plaster and drywall. The large lot and isolated building were perfect for storing and selling different types of rock. She never planned to build on or renovate the property, which was already properly zoned for her business.

Nevertheless, city enforcement officers began fining her for operating without a "site plan," a complicated document that, according to city ordinances, only developers are required to prepare. Although the city never told her why she was being required to prepare such a plan when she was not a developer, Auxier hoped that the city would leave her alone if she cooperated. She hired an engineering company to prepare a site plan which would make clear that she did not intend to build anything or change the property in any significant way. Nevertheless, after three years of negotiations, and more than a dozen fines, officials finally accepted her site plan only on the condition that she construct hundreds of thousands of dollars in new public improvements — improvements with no relationship to any effects of her use of the property. Pacific Legal Foundation attorneys took Auxier's case to challenge the city's actions; that lawsuit is now awaiting review by a trial court.

The city's motives are clear. By requiring Auxier to pay the cost of improvements, political leaders can portray themselves as visionaries and their cities as dynamic pro-growth communities, without requiring voters to face the costs of public economic-development programs. Meanwhile, individual property owners like Auxier don't have the political muscle to persuade local officials to leave them alone. They are the quintessential "insular minority." Yet despite courts' self-serving claims that they take special care to protect minority rights, judges actually make little effort to defend property owners from such exploitation. Dominated still by Progressive-era attitudes toward private property, the judiciary virtually always defers to local government authority — most notoriously in the 2005 eminent domain case, *Kelo v. New London*, when the Supreme Court abandoned any serious legal limit on the power of local officials to seize homes and businesses for the benefit of politically connected developers and ambitious bureaucracies.



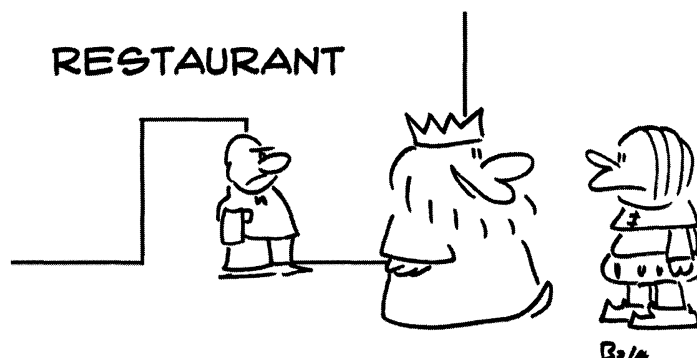
Rules limiting the uses of land have existed for centuries. But the Progressive era witnessed a fundamental intellectual shift, as intellectual leaders — and particularly lawyers and judges — jettisoned the founders' classical liberal conception of natural rights and replaced it with the idea of rights as permissions. This helped reinforce the Progressives' fondness for central planning and urban redevelopment. "Progressives loathed the absence of a comprehensive plan," wrote law professor Eric Claeys in a recent issue of the *Fordham Law Review*. "Recall that Progressives liked to equate the local community to an organism. . . . Progressives measured the political health of the city by the extent to which citizens acted with a common purpose; a comprehensive prearranged city plan was proof that they were."

That era's leading innovation in land-use control was the concept of "zoning," validated by the U.S. Supreme Court in the case of *Village of Euclid v. Ambler Realty* in 1926. Justice George Sutherland, torn between his own Progressive political leanings and his sincere belief in the importance of private property rights, ruled that zoning laws were constitutional because they simply modernized the long-understood principles of nuisance law: "There is no serious difference of opinion in respect of the validity of laws and regulations fixing the height of buildings within reasonable limits, the character of materials and methods of construction, and the adjoining area which must be left open, in order to minimize the danger of fire or collapse, the evils of overcrowding and the like, and excluding from residential sections offensive trades, industries and structures likely to create nuisances," he wrote. In his eyes, zoning simply existed to prevent "a right thing in the wrong place, like a pig in the parlor instead of the barnyard."

But zoning was much more than that, as became clear over the ensuing decades. Rather than organizing the uses of property in any systematic and rational way, zoning laws only shifted the power to determine the use of land out of the hands of property owners — where those decisions were made by balancing supply and demand — and into the hands

of political authorities, where decisions are made on the basis of popularity and influence. The zoning map of any major metropolitan area today would probably look every bit as random and haphazard as the land-use map of a century ago. Cities are not more rationally or systematically planned now; the major difference is that land-use decisions are made on a political rather than on an economic basis. Houston is the last major city in America not to have adopted extensive zoning (although city officials exploit a variety of land-use restrictions to achieve similar purposes). Yet while some of its neighborhoods are more eclectic than neighborhoods in cities with zoning, these differences are not dramatic. Instead, land uses in Houston are more closely tied to the actual desires of consumers and landowners than they are in other cities, where they are dictated more by the political influence of developers, environmentalists, unions, and other lobbyists. One consequence is that housing costs in Houston are significantly lower than those in other cities. A 2,000-square foot home in Houston costs about \$120,000; in New York City the price is \$1.7 million. As a Houston-area contractor wrote in a recent issue of *The Objective Standard*, "Because Houston's builders and developers are less shackled by land-use restrictions, they are able to use property in ways that make the most economic sense; they are better able to supply the market with property for each type of use; they are able to sell and lease property at lower prices; and they are able to change land uses more easily and efficiently than would be possible under zoning laws."

So long as zoning was seen as a variety of nuisance law, it was possible that such restrictions might be logically limited. The concept of "nuisance" builds on the *sic utere* principle. *Sic utere* accorded property owners a broad realm of individual choice. But as zoning morphed into the Progressive central planning model instead, land uses became dictated by a new principle: an individual may use land only so far as approved by government officials. In his book *Restoring The Lost Constitution*, law professor Randy Barnett argues that "we must choose between two fundamentally different constructions of the Constitution. . . . We either accept the presumption that in pursuing happiness persons may do whatever is not justly prohibited or we are left with a presumption that the government may do whatever is not expressly prohibited." But in the context of private property rights, this choice



"I didn't have any cash, so I used eminent domain."

was made long ago by the Progressive-era shift away from traditional nuisance concepts — premised on the classical liberal view that individuals have the natural right to act freely as long as they injure nobody else — and toward the central planning conception that individual freedom is only a privilege the individual lacks until given it by the state. With that shift, zoning was transformed from a rule for keeping pigs out of parlors, into a tool with which bureaucrats could sculpt neighborhoods as they saw fit.

Like zoning laws, permit-based exactions give government officials, instead of consumers, broad power to make decisions about the land use. One common exaction demanded of developers who wish to construct apartment buildings is that they also build a certain amount of “affordable housing.” For example, in 2006, the city of Santa Monica, California, adopted an ordinance forcing developers to rent at least 20% of their apartment units at below-market prices. A coalition of apartment owners sued, arguing that under the *Nollan* decision, the ordinance was an unconstitutional taking of their property. But state court judges dismissed the case, holding that the limits set by the *Nollan* decision do not apply to exactions imposed by ordinances, but only those imposed by zoning boards or other committees. The United States Supreme Court refused to hear the case.



A lawsuit like the Griswolds’ voting rights case may seem extreme, but in fact there is little difference in principle between it and demands by other local governments that property owners yield land or money in exchange for permits. If property rights are only a privilege extended by government fiat, then public officials have broad power to set the conditions for those grants. And if it can force landowners to give up their money, or their land, or to devote some of their property to below-market rental or to permanent farming, why not also demand that she waive her right to vote?

The central problem is the shift away from the Founders’ classical liberal view of natural, human rights and toward the Progressives’ view that rights are permissions based on political consensus. With that shift came a gradual change in the nature of land-use regulation; originally a mechanism for preventing nuisances, land-use planning morphed into a device for centralized social planning. Where nuisance law sought to protect each person’s equal right to use property as he sees fit, the Progressive central planning model holds that experts should choose the “right” uses of land — uses that may or may not reflect the actual desires of individuals — and enforce that vision on property owners. The problems with land-use regulation will not be resolved until Americans, and particularly lawyers and judges, rethink their basic philosophical approach to private property rights.

But this endeavor, too, is obstructed by the legacy of Progressive-era judges, who believed that courts have no business addressing philosophical issues. They argued that such issues are better left to the legislature; in their eyes, the judiciary’s role is limited solely to applying the law. This was the theory of “judicial restraint,” another Progressive-era innovation. “If my fellow Americans want to go to Hell, I

will help them,” Oliver Wendell Holmes told a friend. “That’s my job.” But this conception of the judge’s role would have struck the Constitution’s authors as farcical and dangerous. They expected and even encouraged judges to address complicated and abstract questions of justice and individual rights. Indeed, it is impossible for judges to interpret the

The California Coastal Commission agreed to allow the Sterlings to build a home on their 143-acre property — but only if they signed a permanent easement pledging forever to use 142 acres of their land as a farm.

Constitution without doing so. That document explicitly declares that no person shall be deprived of property without due process of law. Yet these terms are left undefined. Without understanding what the framers understood by the words “law,” or “property,” this constitutional injunction is incomprehensible. Holmes and other Progressive judges held that the Constitution does not embody any particular political or economic theory at all, but is a blank slate on which electoral majorities can write their preferences into law: “It is made for people of fundamentally differing views,” Holmes wrote in his most famous dissenting opinion. “The word ‘liberty,’ in the 14th Amendment, is perverted when it is held to prevent the natural outcome of a dominant opinion. . . .” To James Madison and other Founders, this was the very definition of liberty in a democracy. “Wherever the real power in a Government lies, there is the danger of oppression,” Madison wrote in 1788. “In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly [sic] to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents.”

Thanks to the overwhelming influence of Progressive thinkers, however, many of today’s judges, including such conservative stalwarts as Justice Scalia, hold that questions about human rights are beyond their purview. Indeed, in the *Nollan* case itself, Scalia made a remarkable concession. While explaining that land-use restrictions must relate to a legitimate government interest, he observed that “Our cases have not elaborated on the standards for determining what constitutes a ‘legitimate state interest.’”

This is an astonishing thing to say. If the justices of the United States Supreme Court cannot say with any degree of confidence what is and is not a legitimate state interest, then they would seem to have no work left to do. If one does not know the ends one is pursuing, then one has no foundation for discussing the means chosen to pursue them. It would be like trying to judge the usefulness of a map without having

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Healthcare Down at the DMV

by Bill Merritt

No need to fear what's on the horizon
when we can dread what's already in place.

I don't want to sound like an ingrate here, but the Veterans Administration is not the healthcare provider of choice for anybody who actually has a choice.

I know, I know. As a libertarian, I'm not supposed to be sucking on the government's tit. But a few years ago Blue Cross raised my premiums a hundred dollars a month to cover the cost of the "legislatively mandated benefits" that the state of Oregon had forced health insurance companies to provide as part of someone's scheme to get reelected. The benefits in question turned out to be an extra day, all expenses paid, in the maternity ward for anybody who has just given birth. This was not a benefit I was ever likely to benefit from, but there it was. Provided to me by law. Paid for by me, also by law, and pricing me right out of the private insurance market.

As long as I was rationalizing sucking government tit, it occurred to me that I hadn't had all that much choice about being a veteran, either; and the more I thought about it, the more it seemed meet and right for Uncle to front me a little healthcare in return. Yea, very meet and right. And Uncle's bounden duty, once my thoughts got rolling in that direction. Verily, healthcare is the least he can do for me. Unfortunately, healthcare through the Veterans Administration *is* the least he can do.

I don't know what stories you have heard about VA hospitals, but I can tell you this: they are all true. VA hospitals are worse for you than Nazis. At least they were for my brother-in-law's dad. He was a genuine World War II hero, a paratrooper who solo-jumped behind German lines to spy out troop dispositions and, somehow, made it home alive. He didn't make it home alive from the VA, though.

Luther was a bricklayer who had just finished a job that required him to haul hundreds of concrete blocks high onto a scaffold, then spend ten hours a day placing the blocks into a wall, so he was in plenty good health. But he did have that irregular heartbeat his doctor told him he should get looked into sometime, and he decided Wednesday would be as good a day as any to drop by the VA and have it checked out. Being a member of the FDR generation, he actually trusted the government to do something like that.

The VA stuck him with a needle which gave him an infection. By Friday, the infection was so bad that they sent a blood sample down to the lab to find out what was infecting him. It was a ten-minute test, and any other lab in the world would have shot back the results half an hour later, but a three-day weekend was coming up, this was a VA lab, and the results didn't arrive until the following Tuesday. Luther turned out to have an easy sort of infection to treat, but, without the test results, nobody treated it. By Tuesday, the old paratrooper was dead.

What triggered this rant was an article in the New Yorker in which some overly important twit named Hendrik Hertzberg tried to persuade the rest of us that the healthcare plan Hillary Clinton schemed up back when she wanted to get herself elected wasn't nearly as scary as the one she tried to ram down our throats in 1993. Because Hillary's later plan would have been modeled on the VA system, Hertzberg assured us, nobody should have been spooked by the prospect of actually having to receive healthcare under the thing. He wound up with the soothing conceit that VA healthcare is one of the "most efficient, merciful . . . components of the American health-care system."

This kind of crap is the Left's Fantasyland way of dealing with the fact that no society on earth can afford top-of-the-line healthcare for all its citizens. Modern medicine is too complex and way too expensive for everybody to have as much of it as he needs. Every country has to cut corners, and every corner cut hurts lots of people. Different countries just cut different corners.

When you ask people on the Left whose system works better than ours, whose model should we scrap ours in favor of — Canada's? Britain's? Cuba's? Red China's? — they never point to these foreign debacles, at least if they know anything about what goes on in those countries. Instead, they point to the VA.

The VA is the model we want, the American Lefty says. The VA is one of the most efficient and merciful components of our healthcare system. All we have to do is open the VA to all Americans and presto chango, health problems are solved.

This kind of blather just reinforces my impression that no member of the American Left has ever actually served in the

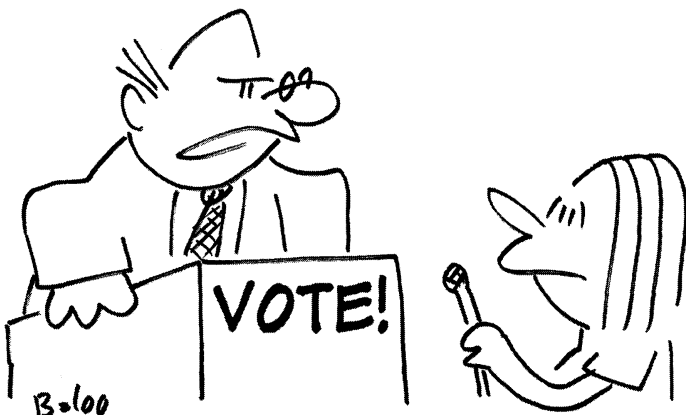
military. In fact, it leaves me thinking that members of the Left are so cut off from the rest of society that they don't even know any veterans. If they did, they might have heard some basic facts about VA healthcare, such as what happens when you try to fill a prescription.

VA prescriptions are fillable at VA pharmacies, so that's where you take them. When you get to the pharmacy, something like 20 or 30 old farts — unless this is the day the bus comes in from the Old-Vet's Home, in which case many, many more old farts — will be waiting in leatherette-covered government chairs ahead of you. At the end of the room will be four or five pharmacy windows where, when your turn comes, you hand in your prescription. Some windows will be empty, some will have a pharmacist inside. But just because there's a pharmacist in a window doesn't increase your odds of being called to that window, at least not any time soon, because, mainly, the pharmacists aren't accepting prescriptions. Instead, they are involved with important paperwork tasks, and only deal with veterans when they need to clear their heads and take a momentary break from their real work. On average, a vet gets called to a window about every 20 minutes. With one or two dozen guys ahead of you, you can spend the better part of a day waiting to hand in your prescription.

This isn't to get pills, mind you. Pills come hours later — at the end of another line, stalled in front of another window. That is, assuming the pharmacist jotted down the right notes when he read your prescription, the person filling the prescription went to the right shelf, and the person who handed you your pills grabbed the right bottle. You'd better check, because lots of times one of them didn't. But if you discover something amiss, you have to start over. I have made as many as five trips to the VA to have a single prescription filled.

If you are of a reflective turn of mind, it will occur to you that you shouldn't ever have to wait to hand in a prescription, that it would be a small matter for your doctor to phone the prescription directly to the pharmacy and an even smaller matter for the physician's assistant to post it on the pharmacy's computer. An almost trivial matter for someone at the pharmacy to set out a pasteboard box and let everybody drop prescriptions in. But none of this would be the Government Way. Being ignored by a bureaucrat is the Government Way and, by golly, ignored by a bureaucrat you will be. Unless you can't stand it anymore and call attention to yourself. Which happened once while I was there.

The pharmacists had been not calling vets to the window for so long that one old fart lost his cool and pointed out that he had been sitting in a leatherette-covered chair all morning, and couldn't one or two of you gentlemen please see your way clear to actually dealing with the folks you are here to deal with? Hearing this, a fellow who looked old enough to be the last surviving soldier from the Spanish American War ventured in a quavery voice something along the lines of, Yeah, I've been here a long time, too. Which led a couple of Civil War vets, and one or two from the War of 1812 and, I'm pretty sure, a guy left over from the Continental Army, to pipe up in agreement. A general murmur began to rise from walkers and wheelchairs and gurneys around the room, and all three pharmacists stopped what they were doing and looked up, one for the first time that morning. Veterans out of control, you could almost see them thinking.



"You're damn right my health plan will cover erectile dysfunction!"

We have a situation here, the pharmacists told themselves, then did what they had undoubtedly taken seminars to learn to do when a situation arises. They slammed steel shutters over all five windows, going into lockdown mode as smoothly and thoroughly as a Federal Reserve bank threatened by terrorists.

As bad as left-wing Americans imagine our private health-care system to be, I challenge anyone to name another pharmacy in the country that has to keep physical barriers and formal procedures at the ready just to protect its employees from outraged customers.

This didn't happen at some run-of-the-mill backwoods outpost of the VA, either. This happened at the Portland, Oregon, Veterans Administration Medical Center, probably

The VA stuck Luther with a needle which gave him an infection. The infection would have been easy to treat, but nobody at the VA hospital treated it. Within a week, the old para-trooper was dead.

the finest, most cutting-edge, most award-winning hospital in all VAdom. Because it is so well run, because its standards are so high and it is so generally well thought of, the Portland VAMC attracts healthcare workers from all over the country to hone their skills working with the finest of their profession.

This brings up an odd point. These pharmacists may actually be good at being pharmacists. It's just that having to spend most of their professional lives doing government paperwork makes them look bad. On the other hand, they may have started out good at being pharmacists but were dulled into their present level of ability through a kind of reverse Peter Principle from years of mind-numbing routine and unrelenting boredom. On the third hand, they may be sitting at that pharmacy window because every private hospital, drugstore, and HMO they applied to out of pharmacy school checked their transcripts, looked over their letters of reference, and then sent them a polite note thanking them for their interest and promising to keep their application on file in case a suitable vacancy comes up.

Like every other employer, the VA hires what it can get, and (there is no courteous way of putting this) the VA is not Johns Hopkins. Not every best-and-brightest, most energetic and intellectually active up-and-coming young medical professional looks to a lifetime of federal wages, federal job security and federal paperwork as the crème-de-la-crème of career opportunities.

Johns Hopkins or not, the VA still has a lot of hospitals and a lot of clinics to staff and, because their reputation precedes them, they may have to dip deeper into the applicant pool than most storefront clinics in America would consider best practice. Add to this the general inability of any government agency to deal forthrightly with poor employees through demotions, firings, or even promotion of everybody else for any reason besides longevity, and the VA has no management

tools left, other than overmanagement through rules and paperwork that are guaranteed to squeeze the competence out of the people who don't need so many rules and so much paperwork to make them do their jobs.

With these factors at work, you can find professionals at the VA with a level of remove from modern theories of medicine that should have been hard to come up with in any Western community since the close of the Middle Ages. If Hertzberg had ever talked to a vet, he might know some of this. He might even have heard stories about the kind of people you can run into down there.

Here's a story he should hear. Recently I was in Oregon for a wedding and took the opportunity to check in with a doctor — not because I needed medical care but because the VA has a rule that if you don't come by at least once a year, it drops you from its rolls. Since I didn't have any pressing health needs other than to arrange to have some medications mailed to me in Africa, the doctor and I had time to chat, the conversation spun badly out of control, and she wound up revealing more about her opinions on the role of medicine in the modern world than was, perhaps, wise.

Things began to take a wrong turn when she asked the standard doctor-initiated question about whether I smoke. Not yet, I said, but I have noticed that a lot of people seem to enjoy smoking and, since I'm getting to the age where cancer won't have time to catch up with me, I'm thinking of taking up the habit. Do you have any advice on how to get started? Her advice consisted of asking why I didn't want to live forever.

I told her I thought 85 would be just about right for me, that I'd never known anybody much older who seemed very healthy or very happy.

No, she told me, no, no. Don't think like that. If you can just hold out until 2020 everything will be different. You can live forever and stay young the whole time.

I have to admit that staying young forever has been an ambition of mine for more decades than I care to confess, that a large part of me had been waiting to hear just these words from a respected medical professional, and that I perked right up when I heard them from her. Staying forever young,

We have a situation here, the pharmacists told themselves, then did what they had undoubtedly taken seminars to learn to do when a situation arises. They slammed steel shutters over all five windows, going into lockdown mode.

I thought, would be just the thing to give up starting smoking for. I even had a theory about how it might work. This has something to do with the Singularity, I told myself. The Singularity is coming. So I asked my new best-friend doctor how much progress the Singularity was making, and would it really be here in time to save me? And got a blank look.

"You know," I said. "The Singularity. When all the trends converge."

Still blank.

"Computers double in power every 18 months. By 2020 they will be as smart as we are. They might even wake up. A year and a half later, they will be twice as smart. That's going to mean something important, and it's going to happen about the time nanotechnology takes off and you doctors start injecting little machines into our bodies to fix whatever hasn't even gone wrong yet. Which will occur just as the bioengineers learn how to custom-grow body parts out of beef broth and old nail parings. They'll even be designing body parts that none of us ever had before. After the Singularity, the very definition of what it means to be human will be so radically . . ."

"Things of this world are not going to give you everlasting life," the doctor interrupted sweetly. "All you have to do is hang on until the Second Coming and let Jesus take care of . . ."

Jesus? "Jesus is going to cure my . . . ?"

"Human medicine can't cure anything."

This led to a short philosophical dialogue on the efficacy of human medicine, in which my government-provided doctor revealed that, doctor or no, she meant what she said: so-called "medical" cures were nothing less than small-scale divine intercessions. It was the personal intervention of God, not the miracle of human medicine, that was hard at work when somebody got cured. Having been cured by human medicine on more than one occasion while God was on coffee break, I didn't share her lack of confidence in the powers of science. But, then, maybe hers was a conclusion derived from spending too much time at the VA.

Now, I suppose that discovering your doctor doesn't really believe in medicine might come as a surprise along the lines of discovering that Mother Teresa didn't really believe in God. Both these revelations came as a surprise to me, but neither came as a shock. I am naturally suspicious of people who make a big, important social cause out of their poverty, and anybody who gets his healthcare from the VA has been desensitized to a lot more than mere off-the-wall theories. You will be, too, once Hertzberg and his ilk have their way and you start spending time down there.

I don't know what the doctor would have done if I had been sick. Fired up a hymn? Wafted incense across my body? Interceded through the power of prayer? Called for a laying-on of hands? Whatever, it very likely would have spared me a trip to the pharmacy, and that would have been a plus. Even government pharmacies only trade in the products of human

medicine. At least, as far as I know. Regardless of any possible side benefits, though, had the VA let me choose my own doctor, I would have gone for somebody with a firmer grasp on the value of evidence-based medicine.

Hertzberg and lots of other people who think VA healthcare is just the ticket for the rest of us are going to point out that my stories, and all the ones you have heard, too, are anecdotal. You can expect that. Refusing to acknowledge evidence you can't refute is the last refuge of somebody who is losing an argument. But there is nothing misleading about anecdotes. Anecdotes convey real human experience. In the medical world, an entire corpus of knowledge is built up of anecdotes. Doctors call them case histories and, when enough case histories tell the same story, doctors say we have an epidemic. And it's a pretty serious epidemic that can kill an otherwise healthy man within a few days.

My brother-in-law's dad was the very guy a grateful nation had in mind when we set up the Veterans Administration. War hero. Greatest Generation. Not very well-heeled, so government-provided medical services were something he could really use. You aren't. You never parachuted behind Nazi lines to spy out troop movements, and it's hard to see why the VA would be any more vigorous in protecting your health than it was that of the old paratrooper.

Now here's the thing: the VA can't do any better. It's not just a matter of tinkering around the margins, of replacing crazy Christians with atheists, of giving pharmacists sensitivity training, or seeing to it that test results come back when they can still do some good. None of it, or anything else, will make a bit of difference as long as the government is providing the healthcare. No matter what scheme Mr. Obama and the Senate and all the Hendrik Hertzbergs cheering them on may cook up, ipso facto profundo, if the government provides it, it will be government-provided healthcare.

No matter how much money we throw at it, no matter how much effort we pour into trying to make it work the way lots of our healthcare system works right now, entrusting America's health care to America's government will result in the same efficiency, innovation, compassion, individual initiative, and attention to detail, the same 21st-century management practices, the same moderate fees and array of choices, the same ability to take our business elsewhere if we don't like the way we are treated, that we have learned to expect from entrusting our driver testing to the Department of Motor Vehicles.

But perhaps I understate. □

Property Rights — or Property Permissions?, from page 30

any destination. And if one has no concept of the boundary between legitimate and illegitimate government purposes, then there is little room left for a judiciary designed to police the boundaries of legislative power.

Of course, the Constitution's authors knew well enough what a legitimate state interest is: they wrote as much in the Declaration of Independence, when they said that government exists to secure individual rights to life, liberty, and the pursuit of happiness — not to redistribute wealth for the benefit of politically influential lobbyists. Their belief that government should, in Jefferson's words, "restrain men from

injuring one another" and "leave them otherwise free to regulate their own pursuits of industry and improvement," is fundamentally incompatible with the Progressive view of rights as government permissions, much less their faith in the central planning model of land-use regulation, both of which dominate courts and legislatures today. At the center of disputes like the *Griswold*, *Auxier*, and *Sterling* cases, and thousands of others like them, is a crucial philosophical conflict about the nature of individual freedom in the constitutional order. As long as lawyers and judges shun these profound questions, they will be unable to resolve these cases. □

Ban 'em All

by Jamie McEwan

The Olympic Games should be a showcase for the world's greatest athletes. Instead, it's a quota-driven spectacle with a disproportionate number of third- and fourth-tier competitors.

There came a moment, 17 years ago, when the International Olympic Committee showed — or at least seemed to show — a momentary concern for *athletes*, of all people. Not just for the handful of media darlings whom the IOC couldn't help but notice, but for a group of ordinary, garden-variety world-class athletes struggling for their once-a-quadrennium chance to share the Olympic limelight.

Though best known for living high on the expense accounts of cities bidding for the privilege of hosting the games, the International Olympic Committee members took a rational and even innovative course of action that benefited no one except a few score international athletes. And in so doing they showed the world how much better a sporting event the Olympics could be.

I refer to 1992, the year when the Committee temporarily created a new category of competitor: the "IOP."

Perhaps embarrassed by the subversive simplicity of its own plan, the International Olympic Committee did not establish this revolutionary category with what would have been the appropriate fanfare and publicity. Nor did the press seize upon this unprecedented departure from Olympic protocol. The only reason that I myself happened to notice was that I was there, a curious athlete with time on his hands.

I was preparing to compete in the whitewater slalom event

in the Barcelona Olympics of 1992. A necessary part of preparation for a major event is "peaking," and a necessary part of "peaking" is "resting" — a.k.a. doing nothing. But there being only so much nothing that we could do, my fellow athletes and I spent a good deal of time surfing a kind of private internet — punching buttons on one of the "Amicus" terminals that linked our far-flung canoe & kayak slalom venue with the main Barcelona Olympic Village.

I was standing at a terminal, looking up that evening's competitions. "Swimming, 400 meter freestyle finals, Women; Roller Hockey preliminaries, SUI vs. JPN; table tennis preliminaries, men's doubles: KOR, FRA, CRO, JPN, PRK, IOP."

Now, I took pride in my mastery of the Olympic three-letter abbreviations. At a glance I could read off Switzerland, Japan, Korea, France, Croatia; I could even identify PRK as North Korea. But IOP? That had me stumped. Islands of the Pacific? Iopia?

More button punching, and the computer gave up its little

secret: IOP didn't signify any country at all. IOP stood for "Independent Olympic Participant."

Whoa! How had IOP table-tennis competitors "Grujic, Slobodan" and "Lupulesku, Ilija," managed that?

While I had been concentrating on training and trials, a new era had dawned, unnoticed. Grujic and Lupulesku were two of 59 competitors (all from parts of what had once been the Socialist Federal Republic of Yugoslavia) who, for the first time since the disorganized days of the three earliest modern Olympics, were permitted to compete without national affiliation.

The last remaining piece of Yugoslavia still using the name "Yugoslavia" had been banned from the Olympic Games. There was nothing surprising about that; it would be an unusual Olympics indeed in which at least one country was not banned. The surprising thing was that the International Olympic Committee seemed to care, not about Yugoslavia, but about Yugoslavian — and Macedonian — athletes. (Macedonia, another chunk of the old SFR of Yugoslavia, had not existed long enough to form its own National Olympic Committee.) The IOC's unprecedented solution was to create a new category of competitor: the IOP.

Plain white uniforms. Olympic anthem if you win. Please, stay out of the opening ceremonies. But you can compete.

This sane, elegantly simple stratagem could have benefited large numbers of athletes over the years: from those without a country after World War II to the South African athletes who had come of age during their country's 30 years on the banned list. (It must have felt very strange to the black South Africans banned from international competition because their government was discriminating against them.)

Sane, simple, and revolutionary. The quiet inclusion of these athletes without a country pointed up the fact that it is not countries that compete in the Olympics, but athletes. People, individual people. And seeing how easily one or two countries could be dispensed with brought up the intriguing question: why not dispense with all of them?

Recent history has shown how shifting and arbitrary these things called "nations" can be. So why wait for the next crisis? Why not preempt the inevitable political maneuverings, the boycotts and sanctions, by doing away with nations alto-

Grujic and Lupulesku were two of 59 Olympic athletes who were permitted to compete without national affiliation.

gether? What worked for the Yugoslavian and Macedonian competitors could work for all of us, all the time. Keep the athletes, but ban the countries, each and every one of them.

Ban 'em all.

What are the Olympic Games about, anyway? If they are about sport, then removing the "nation" as the unit of athlete selection would make for a far better sporting event. You may think that you've been seeing the world's best athletes gather

every four years, but you haven't. The allocation of Olympic entries by country — at times by continent — varies from sport to sport, but in no case is athletic ability the first criterion. If you're a table tennis player from China, a slalom canoeist from Slovakia, or a swimmer from the United States, my advice is, change nationalities as fast as you can. Through the vagaries of national selection, many potential medalists are excluded from the world's most prestigious sporting event.

In 1992 the world record holder in the decathlon, Dan O'Brien, sat out the games, and the world champion kayaker, Shaun Pierce, was left at home. History repeated itself in last

The allocation of Olympic entries varies from sport to sport, but in no case is athletic ability the first criterion.

year's Beijing Olympics when the reigning world champion in kayak slalom, Sebastian Combet of France, failed to qualify as France's single allowed entry. What's more, the eventual bronze medalist, Benjamin Boukpeti — a lifelong resident of France who had only once visited his father's native Togo — would have been excluded as well, if it had not been for the fortunate heritage that allowed him to enter as a Togolese. Birthright alone enabled Boukpeti to compete in an event in which he was demonstrably good enough to medal. Many aren't so lucky. I would wager that every sport, at every Olympics, excludes potential medalists, while at the same time allowing far less accomplished competitors to share the Olympic experience with an arbitrary selection of the world's elite athletes.

Ignoring national origin would make it possible to create an authentic showcase for the world's best. Selection could be based on the previous year's world championships, on World Cup competitions, or on international rankings, with a few slots left open for late bloomers to qualify from early-season competitions. A fairer and more competitive Olympics would result.

What's more, this non-nationalistic format would give the ghost of Baron Pierre Coubertin, founder of the modern Olympics, at least the ghost of a chance to see his original hopes of fostering international understanding fulfilled. Unfortunately, his noble plan held the seeds of self-contradiction from its very beginning, planted there by the good baron himself. In one and the same speech Coubertin could feel "well assured that the victors in the Stadion at Athens wished for no other recompense when they heard the people cheer the flag of their country in honor of their achievement" — he is referring to the scene at the very first Olympics in 1896 — and go on to suggest that the games "may be a potent, if indirect, factor in securing universal peace."

History suggests that 20th-century sports have had the opposite effect. If so, it's little wonder, for the current Olympic format — copied by most international sports competitions — is more calculated to inflame rivalries than to inspire fellow-

ship. The awards ceremony, with its flag raising, its playing of the winner's national anthem while losers and spectators stand at respectful attention, represents in potent symbolism the submerging of individual achievement in a glorification of national identity. The infamous "Hitler" games of 1936, with all their Aryan strutting, were not an aberration, but simply an unusually forthright expression of the jingoism that underlies the modern games. Although there isn't a contemporary vice or corruption that hasn't an ancient counterpart, those admittedly xenophobic Greeks got one thing right: the format of the original Olympics glorified the individual human being, not the group. And perhaps it's not coincidence that the ancient games endured 1,200 years without a single missed Olympiad. Twelve centuries without a gap! It's an especially astonishing record when you consider that the modern Olympics couldn't get through their first century without failing, not once but *three* times, to hold the quadrennial celebration. Where's Zeus when we need him?

Admittedly, banning countries from the Olympics would not be enough to take the politics out of sport. There is a politics to everything; it will never entirely go away. But at least we could restrict International Olympic Committee wrangling to pole-vault specifications and which new sports to include, and leave the flag waving to the fans in the stands. And to the networks, of course.

Other things being equal, we'll always be more excited when a friend wins over a stranger, a local over someone from another coast, someone who speaks our language over someone who chatters incomprehensibly in a foreign tongue. Redheads will tend to cheer for redheads. That's human

nature, I suppose. I wouldn't try to stop the Chinese from unofficially putting together a volleyball team, or the United States from assembling a swimming relay. But how backward and absurd it is to *require* that teams be formed by the happenstance of citizenship.

Doing away with all the mandated nationalistic preening would make for a more congenial international gathering. Have the athletes march into the opening and closing ceremonies grouped by sport, not nation. Apply the same restrictions to nationalistic symbols on uniforms that are applied to commercial logos. Sure, nationalism will sneak in through the back door. Fine. But make it sneak. Don't welcome it with a big brass band. Do away with those anthems. Burn the flags. Or rather, stitch them into something useful, like quilts.

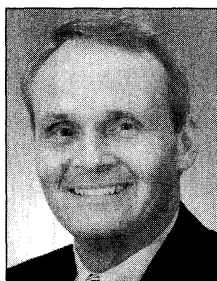
It's true, banning countries from the Olympics makes too much sense to actually happen. Changing the status quo might well require the well-aimed thunderbolts of divine intervention. The modern Olympic movement is all about medal counts and flags and anthems and uniforms, all the trappings of nationalism, simply because nationalism fuels the Olympic machinery. Almost all national sports teams — the United States being a notable exception — are heavily subsidized by their governments. And in the United States, where television ratings are the single most important metric of Olympic success, the average viewer can only be sucked into watching a bunch of minor sports he doesn't care about by the possibility that "his" jock will beat "their" jocks. Take away nationalism and the Olympics would become nothing but . . . a sporting event.

We can only dream. □

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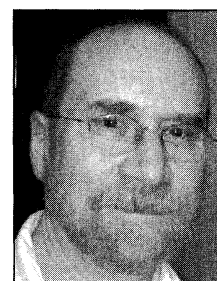
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(Advertisement)

Reflections, from page 24

married (in 1938), they were in agreement that she would place the care of her children above her career as an economist. Thus, there was never a question of "whose career came first," she wrote in the Friedmans' 1998 joint memoir, "Two Lucky People."

For those aware of today's frantic cross-country marriages and difficult "spousal hires" in academia, this peaceful and cooperative coexistence between two tremendously talented people may seem very mid-20th century; and indeed it was. "In part this attitude on my part was probably a reflection of the times," she wrote in her memoir. "Women's lib was not yet on the horizon."

But there was more to it than that. "From the beginning," she wrote, "I have never had the desire to compete with Milton professionally (perhaps because I was smart enough to recognize that I couldn't). On the other hand, he has always made me feel that his achievement is my achievement." And she was less comfortable in the limelight than he.

Yet, although Milton Friedman might have won a Nobel Prize without Rose, one of the activities that brought him the most fame, the "Free to Choose" documentary series on PBS, might never have happened without her. When the opportunity arose, Milton was reluctant. He thought of himself as a writer influencing economists, not a spokesman on a public television series. But Rose disagreed and persuaded him to accept the project. She was associate producer, and as Milton wrote in his memoir, she "played an indispensable role: she participated in every planning session and every editing session; she was on every shoot . . . she was the best critic of my performance, and perhaps most important the only one will-

ing to be blunt in criticizing me."

The fact that Rose became a graduate student in economics at the University of Chicago is itself somewhat remarkable, considering that she was born in a small, mostly Russian town in what is now Ukraine. Her family moved to Portland, Oregon, when she was two years old. Her father worked as a peddler (he eventually owned a couple of small stores).

Rose attended public school, then Reed College for two years. In her junior year, she went to the University of Chicago, where her brother, Aaron Director, ten years older than she, was already on the faculty. Rose met Milton, also a graduate student in economics at Chicago, in 1932. Six years later they were married, and their partnership, as well as the creation of their family, began. They had two children, Janet and David, the latter well-known to readers of these pages.

It is said that Rose is the only person who ever bested Milton in an argument (but I haven't found out what that argument was). For the most part, they were in agreement. Rose told *The Wall Street Journal* in 2006 that their first policy disagreement was over the U.S. entry into Iraq in 2003. She favored it; her husband was opposed.

Much of what I know about Rose Director Friedman comes from the 650-page memoir, "Two Lucky People," a rich collection of anecdotes and personal history, with sprinklings of policy discussion. The only thing wrong with it is its title. Luck is not randomly distributed. Together Milton and Rose Friedman forged a partnership that has revolutionized thinking around the world, bringing back acceptance of free markets. Rose Friedman played a vital role, and we are all fortunate that she was there.

— Jane S. Shaw

Letters, from page 6

It's a clever way of deflecting the question, "Where is Abel?" He gives a true answer — it's not my job — without giving the real answer — his body is in the grain field where I left him. A classic example of sidestepping an issue by answering a question with a question.

But I think you go too far in maligning those who simply approach the discussion from a different angle. A keeper — one who keeps animals in a zoo, as you point out, or political prisoners in a tower (also called a "keep"), or who keeps a willing mistress in an apartment for that matter — is responsible for feeding and sheltering the animals (or prisoners, or mistress) because they no longer have the freedom to provide for themselves. "Keep" means "to retain," but it also means "to maintain," "to guard," "to observe" (as the Sabbath), "to stay fresh" (not spoil — interesting in the context of Abel's decomposing body), "to provide for or support." All these definitions dem-

onstrate the dual nature of "keeping" — the keeper exerts control over the one who is kept, but at the same time is controlled by the needs of the one he keeps.

The title "My Sister's Keeper," as it turns out, works in both senses of the word. By providing her sister with blood, stem cells, tissue, and perhaps a kidney, the healthy sister keeps (provides for) her cancer-ridden sister, but also keeps her imprisoned in a body that has become painful and exhausting and a hospital room that has become depressing and confining. Only when each acknowledges the right not to be kept do they both find freedom.

Mythopoesis

In my opinion, people talk and write way too much about Ayn Rand and her works. Her big books speak for themselves, and I'm glad to see so many folks reading them. But the chatterbox full of Randians and anti-Randians

that too often overflows into the pages of *Liberty* is tedious. Stephen Cox's review of Anne Heller's new Rand biography ("Ayn's World," October) is the first thing about Rand that I have really enjoyed reading in years. It takes some work to know Rand well and still be able to step out of the Randian universe and give it some context. Cox did the work in his review and apparently Heller does it in her biography.

Still, I have a bone to pick. (And, after all, why even write to the editor without a bone?) Cox identifies a "golden thread" of literary artists who have created "self-substantive literary realities." As soon as he named the artists, I knew exactly what he meant: Rabelais, Swift, Melville, Faulkner, Borges, Tolkien. Next came Cox's outrageous claim that "none of them created a *Following*, a *Circle*, a *Cult* as Rand did." To that nonsense I retort: Frodo Lives!

Michael Christian
San Diego, CA

Reviews

"Churchill, Hitler, and 'The Unnecessary War': How Britain Lost Its Empire and the West Lost the World," by Patrick J. Buchanan. Crown, 2008, 540 pages.

The Tangled Web

Leland B. Yeager

Pat Buchanan is a provocative controversialist on TV panels about public affairs. He is no libertarian. Still, his latest book can bolster a libertarian slant on foreign policy, as I'll explain at the end of this review.

With the word "war," singular, Buchanan evidently counts World Wars I and II as episodes in a great war dominating the first half of the 20th century. Harsh provisions of the Treaty of Versailles, including some that even the victorious Allies came to recognize as unjust, offered material for Hitler's demagoguery about those grievances. Buchanan mentions a London dinner party shortly after Hitler came to power. Someone asked, "By the way, where was Hitler born?" "At Versailles," Lady Astor snapped back (p. 110). Buchanan notes Keynes' warnings against a vindictive peace in "The Economic Consequences of the Peace" (1919), but he overlooks Ludwig von Mises' similar warnings in a book published a few months earlier ("Nation, State, and

Economy," 1919, translated NYU Press, 1983). In a memo written just before the end of World War II in Europe, Winston Churchill blamed the ascendancy of Hitler largely on American pressure to drive the Habsburgs out of Austria and the Hohenzollerns out of Germany: "By making these vacuums we gave the opening for the Hitlerite monster to crawl out of its sewer onto the vacant thrones" (111). The U.S. "Senate never did a better day's work than when it rejected the Treaty of Versailles," says Buchanan (110).

His book offers many examples of "uchronia," counterfactual or what-if history (which I discussed in *Liberty*, September 2009). Agreeing, I think, with most historians, Buchanan argues that almost nobody in power wanted World War I. What if Kaiser Wilhelm II had not waited until too late to send his desperate appeal for peace to his cousin Czar Nicholas II? A petty and almost accidental quarrel between Austria-Hungary and Serbia impinged on a contagion-prone tissue of alliances and understandings, including Germany's

careless expression of support for Austria-Hungary, as well as countries' just-in-case plans for mobilization and war (such as Germany's Schlieffen Plan for getting at France through Belgium).

Buchanan suggests that World War II, which was in a sense a resumption of World War I, was also unnecessary. It was not a fated response to Axis aggression and so was not the "good war" of standard opinion, not in its origin, anyway. I am not sure that I am convinced.

Buchanan maintains that Hitler, villain though he was, was not aiming at world conquest or even at reducing Britain and France to vassalage. He admired the British Empire and, like some German statesmen before World War I, wanted Germany and Britain to recognize each other as natural allies. But he did want to undo the inequities of Versailles, which had even barred a customs union between Germany and the Austrian rump of Austria-Hungary. He wanted to absorb the *Germania irredenta* wherever German-speaking majorities apparently so desired. These included Austria, the Sudetenland of

Czechoslovakia, Danzig, and at least part of the Polish Corridor. He did not want *all* currently or formerly German-speaking territories. According to Buchanan, he was willing to leave Alsace-Lorraine to France and the formerly Austrian South Tyrol (Alto Adige) to Italy, even accepting the cultural Italianization of German-speakers who chose not to move away. Not once in the book does Buchanan find any Nazi aspirations for mainly German-speaking Switzerland. Besides wanting to absorb German-speaking territories where the inhabitants desired to be absorbed, Hitler did hope to carve out *Lebensraum* for Germans in the East, presumably in Russia — also ridding those territories of Jews. He apparently expected Poland to be a satellite ally in this drive toward the East. But such plans fall short of a drive for world domination. Buchanan implies that the Western powers would better have stood aside if the two totalitarian dictatorships fought each other.

Buchanan suggests that Hitler preferred diplomatic to military triumphs. He was an opportunist. He remilitarized the Rhineland in 1936 in violation of treaties, when, as he himself recognized, a bit of firmness by Britain and France would have stopped him. In March 1939, without a shot, he occupied the rump of Czechoslovakia, which had been left defenseless by the frontier adjustments permitted by the West at Munich in 1938. Poland, jackal-like, seized part of Czechoslovakia when Hitler's dismemberment of it provided the opportunity; but on Sept. 1, 1939, he

invaded Poland, opportunistically but mistakenly believing, from the spinelessness of the Western powers thus far exhibited, that an ambiguous British guarantee to Poland meant nothing. He did not expect a world war.

On March 31, 1939, exasperated by Hitler's occupation of rump Czechoslovakia and by his seizure of formerly German Memel from Lithuania — another bloodless victory — Prime Minister Neville Chamberlain had announced in Parliament that Britain would guarantee the independence of Poland. He had not said that it would guarantee Poland's *frontiers*. Actually, according to Buchanan, he was vaguely suggesting that Poland compromise with Hitler on the Danzig and Corridor issues. As for dishonor in not carrying through on the guarantee, in Buchanan's view the real dishonor came in Chamberlain's making a guarantee that was impossible to fulfill. (Here, as elsewhere in this account, I do not promise a slavish paraphrase of Buchanan; rather, I offer an obvious interpretation of his words.)

Buchanan does not clearly say what should have been done. My guess is that he thinks Hitler should have been stopped much earlier, at best before easy triumphs had emboldened him and anyway before he became ready for war. Given those great mistakes of omission, however, he implies that Britain should have recognized the situation in March 1939 and bought time with further appeasement, if only on the Danzig and Corridor issues. As things worked out, the guarantee to Poland,

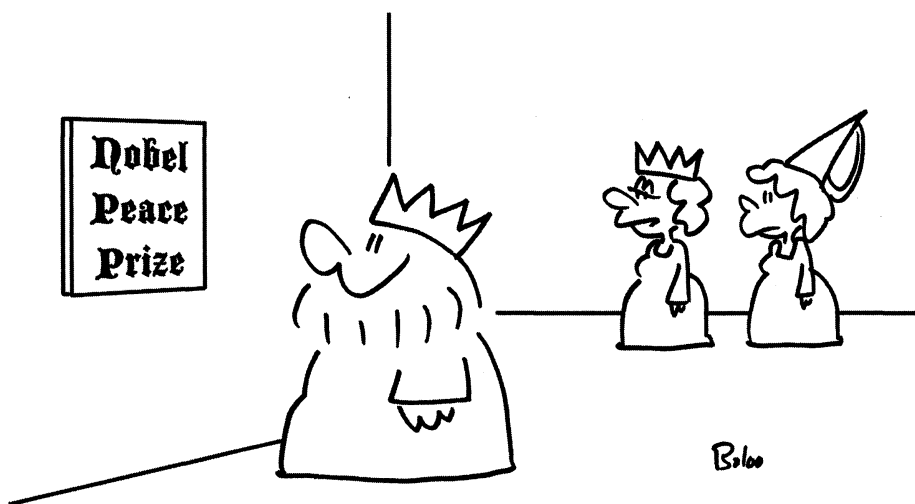
and its consequences, left the world with a destructive war and Poland with a half century of Nazi and then Soviet domination. Buchanan quotes several other historians who also see the guarantee as a mistake. Britain might better have remilitarized more quickly so as to support a policy of containment.

Significantly, among the people whom Buchanan thanks for help or inspiration is the architect of America's post-World War II containment policy, who sent him a letter applauding his treatment of similar themes in an earlier book. "Embracing the wisdom of George Kennan," Buchanan says, "America pursued a policy of containment and conscious avoidance of a Third World War" (417).

Buchanan says little about the war in the Far East. Several pages do review what Australia's Prime Minister Billy Hughes called "an act of breathtaking stupidity" — the Washington Naval Conference of 1921–22 (116). Before and at the conference, Britain appeased the Americans by giving up its overwhelming naval power and its 20-year-old alliance with Japan. Surprisingly however, Buchanan fails to discuss the severe American sanctions against Japan — probably justified but still provocative — that preceded Pearl Harbor.

Buchanan does offer several perceptive character sketches. Not all countries and leaders, Hitler and Stalin excepted, were as villainous or as virtuous as their standard reputations say. While not belaboring Woodrow Wilson's flaws, Buchanan says enough to reinforce my view that on a list of the worst U.S. presidents, Wilson would be a strong candidate for top honors. George W. Bush also draws some well merited criticism. And despite one's sympathy for Czechoslovakia and Poland in the period that Buchanan studies, the immediately pre-war leaders of those countries, to judge from his descriptions, behaved recklessly and were no saints. Hitler was a worse villain, of course; and Buchanan reviews his atrocities, including atrocities against the Jews. Although he finds the second world war "accidental," like the first, Buchanan in no sense comes across as an apologist for Hitler. Reasonably, however, he considers Stalin an even more murderous villain.

Buchanan attends more to Churchill



"Don't be too impressed — he got it for surrendering."

than to Hitler. He does not disparage Churchill's heroic leadership during the dark days of 1940, when Britain stood alone, nor his then-unfashionable prescience about Hitler during the 1930s. (I still have "The Second Brush Up Your German," by J.B.C. Grundy, published in London as late as 1939. The lessons feature a British family traveling in Germany who admire Nazi institu-

Buchanan maintains that Hitler was not aiming at world conquest or even at reducing Britain and France to vassalage.

tions and policies and even uniforms.) Churchill was, however, something of a chameleon. He had switched political parties several times. In 1919 he urged war against the new Bolshevik regime in Russia; by the time of the Tehran conference in 1943 and Yalta in 1945, he was fawning disgustingly over Stalin and ready to abandon most of Eastern Europe to him, even though a commitment to protect Poland had triggered Britain's entry into the war. His realistic "Iron Curtain" speech came belatedly, in 1946.

Churchill distinguished between superior and inferior races, evidently willing to carry "the white man's burden." He wanted to preserve the British Empire, while, ironically, his wartime ally Roosevelt wanted to see it dismantled. Churchill also took an interest in genetics, wanting to deter mentally inferior people from breeding. His racism was only partial: he was not an anti-Semite but rather a Zionist.

Churchill was no military genius, even though he served as First Lord of the Admiralty from 1911–15 and again from 1939–40. He devised the Gallipoli campaign of 1915, which turned out to be a bloody Allied disaster. He opined that submarines were of little use in warfare and that airplanes could do little damage to battleships (contrary to U.S. and Japanese experience later at Pearl Harbor in 1941 and

Midway in 1942). But Churchill was an ingrained war hawk. He relished his military experiences in India, in the Sudan (where he rode in the last cavalry charge of the British Empire), and in the Boer War. A few days before war broke out in 1914 he wrote to his wife, "Everything tends toward catastrophe & collapse. I am interested, geared up and happy. Is it not horrible to be built like that?" (28). During the war, as First Lord of the Admiralty, he wrote: "My God! This is living history. . . . I would not be out of this glorious delicious war for anything the world could give me" (66 and picture caption).

After the Germans had laid down their arms and surrendered their warships in 1918, he successfully advocated continuing the Allied "starvation blockade" for some months, despite the humanitarian pleas of Herbert Hoover. His aim, he said, was to "starve the whole population — men, women, and children, old and young, wounded and sound — into submission." In the House of Commons, March 1919, he exulted: "We are enforcing the blockade with rigour, and Germany is very near starvation" (79).

Even in citing remarks such as those, Buchanan's book does not read like an ideological polemic or set of personal denunciations. Buchanan does not pretend to be a professional historian; he draws on published, not archival, materials. Nevertheless, expository work such as his deserves respect, even admiration. Without dealing in palpable exaggerations, it makes history interesting and, so far as its subject permits, enjoyable. Buchanan writes in a straightforward, uncomplicated, lucid style that other writers would do well to imitate. True, he uses a great many direct quotations, some of them lengthy, a practice that might seem reminiscent of an undergraduate term paper; yet they are well chosen and fit smoothly into the text.

I cannot vouch for the accuracy of all of Buchanan's historical details and quotations, let alone the soundness of his sweeping judgments. Almost every long nonfiction work presumably commits a few slips. Buchanan makes an ambiguous remark about "Napoleon's foreign minister Talleyrand" sitting with leaders of the victorious coalition at the Congress of Vienna in 1814–15 (73).

Talleyrand was no longer Napoleon's foreign minister. Still, the book's many sources and its detailed documentation — 63 pages of citations (not discursive notes) and a 13-page bibliography — suggest reliability.

Ten full-page maps help carry the story. Sixteen pages of photographs picture the main actors, all captioned with apt and some with ironic quotations by or about the subjects. One picture shows Mussolini and Hitler meeting in Venice in 1934, labeled with Mussolini's observation: "What a clown this Hitler is." Yet Hitler is wearing nondescript civilian clothes, while Mussolini appears in high boots, flared britches, and the rest of a pretentious military uniform. Neville Chamberlain appears triumphantly waving a paper at Heston Aerodrome on returning from Munich in 1938: "I've got it! I've got it! Here is a paper which bears his name" — Hitler's name. Regrettably, there are no photographs of Woodrow Wilson and other allied leaders on their hands and knees poring over the big map of the Europe that they were recarving at Versailles. Nor are there pictures of the ambitious spokesmen of various nationalities who pressed their desires at Woodrow Wilson's Paris hotel in 1919.

My strongly favorable opinion of the book may not be typical. It fascinated me as a review of then-current events that I had followed since Hitler

On a list of the worst U.S. presidents, Woodrow Wilson would be a strong candidate for top honors.

took power in January 1933, when I was eight years old. But the book should appeal to other readers for its story told in a gripping way.

The note "About the Author" at the end of the book calls Buchanan "America's leading populist conservative." He does not openly push that ideology, however; and without claiming to do so, he teaches welcome lessons for libertarians. It may be no

coincidence that Joseph Stromberg and David Gordon, both associated with the libertarian Ludwig von Mises Institute, are among the people thanked for help.

Most libertarians are skeptical about foreign involvements and guarantees. Buchanan argues along the same lines, making national self-interest the prime consideration in foreign policy and urging that war be avoided whenever reasonably possible. (Some call this "appeasement.") We should not presume to meddle in the affairs of other countries, not even to implant "democracy" (a word much abused by people's propensity to cram all sorts of good things into its meaning). We should heed John Quincy Adams' warning

and not go forth looking for dragons to destroy.

Buchanan's judgment may be flawed, but his arguments deserve attention, especially by persons who may wind up disagreeing. Myself, I don't condemn all programs of collective security against aggression (nor perhaps does Buchanan), but let's be realistic. It is absurd to recruit countries remote from the Atlantic Ocean into the North Atlantic Treaty Organization, as America has done. And if politicians' ignorance and arrogance of power prevail as much in international affairs as Buchanan suggests, why suppose anything different about their handling of domestic affairs? □

"Arthur Seldon: A Life for Liberty," by Colin Robinson.
Profile Books, 2009, 220 pages.

Arguing for Capitalism

Gary Jason

As free-market economics appears to wane in many parts of the world, especially the United States, a newly published book offers some succor. Colin Robinson has written an excellent biography of Arthur Seldon, the brilliant economist who played a central role in formulating the neoliberal economic policies that Margaret Thatcher's government instituted a generation ago. Both as a writer and as an editor, Seldon contributed greatly to defending and modernizing classical liberalism. His writings (recently collected and published through the Liberty Fund) fill seven volumes. As an editor and editorial director for the Institute of Economic Affairs (IEA), arguably the greatest among classical and neoliberal

thinktanks, he edited writers such as Milton Friedman and Friedrich Hayek.

Seldon was born Abraham Margolis in 1916, in anything but wealthy circumstances. His parents, Masha and Pinchas Margolis, were poor Jewish immigrants from Russia, living in the East End of London. He was the youngest of five children, and his parents died when he was two years old. He was taken in by various foster homes before being adopted by another Jewish immigrant couple, Eva and Marks Slaberdain. He grew up in a household that respected learning, self-improvement, and community-based charity — values that informed his later work.

When Seldon was 18, he won a scholarship (a munificent 80 pounds a year!) to attend the college of his choice. (Robinson doesn't note this, but Seldon

was thus able to go to college because of a voucher program, the kind of program he would later advocate.) In a decision that helped set his course for life, he chose the London School of Economics.

At this time, the economics department was well stocked with classical liberals, most famously Friedrich Hayek, Arnold Plant, and Lionel Robbins, along with Ronald Coase as lecturer. Hayek and Coase would be recipients of the Nobel Prize. Seldon studied at the LSE from 1934–37, graduating with first-class honors. He was appointed research assistant to Arnold Plant and held the appointment until World War II broke out. It was during this time that he changed his name from "Slaberdain" to "Seldon."

After his wartime service, Seldon considered an academic career, but chose instead a career in the business world that permitted him to pursue his academic interests. He became the editor of trade magazines, first for the department store industry, then for the brewing industry. It was a fortunate choice. At the department store magazine he met his future wife, Marjorie; and his journalistic experience led to his selection in 1957 for his role at the then recently established IEA.

He had a lot to offer. At 40, he was at the height of his energy, with a solid education in classical economics and a decade of experience in business. And the job had a lot to offer him. He had a chance to support his family while writing and helping others write publications that crafted free-market policies, many of which would be adopted in the UK and beyond.

Robinson's book gives the reader a wealth of biographical information about Seldon, much of it contributed by his friends and family. But I found especially useful the last four chapters, which explore his political and economic worldview.

Seldon developed a view of capitalism that was a synthesis of his deep worldly experience and his wide academic learning. This view fused classical economics, Austrian economics, and public choice theory.

In a free-market system, as classical liberal economists had recognized, consumers have the freedom — "the power of exit," as Seldon liked to call it — to switch from producers whom

they don't like to producers whom they do. Moreover, as Hayek and other economists of the Austrian school had pointed out, the free market implements a discovery process that allows entrepreneurs to explore new avenues of production and expand existing production methods, in a spontaneous, self-correcting way, facilitated by the language of pricing. Seldon elucidated this system, adding to it a theory of public choice. Public choice theory (among whose influential early advocates were James Buchanan and Gordon Tullock, IEA contributors) recognizes that governments are complex organizations run by self-interested individuals, though with monopolistic power that leaves individuals little if any power of exit.

Seldon's ideas, synthesized from many sources, enabled him to articulate, in an unusually clear and compelling way, the virtues of capitalism, the vices of government intervention, and the policies that might possibly reform the welfare state. His two most influential books were the shorter "Corrigible Capitalism, Incurable Socialism," and the longer "Capitalism," both published in the 1980s, and both powerfully persuasive. Capitalism, he argued, embodies incentives natural to human beings, and thus maximizes efficiency, flexibility, and freedom. Socialism, because it tries to appeal to incentives that aren't natural, does the reverse.

Seldon maintained that the four famous problems of capitalism — inequality, monopoly, worker alienation, and negative externalities — are all easily capable of remediation. Inequality of income can be addressed by programs such as earned income tax credits. Monopoly is corrected by the marketplace: any private company that achieves a temporary monopoly in a free market will soon see competitors come into existence, unless the government interferes. Alienation can be reduced by worker ownership of corporate stock. (And, I would add, the free market weeds out companies with poor working conditions, as other companies compete for good workers.) As for negative externalities (the unfavorable effects of other people's actions), they are present — and starkly evident — in socialist systems as well as capitalist ones, and clearly defined property

rights will keep them in check.

But the defects of socialism — ignorance, inefficiency, social conflict, monopoly, coercion, corruption, and secrecy — are basically incurable. There is no way outside of a free market for would-be managers to set appropriate prices and adjust production, and the ignorance of managers inevitably leads to inefficiency. Social conflict is also inevitable, because minority views are unwelcome in a socialized order; and so is monopoly, because the essence of socialism is the state's destruction of competition. Add to the list of inevitables both coercion and corruption. Coercion is needed to keep the citizenry compliant. Corruption results when markets are driven underground, protecting themselves by bribing the economic rulers — who after all have a strong incentive to keep many of their own actions secret.

In short, Seldon was a remarkable figure. His clear arguments and compelling evidence allowed him to reach a wide audience, and to convince them of the argument for economic liberty. As Robinson nicely puts it,

His influence came not only from the power of his ideas but from his ability to express them succinctly, without resort to technical jargon, in terms that "opinion-leaders" could understand, and in his ability to draw conclusions for policy. He was not only a prolific writer, with one of the major works of classical liberalism of recent times ("Capitalism") to his credit, he was also a splendid editor of the works of others, with the ability to formulate a publishing programme with a clear purpose, to find authors to carry it through and to make their work more understandable (p. 147).

Seldon was also one of those rare thinkers who understand "the big picture" of economics and the contemporary state. In this regard, it may have been helpful that he did not pursue a Ph.D., with its inevitable focus on technical problems and sophisticated mathematics. It took a broad thinker to predict in 1980, as Seldon did, that "China will go capitalist. Soviet Russia will not survive the century. Labour as we know it will never rule again." I know Ph.D.s who cannot grasp those facts, even today. □

MINOR POLITICAL PARTY PLAYS IN THE MAJOR LEAGUES... AND WINS!

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"Causes of the Crisis," a symposium in *Critical Review: A Journal of Politics and Society*, volume 21, numbers 2 and 3 (2009), ed. Jeffrey Friedman. 272 pages.

Bubble Bobble

Bruce Ramsey

The Great Recession has not been a good time for libertarians. The Left crows that the market has failed. Deregulation failed. The libertarian Greenspan, who could not see a bubble until it popped in his face, admitted error. Feeling the sting of derision, libertarians have turned to their own theories, aiming for an exit door labeled "Not the Market."

Libertarian economists of the Austrian school, who have some wisdom about recessions, reassure us; for the purest Austrians the cause is never the market, because their theory of the market doesn't have any recessions in it. Their theory is that investors are misled by the central bank, which misprices credit, making it too cheap, and that they rationally overinvest and create a boom. The implication is that if there were no mispricing of credit, there would be no boom, and therefore no bust.

And yet we have had booms and recessions, and have been having them for 200 years, whether we had a central bank or not.

That the Austrian theory has its finger on *one* of the causes is certainly true this time. But the history of markets, and of economic enthusiasms, belies the idea that the causal agent is always the central bank. Enthusiasms begin in the mind of man. They become fads, and they may affect lenders as well as bor-

rowers, whether credit is mispriced or not. Capitalism has its ups and downs because capitalism allows people to make their own decisions, and people are prone to act in herds.

Market analyst and historian James Grant said it well in "The Trouble with Prosperity" (1996):

Cycles in markets are inevitable, irrepressible, and indispensable. Even if some all-knowing central bank could create a state of economic perfection — measuring out growth in ideal, non-inflationary doses, neither too much nor too little — human beings would respond by overpaying for stocks and bonds. In this way they would restore imperfection.

Grant, who makes his living writing about the credit markets, wrote that book during "the great moderation," the Volcker-Greenspan period of the '80s and '90s, in which upturns were extraordinarily long and downturns mild and short. His book was a warning that the financial firmament was still subject to earthquake. He was right. Crises are part of capitalism. But their details differ and require specific explanations. Particularly the recent one. Jeffrey Friedman has a theory about the causes of the Crash of 2008. Friedman is an academic in political science, and an unusual one. He is a free market supporter who bases his libertarianism on an argument from human ignorance and the inherent limitations of democratic rule. He rejects natural-rights theory — he has gone to lengths

to poke holes in it — but he ends up in much the same place as the folks with whom he argues. And that makes him an interesting guy.

He is not an economist, economic historian, or financial-market participant. As editor of the journal *Critical Review*, he is in the position of letting others analyze the financial world and judging their work. In the latest, 272-page issue, he offers 11 essays by 21 authors, most of them professors or graduate students of economics or business and finance. They are from small colleges and big universities, including Stanford, MIT, NYU, and Columbia. Some are from Europe; one is from the National Bank of Poland. They point the finger of blame at the Fed's monetary policy, the Basel accords, deregulation, Fannie Mae and Freddie Mac, the Community Reinvestment Act, credit rating agencies, and executive bonuses. An essay on credit default swaps points the finger away from them.

In his own essay, Friedman says that his contributors' explanations "can, in the main, be fit into a larger mosaic with hardly any friction between the pieces." He is being diplomatic here. He is quite discriminating in the pieces he chooses for his mosaic. He takes a good deal more from NYU professors Viral Acharya and Matthew Richardson, who hang their theory on the Basel accords, than from Columbia University Professor Joseph Stiglitz, who blames deregulation and the Republicans. Friedman may be no expert on finance, but he is an expert at argument, and as editor of *Critical Review* he is in a position to make the most of that ability.

What crashed in 2008, Friedman says, was a system of regulated capitalism. The question he wants to reach "is whether it was the capitalism or the regulations that were primarily responsible." I wouldn't frame the question in quite that way. When I hear the word, "responsible," I think of people, not systems. I would say the responsibility for the failure of Lehman Brothers lies in the people who ran it. Still, capitalism is a system of rules. Most of the rules have been written by the government — some with the support, some with the acquiescence, and some with the opposition of capitalists. In any case, if they protect irresponsible behavior, or, especially, if they encourage it, there

is a systemic problem. This is what Friedman is after.

The story of the crash starts with the bubble in mortgages. It was created by lenders lowering their standards. By 2006 the average subprime loan (i.e., a loan to a borrower with weak credit) required just 5% down. Lenders also eased up on qualifying terms: in many cases they stopped verifying the borrower's income. A gardener could buy an \$800,000 house if he claimed to own a golf course. At the same time, 30-year mortgage rates fell to 5.25% — the lowest rate in more than 50 years. People had never seen such a deal in all their lives, and they responded. They created a bubble in house prices.

Also, by 2006 more than 90% of all subprime mortgages were adjustable-rate. Washington Mutual offered the "1% Option Adjustable Rate Mortgage," which allowed a buyer to pay a 1% rate for the first five years, while an internal interest rate allowed the amount that was owed to keep piling up. At the fifth year, the loan reset, with a new, higher loan amount and a market rate of interest. This was a gambler's product. I've heard it blamed for much of the bubble in Southern California.

The lenders sold truckloads of dodgy paper to Fannie Mae and Freddie Mac and to investment banks such as Bear Stearns and Lehman Brothers. These institutions packaged the loans into bonds, most of which were rated triple-A and sold to institutional buyers. Finally, companies such as American International Group created a derivative product called a credit-default swap: loss insurance on the bonds.

All this was the thing that collapsed. Who is to blame? Critical Review has essays blaming Congress, for passing the Community Reinvestment Act and promoting Fannie Mae and Freddie Mac; and the Federal Reserve, for keeping credit too cheap for too long. To Friedman, each makes up part of the answer, but they are foundation things only. He focuses on two other matters.

First, the rating agencies, Fitch, Moody's, and Standard & Poor's. They rated the bonds and stamped triple-A, the highest quality, on bonds later labeled toxic. Friedman lays much of the blame for the disaster on the misrating of bonds, and I think he is right. Why did it happen? Others have argued

that bond raters have a structural problem. They are paid by the institutions they rate, and thus have an incentive to overlook financial warts. Friedman argues that they have a different structural problem: the federal government licensed them so that there were only three companies doing the work. Further, government has effectively required bond issuers to buy their services. Collectively, they have a guaranteed market; they don't have to do a good job in order to get paid.

I don't like protected oligopolies, and I think Friedman has something here. But I'm not convinced that it bears the weight he wants to put on it. Oligopoly power will have some effect on the culture of a company — a bad effect — but it is not a complete explanation for a disaster like this. To me, being paid by the issuer seems a more direct problem, but that doesn't satisfy either. Both these conditions have existed for decades. They are background.

Reading the essays in *Critical Review*, and other literature on the subject, the idea I get is that the raters had a system based on formulas which, within certain parameters, worked. When you have something that works and makes you money, you keep doing it. It takes unusual intelligence and discipline to ask: what if this stops working? What if we are confronted with the unexpected? You'd think a company as important as Lehman Brothers, Standard & Poor's, or

Washington Mutual would have someone asking those questions. Maybe they did, and they didn't listen to him. There were people in the financial world (Jim Grant was one) who predicted big trouble. Grant had been a bear for so many years that people discounted what he said. But there is always a reason not to listen, especially if you're making money.

Second, Friedman focuses on the freeze-up in the commercial banks. This happened because the banks had so much invested in mortgage-backed bonds. Why so much? Two papers in Friedman's volume point to the Basel rules, an international standard for bank safety. When a bank makes an ordinary loan, the Basel rules require it to set aside capital equal to 8% of the loan. Mortgages, being backed by real property, are deemed safer; their set-aside is 4%. A bond backed by a diversified package of mortgages is deemed safer yet. Its set-aside is only 1.6%. The paper by Acharya and Richardson argues that commercial banks loaded up on mortgage-backed bonds "to avoid minimum-capital regulations."

But why did bankers do this? Acharya and Richardson suggest that they took extraordinary risks because they filled their pockets that way. Banks earned more money and paid senior employees higher bonuses. Friedman is unconvinced. If it were simply a matter of greed, he maintains, bankers would



"You used to be an investment consultant, Fred — what should I do with this quarter I found?"

have bought lower-rated double-A bonds that qualified under the Basel rules and yielded more than a triple-A bond of the same type. But among mortgage-backed bonds the bankers bought almost exclusively triple-A-rated paper, which was supposed to be of the highest quality. "They, like everybody else, believed in the accuracy of the triple-A ratings," Friedman writes. "They were ignorant of the fact that triple-A rated securities were riskier than advertised." Maybe. No doubt some were ignorant. But maybe also the prospect of bonuses amounting to hundreds of thousands or millions of dollars made bankers less

than eager to look closely for reasons to stop doing what they were doing. Maybe their reason for buying triple-A bonds was not only to safeguard their employer but also to insulate themselves from criticism.

I put the choice to my wife, Anne. Years ago, she was a vice president at Citibank. Whose explanation made more sense, self-protection or honest mistakes?

"You're just making up theories," she said.

Her thought is more like Friedman's: ignorance. But it was not an earnest ignorance. The bankers she remem-

bers were not much like the entrepreneurs posited by Austrian economics. They were employees — some political and backbiting, some freeloading, most thinking of their position more than the bank's, and all willing to hop to another bank. The investment guys were not engaging in grand strategy. They were dressing up the balance sheet so that the quarterly numbers looked good. Most of them had been doing their jobs for less than ten years.

Economics has its limits. It's true, as the economists say, that incentives matter. They matter a lot. But, as Friedman says, economists often overlook the fact that knowledge, or the absence of it, also matters. Feelings, beliefs, and all the other components of the human psyche matter too. Most people are not profit maximizers except in the tautological sense of wanting what they want. Nor are they fully informed.

Bankers are also subject to bad ideas, and to fads.

I had an interview with a man who had been one of the top three executives of Washington Mutual, a bank that was seized by the FDIC during the crisis and palmed off to J.P. Morgan Chase. I knew this banker from the 1980s, when I was a financial reporter for a daily newspaper. If I had a difficult question about credit markets, he was the man I'd call. He knew the bank and the markets. He understood regulations and regulators, having been a regulator himself. He was the image of a smart, solid, sensible mortgage banker. I asked him what had happened. "We all drank the Kool-Aid," he said.

Is that a fault of capitalism or of people? If you say it is the fault of people, remember that the Marxists used to excuse the failures of communism by saying that people were not good enough for it. We laughed at them when they said that, so let's not say it ourselves. Let's admit that capitalism, which allows people to make their own economic decisions, allows bad decisions as well as good ones. It allows people to make bad decisions *en masse*, and have a bad outcome.

As libertarians and classical liberals, let's also keep pointing out, as Friedman does repeatedly, that empowering a central regulator to manage our decisions has its own set of risks, and usually bigger ones than not doing so.

Notes on Contributors

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An Alan Greenspan, despite his hard-money sympathies, may set the interest rate too low, and invite a bacchanalia. A Barney Frank, envisioning a world in which every American can owe Fannie Mae money on his house, may be pursuing goals other than your own. And, as Friedman points out at the end of his essay, a layering-on of regulations over the decades may create unintended side effects, just as several drugs, prescribed by doctors at different times for different purposes, may together make a patient violently ill.

Or, to adopt Warren Buffett's metaphor, the tide went out, and the mortgage originators, the commercial

bankers, the investment bankers, the bond raters, and the insurance companies were all swimming naked. "We need regulation!" people say — and yes, damn right, their doings need to be made regular, made rational and sane and proper. But made regular by whom? Many of the bare bottoms belong to the government.

Friedman ends his piece by saying: don't expect too much of regulators. This is particularly true, he argues, if the bad decisions in the private sector are mistakes rather than cheating. Cheating can be obvious. For cheating we have cops. Mistakes are obvious only in hindsight. □

"Inglourious Basterds," directed by Quentin Tarantino. Weinstein/Universal, 2009, 152 minutes.

Beyond Allusions

Jo Ann Skousen

In one of his early, low-budget films, Alfred Hitchcock cast himself in two minor roles to avoid paying an extra actor, and a tradition was born. His famous walk-ons continued in almost every film, first because he superstitiously believed it contributed to his success, and later as an inside joke he played with his fans. Searching for his cameo appearances became such an obsession with viewers that it often distracted them from the story, so Hitch began inserting his appearances early in the film to get them out of the way and let the audience settle into the story.

Director Quentin Tarantino has developed a similar trademark in his movies, patterning many of his scenes after iconic moments in classic films and naming his characters after famous

film figures. Fans love identifying the clues, and Tarantino loves giving them something to look for. Even the misspelling of this film's title is a game he plays, perversely refusing to explain its meaning in interviews — a tactic that gives every fan's guess an equal chance at being correct. (I think it's a reflection on the backwoods Tennessee roots of the main character, Aldo Raine.)

Set in France during World War II, "Inglourious Basterds" opens like a spaghetti western with its wide wind-swept vista, its whistling sound track, a young girl hanging clothes on the line, a bad guy seen arriving in the distance, and a cat-and-mouse interchange between this menacing visitor (Col. Landa, played by Christoph Waltz) and the deceptively calm farmer (Denis Menochet). Menochet is riveting as the farmer cornered in his own house

in this opening scene, and Waltz is the quintessential Nazi officer throughout the film, suave, sinister, and psychologically sadistic.

During their conversation, Landa says, "So they call me 'Jew Hunter,'" with a self-satisfied smile, reminding film buffs of the recurrent joke, "So they call me Concentration Camp Erhard" in Max Lubitsch's excellent World War II farce "To Be or Not to Be" (1942) with Jack Benny and Carole Lombard. (There I go, showing off that I "got it.")

And that's one of the problems with Tarantino's precocious technique. Film references, both subtle and pronounced, permeate his films, inciting self-satisfied chuckles from show-offs in the audience that can be just as distracting as watching for Hitchcock to appear. My recommendation? Just watch the movie. It's a fabulous film, tense and engrossing, with remarkable performances by a sometimes unlikely cast (Mike Myers plays it straight as British General Ed Fenech, and Rod Taylor is almost overlooked as Winston Churchill), including Brad Pitt at his brassiest best. So sit back and enjoy the show — and save the game of "Where's Waldo" for a second or third viewing.

Several story lines develop and intersect in this taut, entertaining thriller, with Col. Hans Landa as the thread that ties them together.

Aldo Raine (Brad Pitt — and yes, that's a reference to both Aldo Ray and Claude Rains) is a likeable, wisecracking lieutenant in the Army Special Services leading a "Dirty Dozen"-like assassination squad of Jewish-American Nazi killers. A moonshiner from Tennessee, Raine speaks with a slow drawl but reacts with a quick draw. Like the "Bad" assassin in Leone's "The Good, the Bad, and the Ugly," he's open to negotiation, but he always keeps his word. Pitt is exuberant as Raine, thoroughly committed to his cause and over the top in his delivery. He owns every scene.

Shosanna (Mélanie Laurent) is a young Jewish woman passing as a French cinema owner in Nazi-occupied Paris. Laurent's Shosanna is cool, haughty, and mature beyond her years. She survived an attack in which her family was killed by Nazis, and has an understandable hatred for anything and anyone German. When Joseph Goebbels comes to town looking for a theater in

which to premier his latest propaganda film (a film featuring a German hero in a bell tower, reversing a famous scene from "Saving Private Ryan"), Shosanna hatches a devilish plot.

Bridget von Hammersmark (Diane Kruger) is the beautiful, daring, German actress working with the Allies as a double agent, a la Carole Lombard's character Maria Tura, in "To Be or Not to Be." (Stop me!) Like Maria Tura, she must use all her acting skills to remain calm and lively when her meeting with the Allies and Nazis doesn't go as planned. This is probably the best scene in a film filled with tension-packed scenes. Kruger is radiant as the sultry, playful, and quick-thinking von Hammersmark. In fact, the entire cast shines.

Tarantino eschews the modern cinematic technique of using jerky handheld cameras in favor of the more traditional stabilizing dollies and cranes. Many of his scenes are wide and beautiful, whether their location is a German forest, a French hillside, an ornate movie theater, or a basement tavern. His close-up shots are deliberate and

meaningful. In short, he knows how to handle a camera.

While I highly recommend "Inglourious Basterds" as one of the best films so far this year, I must warn you that it is, like most Tarantino films, occasionally and swiftly brutal. War is hell, and it is bloody. Fortunately these scenes are brief and well telegraphed, so if you're squeamish like me, just close your eyes for a second. The story and the acting are worth an occasional squirm.

If there is any message to this film it is this: there is nothing glorious about war. It kills good people and turns good people into killers. Whether driven by grief or glory, no one gets out unscathed — not the Germans, not the Jews, and not the Americans. Raine, who proclaims himself "part Injun" and demands 100 Nazi scalps from each of his men, kills without batting an eye. While we might laugh at his drawling demeanor and marvel at his unflinching courage, we can't possibly glorify his tactics. His band of assassins are indeed "inglourious basterds." □

"The Creature from Jekyll Island: A Second Look at the Federal Reserve," 4th edition, revised, by G. Edward Griffin.
Amer Media, 2009, 608 pages.

Uncle Sam's Money Machine

Doug Gallob

Is "The Creature from Jekyll Island" a horror story? Emphatically yes. The leading character in Griffin's book is every bit as shadowy as Bram Stoker's vampire or Stephen King's fog, yet far more terrifying. Unlike these mythical forces, it actually lives and breathes among us. The few who are able to make out its dismal form stand helplessly by, able to do little more than shout the

occasional unheeded warning.

This creature is the Federal Reserve System. With every breath it sucks the life from all who are not politically or financially connected. Every inhalation is a recall of debt and contraction of the money supply, every exhalation a fresh printing of money and the inevitable inflation that accompanies it. Each breath wreaks havoc on real wealth and economic stability, yet somehow the creature's handlers always manage

to come out ahead. The rest of us can only watch the stored fruits of our labor destroyed.

The title refers to the creature's birth, which can be traced to a meeting of seven very wealthy men on Jekyll Island in Georgia. The story begins by describing this meeting in true horror style:

The New Jersey railway station was bitterly cold that night. Flurries of the year's first snow swirled around street lights. November wind rattled roof panels above the track shed and gave a long mournful sound among the rafters.

But the book is more than a horror story. Is it a scholarly treatise? Yes and no. Griffin purposely wrote the book for laymen after finding most other books on the Federal Reserve, however accurate or thorough, a little too dry, convoluted, or unwieldy. Through his research, Griffin came to the conclusion that the essence of this topic is far simpler than is usually presented. Like most libertarians, I have a tad more understanding of, and far more interest in economics than, the typical schmo on the street. But when it comes right down to it, I am an economic amateur, a layman. As a layman, I can attest that Griffin has created a very accessible book.

Part of the reason for reading a book like this is to try to understand things that have always seemed mysterious. Where did money come from, and why do we trust it? Why is it that we are willing to be paid for our labor with little pictures of George Washington? Who the hell are Smith and Hayek and Keynes and Morgan and Rothschild, and why should we care? When we hear that "the Fed has raised (or lowered) interest rates," what does that mean? Many of us simply nod our heads so as not to look stupid, but truly have no idea of why or how "the Fed" or its "interest rates" affect us.

For those of us who have wondered about where money comes from, it is worth the price of the book just to read Griffin's second section, "A Crash Course on Money." What is commodity money? Receipt money? Fractional money? Fiat money? Are your eyes glazing over? They shouldn't. By the time Griffin is through explaining the terms for various forms of money and

the history of how they came into use it will seem so easy and obvious you'll wonder why you never understood it before. In "The Wealth of Nations," Adam Smith provides a very good explanation of the origins of money, an explanation that I enjoyed immensely, but for a modern audience, I think Griffin's concise explanations are much more understandable.

Despite his layman's focus, Griffin has still managed to pack the book with facts and details, copious footnotes, and many pages of bibliography. If his representations of fact aren't accurate in any respect, the documentation is available to refute them. If they are accurate, they provide detailed support for both his viewpoint and his conclusions. The few times he wanders off into conjecture, he lets you know he is doing so. He also manages to keep the book up to date, by means of frequent editions and reprintings. Though the book was originally published in 1994, the newest edition includes a section on the mortgage meltdown that began in 2008.

"Creature" is simultaneously an economic primer, a political primer, and an historical primer. It gives the economic, political, and historical details of the Federal Reserve System, but these specifics aren't nearly as interesting as the understanding Griffin brings to the creature's species, the central bank, and its genus, the cartel. He maps the history of central banking and fractional reserve banking onto the history of economic stability, including four instances of times when America has tried central banking, one of them before the Revolution. Sure enough, periods of economic instability are characterized by the use of fractional money (paper money of which only a fraction is backed by valuable commodities), and fiat money (money required to be accepted as legal tender by government fiat). Griffin rejects the common idea that the boom-bust cycle is inevitable and ties the cycle directly to the use of fractional and fiat money, showing great stretches of history without boom-bust cycles, when fractional and fiat money was rejected.

Griffin outlines the history of bailouts in the system, showing case after case of bankers and politicians making hay from businesses that were "too big to fail." He shows that our latest bailouts

(of GM, AIG, and so forth) are nothing new. Public bailouts of private companies have been going on for many years. He also shows that little in this failure-bailout cycle is accidental. He details the rule set that is carefully followed to enrich a few players in the oft-repeated bailout game. He demonstrates the way in which the International Monetary Fund and the World Bank follow the same bailout playbook on an international level. He elucidates the benefits of war to the creature under study, discussing European wars financed by the Bank of England and modern wars financed by the Federal Reserve.

This is also a how-to book — not how to start a war but how to change the system. Griffin sketches two possible futures. His "pessimistic scenario" describes what will happen to us if we continue our present course: totalitarianism and poverty. His "realistic scenario" offers specific steps we should take to avoid that fate. (He does not offer an "optimistic scenario" because we are so far gone that even our best course of action will be quite painful.)

Finally, as I joyfully admit, this book presents a conspiracy theory. I am an unabashed, unapologetic conspiracy theorist. I know it is fashionable to equate "conspiracy theorist" with "kook" and to intone the phrase with a slight sneer of disgust. Yet just because we're paranoid doesn't mean they aren't out to get us. Government-sponsored cartels are one form of conspiracy that has been pretty well documented and confirmed throughout history. There is evil and mischief in the world, and much of the suffering that human beings undergo results from the collaboration of other humans.

Very rarely does evil introduce itself twirling a moustache like Snidely Whiplash, rubbing its hands together and practicing the perfect "bwa-ha-ha-ha-ha!" of Satanic laughter. Evil is more mundane and innocent in appearance, even to itself. In "The Gulag Archipelago," Aleksandr Solzhenitsyn recognizes that evildoers are rarely aware of their evil. They are not like Shakespeare's Iago, who "identifies his purpose and motives as being black and born of hate." "But no," Solzhenitsyn says, "that's not the way it is! To do evil a human being must first of all believe that what he is doing is good, or else that

it's a well considered act of conformity with natural law." Solzhenitsyn later describes how much evil arises simply from thoughtless expediency. Huge waves of human suffering are caused by humans with good intentions. How many children and families have been destroyed by the well-meaning bozos running the child custody industry?

So, just as individual human evil rarely springs directly from ill intent, conspiracy is rarely a pack of villains gathering together with the express purpose of making others suffer. Suffering is simply the unfortunate cost and unintended consequence of achieving the conspirators' goals in the most expedient manner. The conspirators in Griffin's story may at various times have had good intentions toward the rest of us, but for the most part, they have played a game in which your well-being and mine are simply irrelevant. We are at best sheep to be fleeced.

Although Griffin details the roles of specific conspirators, naming Morgans and Rothschilds and Rockefellers by the dozen, it is once again the general nature of the conspiracy that is most instructive. The Federal Reserve System is simply one more example of collusion between the most powerful players of a particular industry, in this case banking, and the most powerful players in the political sphere. Politicians and bankers both benefit by legalizing fractional and fiat money. Politicians can buy votes with this money created out of nothing, while (some) bankers collect interest on the same imaginary money. The scheme is financed by the populace through inflation, by the requirement that people accept this highly manipulated play money as legal tender, no matter how wildly it fluctuates against real commodities, goods, or services.

I agree with Griffin's relation of the specifics to his generalizations about the conspiracy. I object, however, to his labels for the two broad conspirator classes. He calls these people "monetary scientists" and "political scientists" — terms far too benign for their objects, and slander to real scientists. A scientist's purpose is to increase knowledge and understanding. The players in the Federal Reserve game are not that benign. They cannot succeed without obscuring knowledge and understanding. □

"Woodstock," directed by Michael Wadleigh, 40th anniversary box set. Warner Brothers, 2009, 224 minutes.

"Taking Woodstock," directed by Ang Lee. Focus Features, 2009, 120 minutes.

"Woodstock: Three Days That Rocked the World," by Mike Evans and Paul Kingsbury. Sterling Publishing, 2009, 288 pages.

"Hair," directed by Diane Paulus. Al Hirschfeld Theatre, New York.

Singing in the Rain

Jo Ann Skousen

In the summer of 1969 my mother, my sister, and I roamed the country on an extended road trip, traveling from California to Louisiana to Colorado and back and stopping wherever it looked interesting. My mother was pretty cool about letting my sister and me do whatever we wanted along the way, provided that we indulged her penchant for natural wonders. We explored Carlsbad Caverns and the Petrified Forest of Arizona, but we also scored tickets to a Byrds concert at the Fillmore in San Francisco, attended a Jimi Hendrix concert in LA, grooved to an Eric Burdon & War concert in Topeka, and hung out one weekend with a group called Nickel Bag in a little town in Arkansas. You can probably guess where this article ought to be leading: summer, 1969, road trip, music — Woodstock, right?

Almost. We heard the ads on the radio for this crazy concert in New York, started driving in that direction, and then for some reason hung a left at Little Rock and went to Pike's Peak instead. I guess it was my mother's turn to choose the destination. Of course, it

turned out to be the concert of a lifetime, and we missed it.

Now it's 40 years later, and Woodstock is open again — as a museum and performing arts center hosting such musicians as Bob Dylan, John Mellencamp, Arlo Guthrie, Peter and Paul (no Mary), and Willie Nelson in its first season. Several of the original performers returned for the 40th reunion. They included Richie Havens, who opened the show 40 years ago, and Country Joe (without the Fish). This time the weather was clear, everyone had tickets, and the sold-out crowd numbered 15,000, not "half a million strong." They also kept their clothes on.

Nestled in the Catskill Mountains about two hours north of Manhattan, the Museum at Bethel Woods — near the real site of the "Woodstock" festival — is well worth a visit, with or without a concert. An interactive multimedia exhibit reminds visitors that the '60s were the best of times and the worst of times: an American had walked on the moon exactly one month before the concert, but hundreds of thousands of American soldiers were still stalking the jungles of Vietnam, and protesters

were marching on campuses and sitting in at lunch counters. The museum recaptures these memories with video clips, artifacts, and brief quotations. Of course, the music of the '60s is celebrated throughout the museum. Memorabilia from the era, including lunch boxes, record players, flashcube cameras, transistor radios, and a wide array of vinyl albums are on display; I confess to saying several times, "I used to have one of those!"

Most fascinating is the entrepreneurial story of how 25-year-old Michael Lang, who had staged the Miami Pop Festival in 1968, and Artie Kornfeld, a songwriter and the youngest vice-president of Capitol Records, coaxed their vision of a music and art festival into existence. Rounding out the partnership were two young men who put up the money, wrote the contracts, sold the tickets, and watched over the books. Joel Rosenman was an attorney who had never actually practiced law, and John Roberts was a budding entrepreneur who had recently inherited half a million dollars and was looking for "nutty business ventures." A pop music festival was about as granola as they come.

Together these young guys hired a team of experienced designers, promoters, caterers and production coordinators, along with state-of-the-art lighting and sound engineers. Because of them, and aided by the hillside setting that created a natural amphitheater, nearly everyone could see and hear the concert, even when attendance swelled to half a million. Without this professional team pulling off a high-quality show, the peaceful chaos could have turned violent.

Woodstock would probably have been just a blip on the radar if it weren't for the documentary film that became "Woodstock." Serving as a second assistant director and editing the footage (along with Oscar-nominated Thelma Schoonmaker) was a then-unknown NYU film student named Martin Scorsese. Yes, Scorsese. Handling one of the cameras from a tiny platform next to the stage, he found the experience tense and relentless. He was "trying to stay upright in the tiny space . . . hungry and exhausted," with a "restive — potentially violent — presence behind us": the sea of muddy concertgoers.

Scorsese also suggests — rightly, I think — that the film is what set Woodstock apart from other music festivals that year and turned it into the iconic concert that defined the decade. “Without the film,” he writes in the foreword to Mike Evans and Paul Kingsbury’s book, “Woodstock, the concert, would not be more than a footnote to the social and cultural history of the 1960s — represented by a still photo in a picture book, a line or two in the history books.”

The movie won an Oscar for Best Documentary in 1970. It has gone through several re-edits over the years. A director’s cut was issued in 1994 and a 40th anniversary DVD was released this year. The documentary brought Woodstock to middle America, making the music accessible to millions of new fans who might never attend a concert, let alone a love-in — and to festival attendees who were too far back (or too far out) to hear it at the time. When one watches the film today, one thing that stands out is how fresh and clean-cut the concertgoers and musicians look. They may have been countercultural, but they weren’t gangsta.

“Woodstock,” the film, holds up remarkably well. The remastered director’s cut is sharp, the sound is good, and the whole work is as enjoyable to watch now as it was in 1970. The split-screen presentation happened almost

documentary has added several artists, with the latest edition providing 17 uncut performances from the festival. At 224 minutes the result is too long for theater viewing, but it’s a great way to enjoy the music at home.

Originally the festival was scheduled and booked in Woodstock, N.Y., a bucolic village already known as an artists’ colony where Bob Dylan, Richie Havens, and Tim Hardin owned homes, and other musicians, such as Joan Baez, Janis Joplin, James Taylor, and Jimi Hendrix, visited regularly to perform at weekend jam sessions called “Shoutouts” at Pansy Copeland’s farm. The neighbors should have been used to the idea of a concert.

Nevertheless, when town fathers realized that Lang and Kornfeld anticipated selling as many as 100,000 tickets to their three-day event, they reneged on the deal, citing worries about vandalism, violence, and drugs. The promoters soon signed a deal with another venue 30 miles away in Saugerties, but when local residents there got wind of it they also demanded that the concert be cancelled. Nobody wanted those damned drug-using hippies dirtying up their town. A third location, down the road in Wallkill, was cancelled for the same reason, after promoters had already created trails and carved natural sculptures into trees and boulders in preparation for the “& art” portion of the festival. Finally, a venue was secured 70 miles away at Max Yasgur’s dairy farm in Bethel, N.Y., and ticket-holders were once again informed of the change.

Admittedly, there was good reason for residents to be worried about violence. College students had been picketing for civil rights and demonstrating against the Vietnam War all year. I remember being terrified in 1965 by nightly news picturing the race riots in the Watts area of Los Angeles, just ten miles from my home. When ticket takers at the sold-out Hendrix concert I attended in 1969 had to close the doors to people without tickets, angry fans tore down a 40-foot light pole in the parking lot and used it as a battering ram against the locked doors. The concert was cut short as a nervous Jimi was hustled offstage. My friends and I made our way to our car through clouds of tear gas while cops threw canisters

directly at fleeing individuals. Tempers were short, and anything could incite an angry mob. As Crosby, Stills, Nash, & Young reminded us plaintively in song, there were “four dead in O-hi-o,” killed

When local residents got wind of it they demanded that the concert be cancelled. Nobody wanted those damned drug-using hippies dirtying up their town.

in the Kent State University confrontation between students and soldiers, just the next year, indicative of the volatile atmosphere.

But Woodstock was different. Attendees knew that the venue had been changed four times because local residents didn’t want them, so they had something completely different to prove. Instead of resorting to violence, they would “give peace a chance.” “We’ll show them!” turned into a celebration of peace and cooperation rather than a scene of angry hordes demanding food, water, and lodging. Lang and Kornfeld worked around the clock to solve problems, hiring helicopters to fly in the musical groups who couldn’t get to the venue by car and buying up all the produce from nearby farms — produce that the catering crew chopped on wooden platforms and cooked in galvanized trash cans. Wisely, the management abandoned its ticket booths and just let everyone in.

With the New York Thruway transformed into a parking lot, transportation became problematic. Attendees abandoned their cars and walked, but Lang and Kornfeld still had a concert to put on. They used horses and motorcycles to travel around the venue in addition to the helicopters ferrying the musicians. Everyone was late. While waiting for the next act to arrive, Richie Havens played his planned set, then played songs he hadn’t performed in years, then made up a song on the spot that became synonymous with the festival, his now famous “Freedom.”

Woodstock would probably have been just a blip on the radar if it weren’t for the documentary film that became “Woodstock.”

by accident. During the editing process, Scorsese and Schoonmaker projected the film from all seven cameras at once, and they liked it that way. It captured the multi-layered atmosphere of the festival. They also understood that the real story was in the music, so they included long, uncut performances interspersed with interviews and background scenes. Each new version of the

All of this is well documented at the newly opened Museum at Bethel Woods. One of the most popular features is the psychedelic bus where visitors can take a seat and imagine the drive to Woodstock while watching a video through the front windshield and listening to the "news" on the van's radio. A living museum allows visitors to record their memories of Woodstock and the '60s. Best of all is the concert simulation where visitors can lie down on giant bean bags (benches are provided for the less adventuresome), look up at a simulated sky, and watch a surround-screen presentation of the event that includes several performances, scenes of mudslide frolics, and images of food preparation for the half-million concertgoers.

Those who can't visit the museum can experience some of the same nostalgia through Evans and Kingsbury's "Woodstock," which draws heavily on the artifacts exhibited at the museum. Presented almost like a scrapbook, with bright colors and pop typography, "Woodstock" reprints photographs, posters, newspaper articles, tickets, and eyewitness accounts of key figures who worked behind the scenes as well as those who attended the conference. The entrepreneurial story alone is worth the \$35 price.

After visiting the museum, reading the book, and listening to the commemoration in song on radio stations during the 40th anniversary weekend, I was hyped to watch Ang Lee's movie, "Taking Woodstock." The film is based

on the autobiographical account of Elliot Tiber (then Teichberg), whose Russian-Jewish immigrant parents owned the El Monaco Motel in Bethel where Lang and Kornfeld eventually set up their headquarters. Elliot (Henry Goodman) was the leader of the Bethel Chamber of Commerce and had already applied for, and received, a permit to host his own annual summer musical festival. (A more modest affair, this would have featured a local band and a few records played in the parking lot of the motel.) He transferred his permit to Lang and Kornfeld, and Woodstock had a legally sanctioned home.

"Taking Woodstock" starts well, with several hilariously understated moments. Eugene Levy is especially good as Max Yasgur, whose farm was leased when Lang and Kornfeld discovered that the motel's fields were little more than a swamp. "Now, I'll expect you to tidy up afterward," Yasgur says with the condescending demeanor of a father giving instructions to the babysitter. Imelda Stanton is equally amusing as Sonia Teichberg, Elliot's tightfisted mother. "They only used those sheets one night and they didn't do anything on them," she yells at Elliott as he carries a load of linen out of a vacated motel room. "Put them back on the bed! Don't you know detergent costs money?" He pauses for a moment, then dutifully returns to put the sheets back on the bed for the next guests.

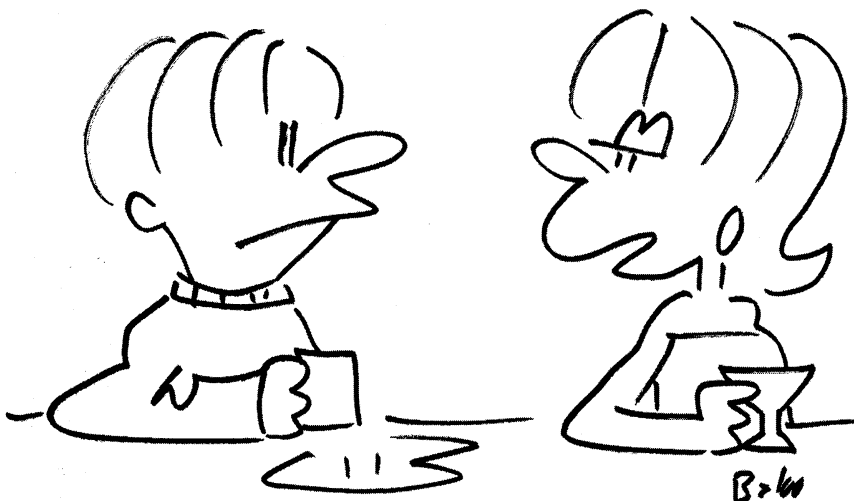
Jonathan Groff is also excellent as the fresh-faced festival promoter, Michael Lang. Sporting a halo of curls reminis-

cent of Jim Morrison, Lang knows how to get around obstacles rather than barrel through them. Freedom isn't just about free speech, free tickets, free-flowing drugs, or free love; it starts with free markets. He understands the power of a dollar in calming angry, suspicious residents. If the community is going to be inconvenienced, then he'll pay them enough to make it worth their inconvenience. Share the wealth, and everyone goes home happy. As Elliot finally realizes, "I'm the Chamber of Commerce. And this whole thing is about commerce!"

The first half hour of the film is laugh-out-loud funny. Unfortunately, somewhere on the way to the Woodstock Music & Art Festival, director Ang Lee took a wrong turn and ended up at the El Monaco — for the duration of the festival. How is it possible to make a film about Woodstock without showing a single artist or playing a single song? Lee manages to do it. It's like making a movie about the 1984 Olympic hockey game, where the United States miraculously beat Russia, and focusing on the guy running the snack bar at the practice rink back home. Unbelievable.

Lee concentrates on Elliot Teichberg — a charming young man to be sure, but certainly not interesting enough to merit a whole movie, when the greatest music festival ever staged is going on two miles down the road. Sure, I took a left turn at Little Rock and never made it to the concert, but Teichberg was already on the spot. He has no excuse for missing the festival. We watch him fight with his mother, slide in the mud, experience his first acid trip, claim credit for making it a free concert, and come out of the closet. But he never gets to the music. And consequently neither do we.

The most incongruous sight in a long list of incongruous sights (including lots of joyful, bouncing, frolicking, full-on nakedness) is Liev Schreiber as Vilma, a pistol-packing, cross-dressing blonde offering his/her security services when the Teichbergs refuse to pay off a couple of toughs in the protection racket. Perhaps it would have worked if Lee had cast an unknown actor in the role, but Schreiber is just plain creepy, hitting on Elliott as a man in some scenes and Elliott's father as a woman in others, then making sandwiches



"You're trying to find yourself? — No offense, but if I were you, I'd look for somebody else."

and brownies with the old ladies in the community. I think it's supposed to be funny, but it's just weird.

In short, "Taking Woodstock" is one of the biggest film disappointments of the season. "Stealing Woodstock" might have been a more appropriate title, since the movie demonstrates how a virtual nobody tried to take credit for a major event. We get it — Elliot's festival permit was vital. But Lang, Kornfeld, and their professional crew deserve the credit for pulling the concert off. Not to mention the credit due the musicians! The film is not worth the price of a ticket, not worth the postage on your Netflix account, not even worth your time if it shows up on MTV.

Woodstock's official posters called it "An Aquarian Exposition," a strangely prophetic moniker, given the deluge that poured down for most of that weekend. The phrase derived at least part of its inspiration from another artistic phenomenon, a musical that opened on Broadway and in London's West End in 1968: the counter-culture rock opera "Hair," with its iconic theme song "Age of Aquarius." At that time, "Hair" was one of the edgiest plays to hit the legitimate stage. It delivered an antiwar message and an in-your-face celebration of drugs, sex, profanity, and nudity. It also spawned several top-40 hits, including Oliver's "Good Morning Starshine," the 5th Dimension's "Aquarius/Let the

it, too, is very loose) follows one character, Claude, as he makes decisions that lead to his being drafted, sent to war, and sent home in a box. As the characters take their turns in the limelight the stage morphs into a classroom, a bedroom, a living room, a protest rally, a battlefield, and even a long acid trip, without the use of props or sets.

The current production at the Al Hirschfeld theater on Broadway earned the 2009 Tony for Best Revival of a Musical. The cast is exuberant as they prowl the theater aisles, balance on the railings, and play with audience members' hair. Costumes are colorful and retro, with lots of beads, fur, fringe, and flowing cottons that once announced the hippie generation's embracing of multiple cultures. Yet many of the songs are offensively antireligious, belying the characters' profession of peace, love, and tolerance. Much of the music is familiar and engaging, but it's more nostalgic now than edgy — you won't leave the theater inspired to change the world, although you may want to go shopping for a retro mini-dress.

Characters sing a variety of protest songs that were once shocking and topical: "Hashish," "Sodomy," and "I'm Black/Colored Spade" appear early in the first act. But the themes are dated now, the anger and angst in the characters' voices more whiny than moving, and the profanity more juvenile than shocking. Moreover, at the time "Hair" was written audiences needed no exposition, but 40 years later it's harder to empathize with the characters' conflicts when the story lines are presented as swirling images with no back story. Even the title song, "Hair," has lost its impact. Members of today's audience may have hair that is short, long, purple, spiked, or shaved completely off, with nobody to object and few to notice. The show is still great fun, but it's no longer relevant.

At the time, however, hair was very much a symbol of freedom and self-ownership. It was the first thing to go when a man entered the armed services. Schools and businesses required men to keep their hair above the ear and above the collar. And hair was an outward symbol of gender — boys wore their hair short, and girls wore it long. Taking ownership of one's hair wasn't just a fashion statement back then —

How is it possible to make a film about Woodstock without showing a single artist or playing a single song? Lee manages to do it.

Sunshine In," Three Dog Night's "Easy to be Hard," Nina Simone's "Ain't Got No/I Got Life," and the Cowsills' "Hair."

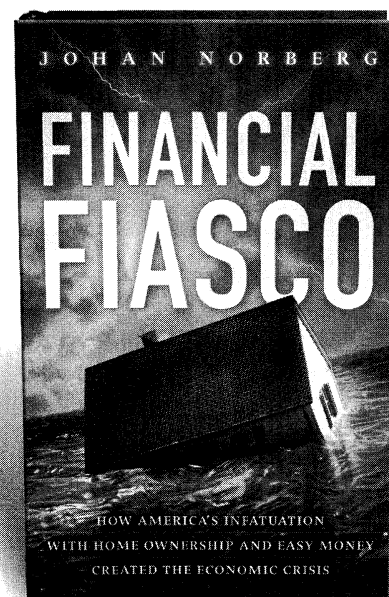
The plot of this musical is a loose interweaving of the experiences of several members of a "tribe" of friends who gather in what appears to be a park or parking lot to sing, talk, make out, and do drugs. The main story line (although

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it was a statement of personal identity and ownership.

Clothing, too, is no longer so firmly dictated by conformity; a tourist in jeans may sit in the audience next to a businessman in a suit, and both will feel comfortable. The most telling part of "Hair" is perhaps the final scene, in which cast members bring people from the audience onto the stage for a brief "love-in" of dancing and song. This scene is exuberant and joyful, and probably made a strong statement in the '60s when there was a distinct contrast between a cast in hippie attire and an audience in formal dress. But at the performance I attended recently it was difficult to distinguish who were the actors and who were the people from the audience. The protest clothes of the '60s are sold at Saks Fifth Avenue today.

Forty years later, Bethel, N.Y., is again a peaceful, bucolic setting of rolling hills, winding roads, and leafy trees. You can even see a few cows munching placidly on what was once Max Yasgur's dairy farm. Fancy coffees and pastries are available at the snack bar. Visitors arrive in nice cars and there is plenty of parking. The concert venue has a real stage, real seats, and a roof. It's hard to imagine a sea of bodies huddling against the rain and slipping through the mud. It's even harder to imagine

The themes are dated now, the anger and angst in the characters' voices more whiny than moving, and the profanity more juvenile than shocking.

anyone wanting to do it again. It's the kind of experience that improves with memory. It can be imitated in fashion. And it can be enjoyed through museums, books, movies, and albums — the means by which the Woodstock Music & Art Festival will live on. But the strongest survival may turn out to be the '60s' assertion of personal significance, identity, and self-ownership. □

"Julie & Julia," directed by Nora Ephron. Columbia Pictures, 2009, 123 minutes.

Iron Chef, Zinc Saucier

Jo Ann Skousen

"Julie & Julia" is two stories in one, both of them true. In 2002 Julie Powell (played by Amy Adams) was in a funk, working for an insurance company dealing with survivors of the 9/11 terrorist attacks and looking for something meaningful to do with her life (that sentence should give you a clue to Julie's self-absorption). She came up with a plan: she would cook every recipe in Julia Child's "Mastering the Art of French Cooking" and write a blog about it.

This naturally leads to the other half of the story: how Julia Child (Meryl Streep) came to write said book. In 1948 Julia was in a funk, having just moved to Paris with her diplomat husband and looking for something meaningful to do with her life. "What do you like most to do?" her husband (Stanley Tucci) wisely asks in the film. "Eat!" she responds unabashedly, a delicious bite of sole meuniere still melting in her mouth. She came up with a plan: she would learn to cook French food — at Le Cordon Bleu, no less!

Both projects ended up as books, and both ended up on the screen as well — Julia's on the small one, Julie's on the large. Child's cooking show ran for ten years and became the model for cooking shows today; Julie's book is significant because it brought Julia's story to the big screen.

Streep settles comfortably into Julia's large shoes, playing the role with gleeful abandon. She relishes her food, guffaws at her own foibles, and gamely

carries on when things go wrong. She loves her husband passionately, and his love for her is just as apparent. The section includes an equally strong and ebullient performance by Jane Lynch as Julia's sister, Dorothy. This portion of the film is delightful and robust, made even stronger by the short but poignant reference to Julia's heartbreak at not being able to have children. She barrels through life with a stiff upper lip, an effervescent smile, and a fine set of knives.

Adams, always a fine actor, portrays Julie Powell admirably. It's fun watching her try out every recipe (and reach for the Tums nearly every night). She moves from perky brightness to weepy meltdown with equal ease, portraying her character as she apparently was written. Some moments are quite spontaneous and clever. The problem is, Powell simply isn't as interesting as Child. One waits for Julia's story to return in the way one munches on a roll while waiting for the entree to be served.

Although the storytelling is uneven, the film is well worth seeing. The story of Julia Child's indefatigable determination to publish her cookbook should inspire any entrepreneur, and Julie Powell's story will likely cause you to think, "Damn. I could have done that!" — followed by a hopeful "I could do something else!"

But watch out for your waistline and reach for the Tums — at the very least, the film will inspire you to sharpen your knives and start cooking. As Julia would say, "Bon appétit!" □

Martin County, Fla.

Bold implementation of one of the world's oldest defenses, from the *Treasure Coast Palm*:

Martin County Sheriff's detectives didn't buy it when a 48-year-old Jensen Beach man claimed that his cat was downloading child pornography on his computer. Keith R. Griffin was charged with 10 counts of possession of child pornography after detectives found more than 1,000 child pornographic images on his computer, according to a news release.

Griffin told detectives he would leave his computer on and his cat would jump on the keyboard. When he returned, there would be strange material downloaded, the release states.

Washington

Rattling the Supreme Court's swear jar, from the *Annapolis Capital*:

The Supreme Court deleted expletives left and right while narrowly upholding a government policy that threatens broadcasters with fines over the use of even a single curse word on live television, issuing six separate opinions that used none of the offending words over 69 pages.

The precipitating events were live broadcasts of awards shows in which Bono, Cher, and Nicole Richie — Justice Antonin Scalia referred to the latter two as “foul-mouthed glitteratae from Hollywood” — let slip or perhaps purposely said variations of what Scalia called “the F- and S-words.”

Norfolk, Va.

Solidarity with our sesquipedalian brethren, in the *Hampton Roads Pilot*:

During an interview for CNBC, a fly intruded on President Obama's conversation with correspondent John Harwood.

“Get out of here,” the president told the pesky insect. When it didn't, he waited for the fly to settle, put his hand up and then smacked it dead. “Now, where were we?” Obama asked Harwood. Then he added: “That was pretty impressive, wasn't it? I got the sucker.”

Yet the Norfolk-based group PETA wants the flyswatter-in-chief to try taking a more humane attitude the next time he's bedeviled by a fly in the White House.

PETA is sending President Barack Obama a Katcha Bug Humane Bug Catcher, a device that allows users to trap a housefly and then release it outside.

New York

Novel infraction, from the *New York Post*:

A Brooklyn woman said her father apparently lay dead for weeks in a minivan while police repeatedly left parking tickets on the vehicle below the Brooklyn-Queens Expressway underpass.

Police made a gruesome discovery earlier this week while getting ready to tow the van — a decomposed body in the back seat. The body was identified as George Morales, and he had been dead a month, in a van with four parking tickets.

Gaborone, Botswana

Unsurmountable obstacle for constitutional law, reported in the *Botswana Mmegi*:

Cabinet minister Margaret Nasha has declared that Setswana is difficult, hence the constitution cannot be translated into the national language.

Nasha told parliament that it is impossible to translate law into Setswana. She explained that Setswana is very difficult but the language used in law documents is even worse.

Syracuse, N.Y.

Abrupt end to attempted revival of the barter economy, from the Massena (N.Y.) *Daily Courier-Observer*:

Police said a 45-year-old man, Angelo Colon, offered 42-year-old Omar Veliz a slaughtered pig as partial payment for a bag of crack cocaine. The two men were spotted making the deal on a street corner. Colon paid half a pig and \$10 for a \$50 bag of crack. Veliz told police the pig was for a celebration for a relative being released from jail.

While officers were arresting the suspects, someone took the pig.

Yekaterinburg, Russia

Obstacle in the fight against dark wizardry, from the BBC's desk in the Urals:

A Russian man is hoping to produce a little magic to get him elected Sverdlovsk regional governor, by taking the name of Harry Potter. The fictional boy wizard is

hugely popular in Russia.

But he will not be able to call himself plain Harry Potter, as election rules state that Russian citizens who change their name have to retain their patronymic — their genuine father's first name.

Medina, Saudi Arabia

Legal trouble on the thousand and second night, recounted in Saudi paper *Al-Watan*:

A Medina family has taken a genie to court, alleging theft and harassment. The lawsuit filed in Shariah court accuses the genie of leaving them threatening voicemails, stealing their cell phones and hurling rocks at them when they leave their house at night.

An investigation was under way, local court officials said. “We have to verify the truthfulness of this case despite the difficulty of doing so,” said Sheikh Amr Al Salmi, the head of the court. A local charity has moved the family to a temporary residence while the court investigates.

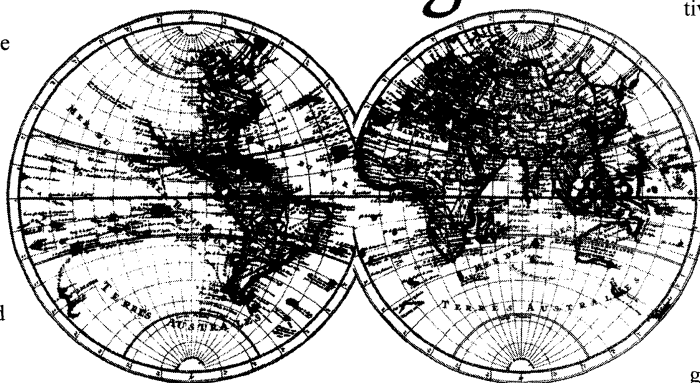
Fucking, Austria

Quixotic attempt at preventing the inevitable, from the *Cleveland Leader*:

Surveillance cameras are being installed outside Fucking, a mountain village near Salzburg, in order to deter tourists from taking snapshots of themselves having simulated or real sex underneath the town's welcome sign. Warnings about the cameras will be posted in order to encourage visitors to take tamer pictures.

“I'm sure each of them think they're the first to think of it but believe me they're not,” said one resident.

Terra Incognita



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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)



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But my city wanted to take my property away
so a politically connected developer can build condos.

I won't give up my American Dream
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