

# Liberty

September 1995

Vol. 9, No. 1

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Waco:  
The Truth  
Comes Out

## Oak Grove Goes to War

*by Randal O'Toole*

## Balancing the Budget: Myth vs. Truth

*by Scott Reid*

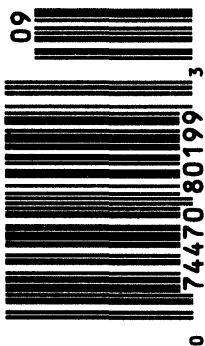
## Reading Ayn Rand's Mail

*by R.W. Bradford*

## Husband Abuse

*by Wendy McElroy*

**Also:** *John Taylor Gatto* explodes nine myths about the public schools, *Pierre Lemieux* on the strange theory underlying the income tax, *Clark Stooksbury* on truth and lies about the American South . . . plus other Articles, Reviews, and Humor



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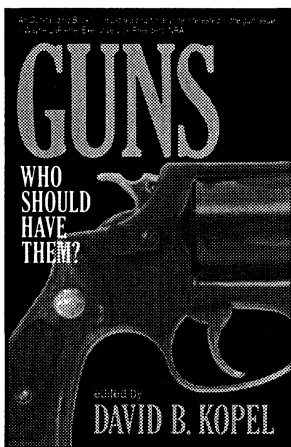
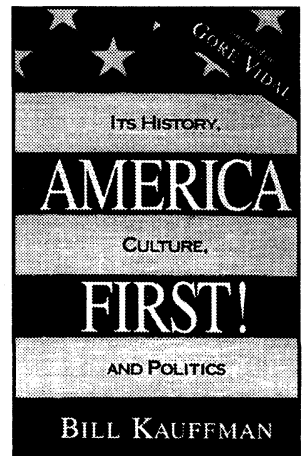
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Bill Kauffman (Elba, NY) is editor and columnist with *The American Enterprise*. He has contributed to numerous magazines, including *Reason*, *Liberty*, and *Chronicles*.

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David B. Kopel, an attorney, is research director of the Independence Institute in Denver, CO. He is the author of numerous articles and books about gun control, including the highly acclaimed *The Samurai*, *the Mountie*, and *the Cowboy*.

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# Letters

## Dammit, John, I'm a Writer, Not an Asshole

I have voted Libertarian since 1980, am a registered Libertarian, and have been a subscriber to *Liberty* since its inception. I am also a writer for *Star Trek: Voyager*, as well as *Star Trek: The Next Generation*. Until "Star Trek: The X Generation" (May 1995), I was also a fan of John Bergstrom.

While I appreciate the humor of Bergstrom's Captain Kirk asking Captain Janeway to put on a miniskirt, and Mr. Scott's expressed fear that "the premise is stretched to the breaking point," I don't much care for being referred to in the next panel as a "producer asshole." I assure you that I am actually quite a nice fellow, and that I work very hard to include as many libertarian ideas in *Star Trek* as I possibly can. I also believe that one of the reasons for the enduring success of *Star Trek* is that Gene Roddenberry's core beliefs, as expressed in the show, were largely libertarian.

I would really appreciate it if, in the future, Bergstrom would instead pick on *SeaQuest*. Then I can go back to being his fan.

Ronald Wilkerson  
Los Angeles, Calif.

## These Old Bones

In reminding us that "the average Social Security recipient" receives more in benefits than he or she put in over a working lifetime, Durk Pearson and Sandy Shaw ("Shine the light of truth," May 1995) appear to forget that these recipients' "contributions" were matched penny-for-penny by their employers and taken from both at gunpoint over that working lifetime, which for most of today's retirees was a period of 45-50 years. In a genuine pension plan, these "contributions" would have earned a tidy sum in interest or dividends over that many years. Looked at from this standpoint, it isn't so strictly true that the average Social Security recipient gets back more than he/she put in.

In other words, the Social Security fraud was just as unfair to the now-elderly as it is to the now-young. Isn't it unfair to resent and rail at current recipients for a situation that is clearly not their fault? It seems to me it's time to be

reassuring them, not scaring them. My guess is that most of the folks on Social Security — that is, the numerical majority — have nothing else, or very little else, to live on. Most went through the public school system where they learned to be obedient and not think too much (if at all). Why scold them now for having been duped? The culprit is the state, not them.

Talk of doing away with Social Security terrifies these old people, who, believe it or not, are not all crochety, selfish, or stupid. The young mouth off in indignation at having to support them, not realizing that elderly folks may be thinking, "They don't know how cold old bones can get sleeping under bridges." (Since I'm over 65 myself, I'm an expert on cold bones.)

Shouldn't libertarians be coming up with more ideas on how to handle the transition from state-managed to private Social Security?

Joanna Parker  
Long Beach Peninsula, Wash.

## Irish Eyes Aren't Smilin'

Perhaps in the future the editors at *Liberty* can prevail upon David Ramsay Steele to write about Mises or Marx or some other topic with which he has at least some passing acquaintance. His knowledge of Ireland ("A Tale of Two Terrorists," July 1995) might possibly fill a post-it note — presuming he could describe in 50 words or less how to locate the country on a globe.

The Brits gained control of Ireland not by colonization but by military conquest. From Cromwell's scorched Earth policy to Trevelyan's deliberately engineered, genocidal famines, the outrages of the Brit occupying forces against the Irish over the last eight centuries are too numerous to detail in even 50,000 words. In fact, the reason for the large Protestant population in the northern six counties today is a result of the confiscation of Irish lands, which were then given to loyalist homesteaders as part of a Brit pacification effort over three centuries ago.

Steele labors under the misapprehension that the existence of Northern Ireland is the result of a decision reached via some Irish democratic process. Actually, the splitting off of six counties into "Northern Ireland," as

well as British recognition of the Irish Republic, resulted from the Partition of Ireland Act by the British Parliament in 1921 as a compromise settlement of the 1916 Irish Rebellion. There has never been a vote of the Irish people on this question. Further, contrary to Steele's implied assumptions, referendums and elections confined to so-called "Northern Ireland" are of no more validity than those conducted in any other gerrymandered district.

The Oklahoma City bombing *vis-a-vis* the "troubles" in Ireland is indeed instructive to Americans and a frightening portent of our future if participation in the normal political process is foreclosed here, as it has been in occupied Ireland. Sinn Fein is analogous to the Libertarian Party in the U.S. in that it represents the efforts of individuals sympathetic with the radical ends of some of their fellows to achieve change through the political process rather than by violent resistance.

Unfortunately, these efforts by Gerry Adams and others have been hamstrung by British law (compared with which U.S. ballot access restrictions pale into insignificance) which, for just one example, until this summer banned broadcasting the sound of their voices even after they have been elected — leading to the bizarre spectacle of BBC news coverage showing Members of Parliament giving speeches from the floor of the House of Commons with the audio eliminated and the speaker's words carried in text windows or overdubbed with actors' voices.

Steele, like virtually everyone else, bandies about the term "terrorism" without ever defining it. And the definition is crucial. Governments define terrorism as an act of violence intended to achieve a political goal committed without the sanction of a government they recognize. People generally define terrorism as an act of violence intended to achieve a political goal which deliberately targets civilians.

Governments are, of course, anxious to blur the distinction. By the first definition, the attack on the U.S. Marine barracks in Lebanon several years ago was an act of terrorism. By the second definition, it was not. By the second definition, the carpet bombing of Hanoi was an act of terrorism. By the first definition, it was not. By either definition, the bombing of Harrod's department store in London some years ago was an

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# THE RADICAL ROMANTIC

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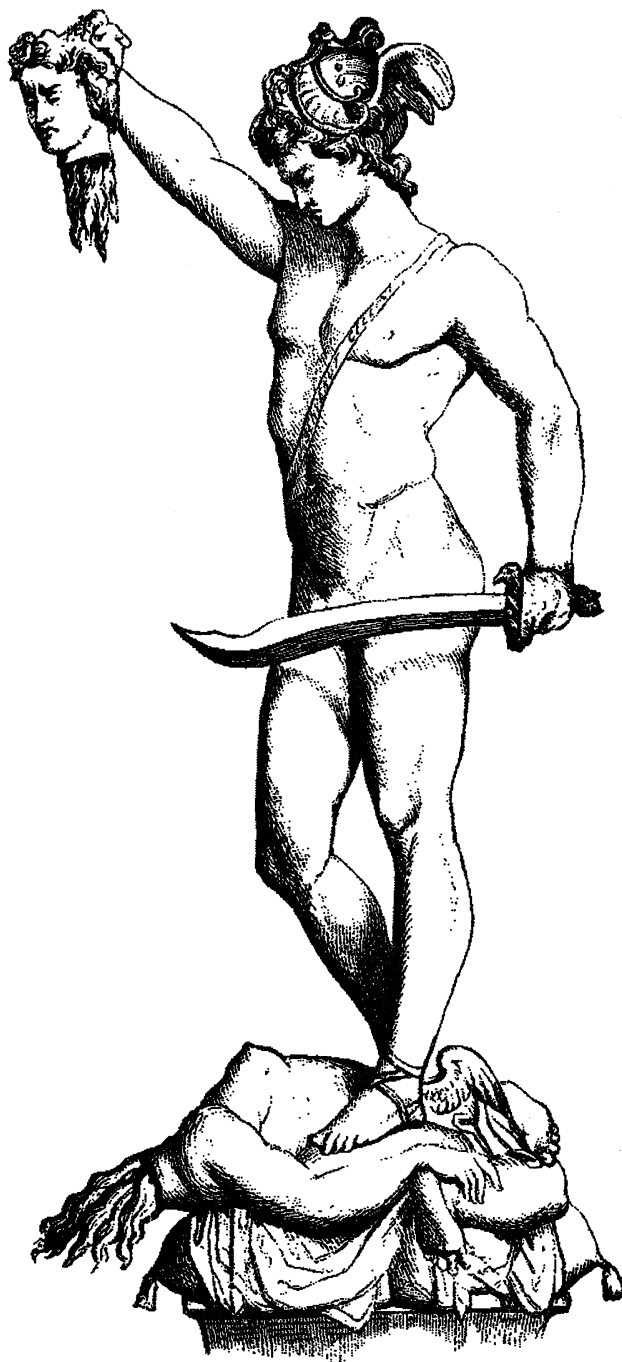
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## Letters, continued from page 4

act of terrorism (and it was roundly denounced as such by Irish-Americans, the leadership of the Irish Republican Army, and Sinn Fein through Gerry Adams).

The bombing of the Oklahoma City federal building is more problematic. Though there were numerous civilians — including children in a day care center — killed in the attack, the target was clearly the federal offices (though media accounts might lead one to conclude that the target was a day care center that merely happened to be in a federal building). This calls up a problem nearly as old as warfare itself: "innocent shields." How does one plan a military campaign against an enemy who puts POW camps or hospitals or day care centers adjacent to its military/C&C installations?

Now that the IRA's unilateral cease-fire has opened the door to a negotiated peace, we are all hopeful. As for the British insistence (apparently endorsed by Steele) that the Irish both forever forswear the use of force and surrender all of their weapons, the Irish response will continue to be precisely what I would hope would be the response of Americans if our government were to make similar demands: "*Pogue mahone!*"

A surprising number of Americans seem willing and even anxious to overlook how and from whom we won our own independence. They support Mother England at every opportunity — witness the reaction here to Argentina's attempt a decade ago to reclaim the stolen Malvinas Islands.

It cannot be observed too often that libertarians do not endorse all of the perversions that they would allow. There can be no better example of this patience-testing tolerance than Steele's Anglophilia.

Tim O'Brien

Allen Park, Mich.

### Sitting on the Story

Bill Bradford's "Solving the National Debt Crisis" (July 1995) is one of the funniest pieces of satire I've read in a long time. I fear, however, that it may be too clever for its own good. Some thug in Congress will doubtless see it and leap on the idea. (It sounds right up Richard Gephardt's alley, to name one thug of many.) It actually has immense popular appeal. Millions of Americans are always ready to attack those not paying "their fair share," and they hate

anything or anyone foreign as well. Thus Bradford's plan brilliantly meshes two of the lowest and most common American prejudices.

This is a scheme that some demagogue can ride to the White House. Furthermore, once elected, vigorous pursuit of the plan is guaranteed to lead to endless worldwide wars that will rally all patriotic Americans, allow for the suppression of whatever feeble voices of dissent remain, and guarantee reelection after reelection.

Bradford may have unleashed a monster. I urge *Liberty's* staff to make sure the CIA, under orders from the Tri-lateralists and the Bilderbergers, didn't jab a microchip in Bradford's behind and dictate the article to him via microwave hypnobeams.

James W. Harris

Marietta, Ga.

### Actually, He's the Grand Pooh-Bah

Does anyone on the *Liberty* staff monitor the ravings of R.W. Bradford before your magazine goes to press? I realize he's the high priest of the Liberty Cabal, but he waxes exceedingly stupid when not speaking *ex cathedra*.

I refer to Mr. Bradford's latest outburst ("Be All You Can Be," July 1995) about an organization which he obviously has not the slightest inkling about. His assertion that the U.S. Army "psychologically prepared" Timothy McVeigh "to kill without remorse" would be laughable, were such prattle not widely held to be true by the effete intelligentsia. Concomitantly, Mr. Bradford's apparent predilection to believe the Ministry of Truth and condemn Mr. McVeigh without benefit of trial disturbs me no end.

Finally, I can assure Mr. Bradford that at least one of his readers has more than a passing acquaintance with the U.S. Army, is a libertarian, and knows the Bradford brand of fertilizer regarding military matters comes right off the stable floor!

John D. Weaver

Udall, Kan.

### O'Toole of the Kremlin

I was astounded by Randal O'Toole's "The Greening of Liberty" (May 1995). Though the red-green political alliance has been widely recognized for more than a dozen years by most Americans, Mr. O'Toole coyly pretends

that it does not even exist! For years the Gorbachev Foundation U.S.A. — based at the Presidio in San Francisco, California — has served an umbrella organization for almost all of the major Marxist/Environmental groups in America, including the Environmental Defense Fund, Earth Watch, Nature Conservancy, and many others. It is very natural for Mr. O'Toole and leading environmentalists to be suspicious of the property rights movement, since as good little Marxists they are committed to the abolition of private property and to the vast expansion of government power over the rights of the individual.

Mr. O'Toole will find more natural allies at the EPA or the KGB than he will among libertarians.

J.C. Alsis

West Palm Beach, Fla.

### Choosy Readers Choose Economics

I just finished J. Orlin Grabbe's "The End of Ordinary Money" (July 1995). It was excellent, if long and sometimes beyond my power to understand. He put his ideas over in such a way that even I, a very nontechnical person, got a lot out of them.

It is hard to believe that the same person wrote "Feed the Children" (May 1995), to which I objected so strongly in my letter published in the July issue. My sentiment toward Grabbe's story has not changed, but my admiration for his technical article is profound.

Bill Williford

Houston, Tex.

### Oops . . .

I was thrilled to see my letter printed in the July issue, except that some guy named "Rick" got the credit.

Rycke Brown

Kingman, Ariz.

## Letters Policy

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

# Reflections

**States of the union** — Sen. Bob Dole, the Man Who Used To Be Funny, has taken to carrying around a copy of the Tenth Amendment, which is a little like Teddy Kennedy brandishing the Sixth Commandment.

Okay, Mr. Decentralist, here's a question for you. In 1984, Transportation Secretary Elizabeth Dole championed a measure (signed by President Reagan) to coerce the 50 states into raising their drinking ages to 21. State's rights, shmates rights: America could not survive the anarchic turmoil of having "no uniform minimum drinking age," the stylish Mrs. Dole "wrote" in the Power Couple's as-told-to co-autobiography *Unlimited Partners*. Pray tell, Bob: would President Dole (when taking a break from his taxing duties as our Movie-Critic-in-Chief) favor the repeal of Secretary Dole's Big Sisterly legacy? —BK

**United we stand** — Months into the O.J. Simpson trial, America has divided into two camps: those who believe Simpson is guilty but will be set free, and those who believe he is innocent but will be jailed. What unites us is our conviction that justice will not prevail. —JW

**Virgin territory** — In the aftermath of the Oklahoma City bombing, America has lost her innocence once again. Prior to this, we lost our innocence after the Civil War, Vietnam, Watergate, the Challenger disaster, the assassination of John F. Kennedy, the assassination of Martin Luther King, the death of Buddy Holly, and the quiz show scandals of the 1950s.

All this loss of innocence brings a speck of sentiment to my eye, as I recall my childhood in Montana. In Montana, you see, three months of celibacy technically returns a man or woman to virgin status. I'm not sure how this local standard came to be adopted nationally, but I can see why it would appeal to our current president. —PF

**Still life with Clintonism** — Hillary Rodham Clinton is honorary chairwoman of the President's Committee on the Arts and Humanities. In June, she gave a speech at the Metropolitan Museum of Art, in defense of robbing taxpayers to support the arts. Here is her high-toned retort to those who can discover no constitutional warrant for such subsidies and who want to save the taxpayers a few bucks: "I find it ironic that those who talk the loudest about America's loss of civility, character, and values (particularly those arising from Western civilization) are often the first to recommend obliterating the agencies responsible for promoting the arts programs that make Sophocles, Shakespeare, Mozart, and O'Keefe available to our children." Poor Georgia O'Keefe.

Rodham Clinton's remark illuminates not only the dreck-world that she, the clown she lives with, and their trashy

friends inhabit, but, alas, our national culture as well. It was received by her distinguished audience — and reprinted as an op-ed piece in the *New York Times* — with no evident sign of embarrassment. Poor America. What do you say to someone — an advocate of "the arts," no less — who puts the fashionable calendar-artist of vagina-like big flowers in the same category as Mozart? —RR

**I'm not a real president, I just play one on TV** — One of the more amusing anecdotes shared by the Arkansas state troopers who served as Gov. Clinton's bodyguards (and personal servants) was of a fight between the governor and his wife. It seemed Hillary had gotten angry when Bill inquired, innocently enough, what court had original jurisdiction in a dispute between two states. Since any high school kid who's read the Constitution knows the answer, she thought a former professor of law and a graduate of Yale Law School ought to know too.

Now it appears that Clinton's ignorance of the Constitution is even broader than anyone had imagined. Apparently, Clinton is under the impression that the president, not the Congress, passes laws. In Bill Clinton's ubiquitous television ads for his re-election campaign, the narrator intones, "Bill Clinton did what no other president has ever done. He passed and signed tough laws banning assault weapons..."

Remember three things. While at Yale, Clinton was preoccupied with his political career, as he has always been, everywhere and at every time. Yale is an equal-opportunity, affirmative-action institution and it must be hard for Eli to find enough Arkansans to fill its quota. And his law professorship was at the University of Arkansas Law School. —RWB

**Instant hero, just add hype** — Captain Scott O'Grady, the U.S. Air Force pilot who was shot down a little while back in Bosnia, is everywhere called a "hero." I believe in the precise use of language, because if you use words in a sloppy, ill-defined manner, it becomes impossible to know what someone is talking about. My dictionary defines a hero as "a mythological or legendary figure often of divine descent endowed with great strength or ability; a man admired for his achievements and noble qualities." It seems to me that the fighter pilot in question doesn't qualify; he had the good luck to survive his meeting with a missile, and then simply stayed alive until his rescuers picked him up. He showed competence, but did no more than what he's been trained and paid to do. The only reason he's a "hero" is because the government wants to make its adventure in Bosnia popular with *Boobus americanus*. Making a big deal out of a good-looking, affable young fighter pilot with the misfortune to be shot down impresses me as ridiculous and manipulative.

The same could be said about the demonization of the

Serbs, who are now the U.S. government's Devil of the Month. The spin here is that the evil Serbs are massacring the gentle Bosnians. If the situation were described as a civil war between Christian Bosnians and Muslim Bosnians, you can bet that *Boobus americanus* (who is overwhelmingly Christian) wouldn't be so anxious to see U.S. soldiers get involved. It seems the Muslims are the bad guys in every context but this one.

In any event, if there were a civil war here, and a Bosnian fighter were bombing and strafing your neighborhood, what would you do? I'd launch an SAM at the plane, which is exactly what the Christian Bosnians did, and I'd expect you'd do the same thing. —DC

**Think locally, scam globally** — What can a retired New Delhi bureaucrat or an out-of-work Lagos politician do in these difficult post-Cold War times? Perhaps incite the members of their tribe to kill the members of another — that's a very effective way to gain the support of the people and ignite international attention. (Where are you, Christiana Amampour?) Or they can try to get everyone mad about the contaminating influences of Western culture, kill a few American tourists and reporters, and establish this or that fundamentalist regime.

Or perhaps join the club of winners. Form a drug cartel, represent an American business, or become a visiting professor at the Kennedy School of Government.

A group of ex-cosmo-bureaucrats has found a better way to spend the rest of their lives. I had the pleasure of meeting them in Washington last week. Shridath Ramphal is a chubby and pompous politician from Guyana (yes, that's where those nuts committed mass suicide a few years ago) and a former secretary-general of the Commonwealth. I.G. Patel is the former governor of the Reserve Bank of India — one of those Indians who speaks with an upper-class British accent, giving one the impression that everyone in his country is smart and watches *Masterpiece Theatre*. Ramphal, Patel, and 28 other parasites from several Third World governments, along with a few social democrats from Scandinavia, have found a few American and Japanese suckers to finance what they call The Commission on Global Governance, headquartered in Geneva, aimed at "developing new ways of managing global relations in the post-Cold War era and establishing new structures of international cooperation."

The quote is from their just-issued report, *Our Global Neighborhood*. Its cover features a photograph of smiling African children, elderly Chinese, and several Arabs in a desert. You know, the kind of people you see in your neighborhood every day. It's all very cute, very moving. But be cautious: these guys want your money.

Ramphal, Patel, and the rest were visiting Washington to sell me and other "prominent" Washingtonians on such great ideas as establishing a United Nations Economic Security Council. (Ramphal's pitch: "We need a new high-level forum for coordinating the policies of international financial institutions and providing a more stable international environ-

ment for sustainable development.") They also want to finance the U.N. operations through "international levies on foreign exchange transactions or arms transactions and charges on the use of global commons, including sea lanes, international airspace and space travel." And American money and troops will keep going to places like Somalia and Bosnia. "We want to amend the U.N. charter to authorize intervention in internal conflicts to protect the security of people," Patel tells me. "We also want to form an international criminal court and to impose taxes on multinational corporations and to transfer wealth from the 'North' to the 'South,' he adds.

If I were a paranoid militiaman, I might get the impression that these people are talking about a world government. "No! No!" stresses Ramphal. He just wants more "global diversity."

Commission sponsor Adele Simmons of the MacArthur Foundation suggested I try to think about the "Global Neighborhood" metaphor and what it means, along with some other New Age crap. I did that, and explained to the

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*If I were a paranoid militiaman, I might get the impression that these people are talking about a world government.*

---

lady that in my own little neighborhood (Chevy Chase, Maryland), I receive every Monday a list of all the assaults, rapes, and car thefts that occurred there over the last week, a list that suggests to me that my local politicians can't even provide me with the minimum I expect from them: security. So perhaps she can understand why I'm in no mood to help supply troops to secure the Global Neighborhood. If it's not working in Chevy Chase, I don't see why it should work in Bosnia. And anyway, I don't have the money.

Moreover, when the mayor of D.C. is asking me and other people in my neighborhood to pay a commuter tax so I can destroy my car driving over Washington's potholes, I find the idea of paying a commuter tax on *space travel* — well, not very timely.

I proposed to our guests that they go back to Guyana and India and get their own neighborhoods in order before asking for my money and blood to help them remedy the problems of the world. In the meantime, they could leave the management of the Global Neighborhood to Bill Gates, Rupert Murdoch, MTV, and the rest. And if our friends from Geneva are still bored, they might try proposing their ideas to a high-school Model U.N. They're the only ones who might take them seriously. —LTH

### Liberty's Editors Reflect

KRB	Kathleen Bradford
RWB	R.W. Bradford
DC	Douglas Casey
SC	Stephen Cox
PF	Peter Flynn
LTH	Leon T. Hadar
BK	Bill Kauffman
ML	Michael Levine
LEL	Loren E. Lomasky
WM	Wendy McElroy
RR	Ralph Raico
CS	Clark Stooksbury
TWV	Timothy Virkkala
JW	Jesse Walker

### Major league, Bush league —

In early July, John Major, British prime minister, survived the challenge to his position as leader of the Conservative Party. The challengers in the vote of confidence he set up were mainly "Euroskeptics" — the embattled



minority among the Tories who are trying to salvage what remains of British freedom and independence from the European Community bureaucrats in Brussels.

Major is another George Bush, more or less. More, because he can speak in whole, correct English sentences. Less, because — well, for instance, in an interview with the *Financial Times* before the vote, Major was, according to the interviewer, “at his most animated when laying out his vision of a sporting revolution.” Said the Conservative PM: “Later this month we will have the most comprehensive proposals for sport in school, sport beyond school, and excellence of sport that this country has seen for half a century. What we are really looking at is increasing people’s participation in sport and increasing both the quality and quantum of sport.” George Bush, time-serving schlemiel that he was, would never have dared advocate state meddling to the point pushed by this leader of the British “conservatives.”

The fact is that the whole political mentality of our allies and sister “democracies” in western Europe is rotted out with statism. Something to keep in mind when it comes to surrendering bits of our own national sovereignty to “international bodies.” God bless America. —RR

**Grammonomics in one lesson** — Speaking at the Heritage Foundation this May, Sen. Phil Gramm commented: “I’d like to turn our prisons into industrial parks. Every year since I’ve been in Congress, Jesse Helms, my dear friend, has offered an amendment to ban Chinese goods produced by prison labor. And every year I wonder why we can’t make our own prisoners work.”

And so the Right’s favorite major presidential hopeful, known far and wide as an advocate of free markets, now holds up Communist labor camps as a model for the U.S. economy. Couple his fondness for forced prison labor with his promises to step up the drug war, impose higher mandatory minimum sentences on nonviolent offenders, and pour federal dollars into a war on gangs, and his “free-market” vision becomes clear: lock up half the country in work camps, where they’ll toil for whatever wage the government says is adequate. Gramm is *not* proposing that prisoners work to pay restitution to their victims; most of the inmates he’d send into the fields didn’t even *have* victims. And needless to say, their subsidized low wages will drive down the price of everyone else’s labor. A more revolting species of industrial policy can hardly be imagined.

Republican double-talk is destroying our language: “free enterprise” turns out to mean corporate subsidy, “welfare reform” turns out to mean government jobs. And now this. This is the interzone where workfare and the drug war conjoin and American liberty finally dies. —JW

**I’d fall a mile for a Camel** — Your roving correspondent writes this month from Down Under, where he is busy sampling the local grog, steering deftly around obstinate kangaroos who believe that because they were here first the roads belong to them, and, yes, ascertaining the prospects of liberty in its southernmost reaches. Stay tuned to these pages for upcoming reports.

Even prior to takeoff, though, I learned something that jogged my mind and buoyed my spirits. Air New Zealand,

my carrier of choice for the journey, had posted at the check-in counter signs announcing that, as of July, all their international flights with the exception of those originating or terminating in Japan are smoke-free. This policy was not a coerced response to legislative bludgeons, nor was it an act of obeisance to puritanical precepts of political correctness. Rather, the airline had calculated that on balance it would better satisfy the preferences of its clientele by banning smoking. Japan it found to be an exception, so the rule was modified accordingly.

Have they hit on the optimal strategy for promoting passenger satisfaction and thereby maximizing revenues? I have no idea. But probably Air New Zealand’s directors do, and if they have misjudged, the market will alert them to that fact and they will be quick to backtrack. This economically-motivated response to the opposed tastes of cigarette smokers and abstainers is more flexible and more friendly than those mandated politically. People who desire the total absence of smoke between L.A. and Sydney get what they want by flying Air New Zealand. Those who prefer to be placed during 14-hour flights at the business end of a cigar-



ette have the option of choosing a different carrier. Between Auckland and Tokyo the balance of preferences evidently is different, and the airline modified its delivery of transportation services accordingly. Nothing dramatic, just voluntariness at work.

New Zealand may, agriculturally speaking, be a nation of sheep, but it has something to teach our pontificating pols and evangelizing surgeons general about the virtues of freedom. —LEL

**Every spud a king** — Recently, my friend Paul and I were discussing the bad habits of certain Republican leaders. Among the most disreputable of those habits is the practice of invoking Franklin Delano Roosevelt, the Republican Party's ancient enemy, as a figure whom all American ought now to venerate. Former president Reagan said fond things about Roosevelt, and Newt Gingrich is currently doing the same, despite the fact that Roosevelt created the social-welfare state that the Republicans supposedly want to dismantle.

During our discussion, I mentioned to Paul that Roosevelt, the new idol of small-government Republicans, had gone so far along the road to the omnipotent state as to support a Potato Control Act.

Paul exploded.

"Control potatoes? You can't control *potatoes*! Potatoes are uncontrollable! You can do anything with a potato. You can bake it, boil it, fry it, mash it, stuff it. You can cover it with butter, margarine, sour cream, chives, or gravy. You can have French fries, German fries, American fries, home fries. You can make hash-brown potatoes! You can go to a yuppie restaurant and order 'new potatoes' or just stay in your living room with a big old bag of potato chips. You can start a meal with potato soup, move on to potato salad, and climax with potato pancakes.

"Potatoes, inserted into glass and propped up on toothpicks, are a child's first experience with the science of growth. Potatoes have eyes, about which much can be learned. And that's not all. Any science fair will demonstrate that a potato battery can actually be used to run a clock. And for younger children, there's Mr. Potato Head! He may not literally *be* a potato; he's some kind of plastic, of course; but his form is an homage to potatoes.

"The potato started off in the jungles of Brazil, it ruled as queen in the Andes, and it ended up on fancy tables by the *Rue Saint-Honoré*. The potato is welcome everywhere. No tariffs, quotas, or agricultural-management decrees can arrest its progress. If you can't grow enough other food to keep you alive, potatoes will do the job. Potato culture was one of the first large-scale efforts of scientific agriculture, and it was its greatest success. Since the eighteenth century, potatoes have supported the immense population of the northern hemisphere.

"The potato: how easy to buy! how delightful to eat! how simple to smell! Can anyone who trifles with the potato have good intentions?"

Think about this, Mr. Gingrich.

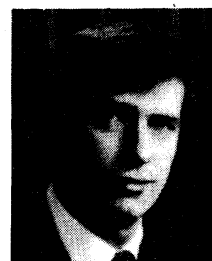
—SC

**Bored on the Fourth of July** — The Fourth of July is my favorite holiday. It is the only one in which I have a socially acceptable excuse to blow up firecrackers and

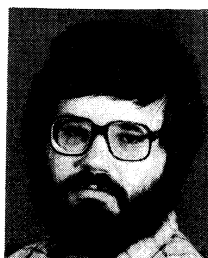
## There's still time to sign up for . . .



David Friedman



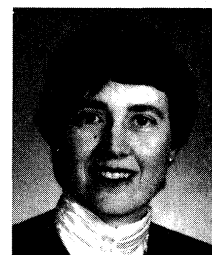
Douglas Casey



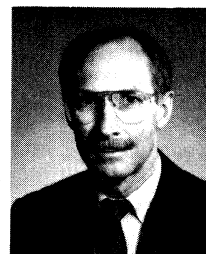
R.W. Bradford



Thomas Szasz



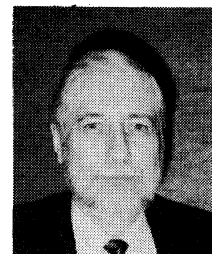
Jane Shaw



Robert Higgs



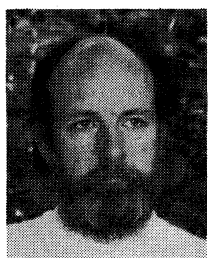
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launch bottle rockets. Alas, the off-the-shelf fireworks of my youth are no longer easily available; nearly everything you get these days would have qualified as a "dud" a generation ago. Indeed, to properly celebrate Independence Day — and American freedom — one has to go to an Indian reservation to get the good stuff. There is an irony here, I suppose.

I remember when it all began to go bad. I remember the talk of legislation, of prohibition. And I remember the stories of kids blowing off fingers, hands, burning themselves. These grisly tales were supposed to assuage my sorrow at the gradually deteriorating quality of explosives and Roman candles. I was not particularly impressed. *Of course* some rather careless people hurt themselves. But wasn't that the price of freedom? I didn't say this in so many words, but I was already leaning towards a different philosophy than that of those who wrote the laws.

In the years since, I have witnessed Americans become more and more obsessed with safety. And though I would like to blame this on politicians trying to make easy points, this level of obsession does seem to be something ordinary people demonstrate, too. Even where there are no laws, everywhere I go I see kids riding around in bicycle helmets! (This might not seem odd to many of you, but I remember a time when the mere suggestion of wearing such goofy-looking helmets would have elicited laughter from just about everyone.)

Now, I am not saying this concern with safety is wholly idiotic. Perhaps bicycle helmets *are* a good idea. I won't wear them, but I will wear a motorcycle helmet. Still, some things do seem completely bonkers — the recent attempt in my state to ban riding in the backs of pick-up trucks is one.

Why, I remember riding atop haybales stacked seven layers above the truck bed as the old family Chevy wheeled down the highway at 20 miles per hour (I held the top layer together). This seems a bit risky, now that I think of it, but I don't see my father or uncles as having encouraged anything immoral here. Were something unfortunate to have happened to me — perhaps a tire go out, throwing the whole load to the pavement — everyone would have thought it a tragedy, no doubt. But nowadays the adults would be brought up on charges.

I suspect that one reason for this safety obsession — aside from such factors as the litigation explosion and the growth of general busybodyism — is demographic. When I was

young, most kids came from fairly large families. Nowadays, most kids are either "only children" or one of two children per family. I remember what we used to say about the parents of "only children": *too protective*. Now we are all too protective.

And it is simple economics. It is really a function of the old principle of diminishing utility: for any stock of goods, the value of each diminishes as the number of the goods increases. Though it may seem callous to apply this simple explanatory model to children, it is obvious that parents obey the principle, though few would 'fess up. As Gary Becker, who won a Nobel for this kind of thinking, has observed, parents are switching from investment in *quantity* of children to investment in *quality* of children. This switching has many effects. Including wimpy fireworks at the Fourth of July.

—TWV

**Microsnitch** — Ostensibly to combat software piracy, Beta (test) versions for Microsoft's Windows 95 include a module that scans hard disks and reports contents, authorized or not, back to Microsoft. The program, called Registration Wizard, snoops on every system hooked up to your local network and records what software every machine is running. A list of Microsoft programs and competitors' products is then compiled by machine. If customers object, it's up to them to disable the program.

—WM

**Ad vice** — The president has announced plans to give the FDA power over cigarettes. Such a move would involve the increased regulation (and perhaps the outright abolition) of print ads and a crackdown on the sale of cigarettes to minors. These two goals are not unrelated: is there a more demonized fictional character in the media today than Joe Camel? To demonstrate the evil of this humpbacked, sun-glassed, pool-shooting, womanizing cartoon, a Seattle news program "uncovered" for viewing parents the "startling" number of ten-year-old kids who associate Joe Camel with cigarettes. (They aired a grand total of three, one of whom was openly prompted to make the connection by the newswoman.)

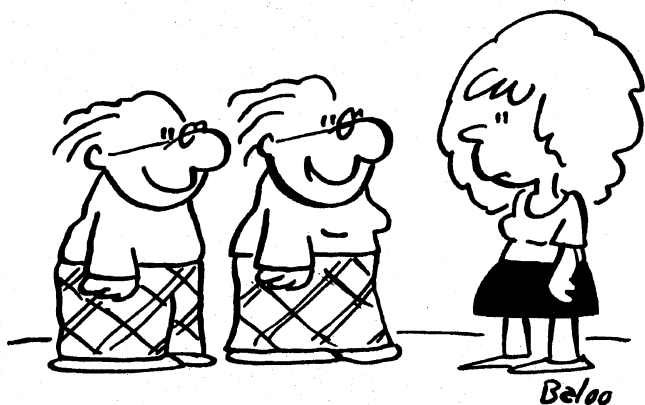
When I was ten years old, there were nearly a dozen sports figures I could link to beer drinking, courtesy of Miller Lite commercials. I started drinking when I was 15, and got drunk (forgive me Ma) quite often in high school. I can only assume, using President Clinton's apparent logic, that had the government eliminated Miller Lite commercials and athletes, I would have never touched alcohol.

Of course, I doubt that Clinton or the FDA is using such logic. They probably don't expect to make much of a dent in teenage smoking, either. But boy, what an easy target for the president, who, amusingly enough, was already running campaign ads before the end of June. And, boy, think of the funds and power this will generate for the FDA!

I think I need a beer. And a cigarette.

—ML

**For Chrysler's sake** — Let's see if I understand this. Japan has opened its markets to U.S. imports, but many Japanese still prefer Japanese products. So American companies complained to the Clinton administration, and Clinton decided the Japanese ought to be forced to buy American products whether they want to or not — a sort of affirmative



"We've been together over 20 years now."



action for American producers. Then the Japanese government balked at forcing its citizens to buy American, and the Clinton administration slapped a tariff of 100% on Japanese "luxury" cars (which to Clinton means any car that costs 25% over the average price of a new car). It was purely a coincidence that this move would win Clinton votes in Michigan, Missouri, and California, all key states to his reelection bid.

Anxious to save face, the Japanese agreed, sort of. Now the Clinton administration wants to force the Japanese to buy Kodak film. The Republicans respond by claiming that they could run the trade war better.

Doesn't anyone support free trade? Or remember how the Smoot-Hawley tariff of 1930 helped turn the 1929 recession into the Great Depression?

—RWB

**No strikes, you're out** — I didn't realize how dedicated my 15-year-old was to earning money until he took a job umpiring Little League Baseball. Since he had played on those fields until he reached the age limit, had seen how parents act, had seen how umpires get treated, I was surprised when he took the job. But, like most teenagers, he's looking for that first car — and knows that its quality will be directly related to the amount of money he has.

It didn't take long before a concerned citizen turned in our recreation director for violating the child labor laws. In the state of Florida, a 15-year-old is not allowed to work past 7:00 p.m.

Think about this for a minute. My son is older than any other child playing baseball. The players are there until 9:00 or 9:30 each night. My son can sit in the bleachers and watch the game. He's just not allowed to earn any money while he

watches. This is the height of stupidity.

At least now my son understands what it means to have the state watch out for his welfare.

—Guest reflection by Allyn Uptain

**Tick, tick, tick** — Sixteen months ago, I bet another *Liberty* editor \$50 that Bill Clinton will eventually resign or be forced from office. I knew it was a sucker bet — a lot of scoundrels have served as president — but I also knew that Clinton is both extraordinarily shifty and not particularly careful about covering his tracks.

As we go to press, three days of Senate hearings on Whitewater and two days of House hearings on Waco have taken place. While the mass media have focused on spectacular but irrelevant testimony about the sexual activities of David Koresh, the hearings have already established the following new information:

On Whitewater, that Vincent Foster was working on the Clintons' tax treatment of their Whitewater investments at the time of his apparent suicide and that White House aides interfered with the Park Police investigation by denying police access to Foster's office, papers, and briefcase, and by refusing to allow the office to be sealed, thereby allowing Clinton aides access to the evidence prior to the police.

On Waco, that federal agents invented allegations of drug manufacture by the Davidians in order to obtain military assistance, and that Assistant Secretary of the Treasury Robert Altman warned his boss Lloyd Bentsen of the risk of a "tragedy" if the Davidians were attacked with gas.

The clock is ticking on the Clinton presidency. My bet is looking better and better.

—RWB

## Waco and Ruby Ridge

**Boundaries of discussion** — Is the lid on Waco finally coming loose? Suddenly, after two years of silence, mainstream politicians and media (Arlen Specter, the *Washington Post*) have begun to criticize the government's attack on the Branch Davidians. Firm limits on this inquiry remain, however, and there is a disturbing possibility that the issues that are now off-limits will remain untouched as Congress and the press reinvestigate the disaster.

What are the boundaries of permissible discourse? In chronological order:

**The initial attack:** It is permissible to ask why the raid was necessary — why the BATF did not arrest Koresh while he was jogging or visiting town, or serve the warrant in a peaceable manner. It is not permissible to question the warrant itself, even though the evidence it contains clearly does not justify a search, let alone a raid (see R.W. Bradford, "There's No Kill Like Overkill," August 1993). One may rhetorically ask who fired first, the BATF or the Davidians, because the answer to this question will probably never be discovered. Recognizing

this, one is required to give the BATF the benefit of the doubt. One may not raise questions about the BATF's motivations for ordering the raid, as that would be a "conspiracy theory." (Raising questions about the Davidians' motivations, on the other hand, does *not* constitute a "conspiracy theory.")

**The media blitz:** Going to the Cult Awareness Network for information about Branch Davidianism is like taking Torah lessons from David Duke. Nonetheless, almost all the "cult experts" interviewed during the standoff came from CAN and similar groups. Today, it is still impermissible to discuss the media's role in demonizing the Davidians and creating the atmosphere of a pogrom. One may criticize the FBI for not consulting academic experts on minority religions, but not the press.

**The fires:** Now that the government has finally produced one piece of evidence that suggests that the Davidians may have started the fires, it has become permissible to discuss the question of who lit the blaze. It is still improper, however, to bring up any of the considerable evidence that the

fires were an accidental byproduct of the government's final assault, let alone the circumstantial evidence that the FBI intended the compound to burn down.

Janet Reno's defenders are beginning to construct and plant a new explanation for the final assault. In this version of events, Reno was a helpless victim; her FBI briefers, who incorrectly informed her that Koresh was beating babies and that CS gas was harmless, are the villains. This story is conceivably true, but it should ring alarm bells. From My Lai to Iran-Contra, high-ranking officials have dodged responsibility for wrongdoing by insisting that they were out of the loop. Is Reno really an innocent lass led astray? Or are we being set up for a containment job — for a few low-ranking officials to be thrown to the wolves while the most powerful criminals walk free and the institutions that make disasters like Waco inevitable persist?

As long as the debate avoids the key issues, justice will not be served. —JW

**Verdict on Waco** — Two weeks before the congressional hearings on Waco were scheduled to begin, ABC News got hold of transcripts of hundreds of hours of taped conversations inside the Branch Davidian compound and between Davidians and government negotiators.

The headline-grabbing story that came out of this was that the tapes revealed that the Davidians spread fuel around the buildings during the assault. This has been widely ballyhooed as evidence that the Davidians themselves lit the fires that leveled their buildings and killed virtually all of them, thereby putting to rest the charge that the FBI started the fires.

The fuel was spread at about 6:00 a.m., a full six hours before the fire started. If the FBI was listening in and knew the fuel had been spread, why didn't they stop the assault? Jeff Jamar of the FBI had an answer: "We didn't hear it at the time. It took enhancements to hear that."

We are supposed to believe this, the same way we are supposed to believe that the ATF video recorder set up to record the initial assault — the one the Davidians believed would prove beyond any shadow of a doubt that ATF had fired first — had somehow malfunctioned, leaving the tape blank. But there's one problem with Jamar's claim: at the trial of the surviving Davidians in San Antonio, the tapes from inside the compound were played without enhancement, sounding exactly as they sounded to the FBI agents listening on the day of the attack. While some portions were difficult to understand, many of the statements by Davidians that they were spreading fuel were clearly intelligible. So the FBI must have known from the very beginning.

Without stopping for breath, Jamar went on to provide a second answer: "Our supposition is that they were preparing, there were other comments on the tapes, that they were spreading fuel on the presumption that we were coming in. They were going to wait for us to come into the compound and then start the fires."

By Jamar's own statement, the FBI believed the Davidians were going to use the fuel *against* the FBI. This can hardly be considered a simple case of mass suicide, or the "murder of their own children," as Bill Clinton likes to call what happened.

I remain convinced, as I argued in this magazine less than a week after the flames consumed the adults and children, that the FBI is guilty of killing innocent children *even if the Davidians consciously lit the fires themselves*. In fact, the case that the FBI murdered innocent children is strengthened by the taped conversations.

The tapes again underscore the questions that have been troubling from the very beginning: if the FBI had good reason to believe their assault would result in a fire that would kill everyone there, including the innocent children, then why did it go ahead with the assault? Isn't it just as guilty as if it had lit the fires itself?

New evidence is mounting that is making the case against the FBI ever stronger. In the tapes of negotiations between the FBI and the Davidians, the subject of annihilation by fire comes up time and time again. Koresh himself told negotiators that he believed that the end would come in fire. The FBI agents knew that the Davidians had a substantial amount of kerosene inside the compound. They believed the Davidians were suicidal.

So how did the FBI respond? Did they decide to wait for a rainy day to attack? Did they decide to attack with firehoses? Did they decide to have firefighting equipment standing by?

The FBI took not one of these reasonable precautions. Instead of attacking in wet weather, they chose to attack on a hot, dry, extremely windy day. Instead of attacking with water from fire hoses, they attacked with poisonous gas from

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*Many of the statements by the Davidians that they were spreading fuel were clearly intelligible. The FBI had known from the very beginning.*

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tanks. Instead of having firefighting equipment standing by, they kept it several miles away.

Worse still, they chose to attack the building with a type of tear gas that can be explosive if used in enclosed places. Like buildings. On July 20, NBC News showed a CS gas canister of the sort used in the final assault on the Davidians. The camera focused on a closeup of the warning label, whose first three words were "May Start Fire." The report, on the health dangers of using CS gas on children, highlighted the health warning contained on the label, and the NBC reporter did not comment on the fire danger.

And when the FBI heard the Davidians — people obsessed with fire, people the FBI believed were likely to commit mass suicide — spreading fuel inside the buildings, the agents chose to maintain the attack for hours, ramming the building with tanks, continuing to pump poisonous, *incendiary* gas into a wooden building with kerosene spread about.

Fire was virtually inevitable under these circumstances. And it is inconceivable that the FBI didn't know that fire was inevitable.

We still don't know how the fire started, whether a Davidian threw a match onto a kerosene-soaked wall or one

of the CS gas shells exploded, igniting the kerosene or the tin-dry wooden structure itself. We'll never know.

But we do know who is *responsible* for starting the fires. We know who is *responsible* for killing the Davidians. We know who is *responsible* for killing 22 innocent children.

If the Davidians lit the fires that engulfed the compound, they were no more guilty of suicide than were the inmates in Hitler's death camps who threw themselves on the barbed wire that surrounded them, knowing they would be shot immediately.

Even if the Davidians had not spread fuel and had no inclination toward suicide or self-immolation, it is virtually certain that the FBI's chosen attack tactics would have eventually ignited the compound and killed its inhabitants.

All this the FBI knew.

There is a lot more at issue here. But the issue of who is responsible for the fiery deaths of 80 people is settled. —RWB

**Why it happened** — Here is a quick summary, based on the first two days of testimony at the Waco hearings, of how the apologists for the Clinton administration, the FBI, and ATF explain how the attempt to serve a search warrant resulted in the death of four law enforcement agents and over 80 members of a religious community, including 22 innocent children:

1. High-level officials did not know what was going on.
  2. Middle-level officials made honest tactical mistakes.
  3. Agents in the field were just following orders (and were heroic in doing so).
- KRB

**Minister of disinformation** — Hearings on Waco begin in the House of Representatives just as this issue of *Liberty* goes to press. The White House doesn't like that very much. Clinton lapdog Albert Hunt of *The Wall Street Journal* has suggested that maybe investigators may turn confidential employment records of ATF agents over to "crazy right-wing hate groups." Loyal Clinton supporters in the House are planning to hold "public forums" on the dreaded militias while the Waco hearings are taking place. So far, Al Hunt hasn't fretted about the danger that information from these forums will be turned over to "crazy left-wing hate groups."

Treasury Secretary Robert Rubin issued a letter to news organizations saying that he was "worried" about the effect of the investigation, and that maybe Congress ought to investigate the militias instead. He is fearful, he said, that "misinformation about what happened at Waco" might be spread by "opponents of law enforcement."

That's a good one. From the start, the major source of misinformation has been law enforcement agents themselves. One recent and particularly amusing example: on July 10, ABC News broke the story that it had obtained under the Freedom of Information Act documents in which the ATF had applied, on January 6, 1993, for military support for a drug case at the Branch Davidian compound. In particular, ATF wanted military equipment, combat training, medical and communications services, and assistance with planning the raid. On February 3, the

Army denied the request on grounds that it violated restrictions on military enforcement of civil laws. ATF revised its request, and on February 16, the Army approved a plan for Army Special Forces to provide ATF with communications, medical training, and assistance, but forbade soldiers to participate in the raid itself.

Prior to this time, ATF had denied that the Army had participated in the raid.

And ATF wasn't through spreading "false information." The very next day, Steven Higgins, who was in charge of ATF at the time of the operation, was interviewed on CBS television by Tom Snyder. *What about the charge that the military was somehow involved?* asked Snyder.

"I'm a little surprised that this is new news because back as [far] as two years ago almost to this date a congressman accused the ATF of misusing the military by saying that there was some drug lab there and thereby avoiding paying some of the costs of help that was provided by the military," responded Higgins. "That was investigated totally by the Treasury Department and found out not to be the case, so I am surprised that somebody says that is new news now . . ."

Is that the same Treasury Department now headed by Robert Rubin, the man who is worried that a congressional investigation might spread "false information"? —RWB

**Justice at Ruby Ridge** — After three years of denial, Congress plans hearings in September to examine what transpired between federal agents and the household of Randy Weaver at Ruby Ridge, Idaho. This has distressed many important people, such as New York Rep. Charles Shumer, who believes that these hearings and the ones relating to Waco are pandering to "small fringe groups of paranoid people," that is, to people who care about possible criminal behavior of federal agents.

Shumer is terrified that any sunlight shed on the abuses of government agencies involved in enforcing firearms laws will dampen public enthusiasm for the gun control measures



that give meaning to his existence. Perhaps he would change his tune if he were confronted with the internal Justice Department investigation of the Weaver affair, conducted by representatives of the Office of Professional Responsibility and the Criminal Division. Their report was obtained by *Legal Times* and posted on the Internet. It is heavily critical of the government's handling of the siege and trial.

This fiasco was begun by the Bureau of Alcohol, Tobacco, and Firearms. Disaster seems to follow in the wake of every endeavor of this relic of Prohibition, and the Weaver case was no exception. Most critics of the Weaver case have condemned the ATF for entrapping Weaver into sawing off some shotguns so that they could force him to infiltrate and spy on the Aryan Nations. But the report exonerates the Bureau of the entrapment charge, and in light of its harsh assessment of the government's other behavior, I am willing to give ATF the benefit of the doubt on this matter — even though a jury, confronted with the evidence of entrapment, found Weaver innocent of making, possessing, and receiving illegal guns.

The government's significant errors began before the siege. Weaver was sent a letter incorrectly dating his trial as beginning on March 20, 1991, when in fact the trial was scheduled for February 20. According to the report, the U.S. Attorney's Office (USAO) in Idaho was "unnecessarily rigid in its approach to the issues created by the erroneous letter" and the "USAO improvidently sought an indictment before March 20, 1991." They also "thwarted the efforts of the Director of the Marshals Service to focus the court on the danger involved in making the arrest and incorrectly terminated efforts by the Marshals Service to negotiate with Weaver through intermediaries," thereby increasing the likelihood of a violent confrontation.

The violent exchanges between Weaver *et al.* and government agents occurred in two phases, one (involving federal marshals) at an area near the Weaver cabin known as the "Y" and the second (involving members of the FBI's Hostage Rescue Team) at the Weaver cabin. The report is much more critical of the second phase. It states that there is "no proof that the shooting of the boy [Sammy Weaver at the 'Y'] was anything other than an accident." It is not so forgiving of the events that resulted in the killing of Vicki Weaver at the cabin. According to the report, "Certain portions of these rules [of engagement issued at Ruby Ridge] not only departed from the FBI's standard deadly force policy but also contravened the Constitution of the United States." The investigators "found these rules to be imprecise" and concluded that they "may have created an atmosphere that encouraged the use of deadly force thereby having the effect of contributing to an unintentional death." Death, intentional or otherwise, resulted when an FBI agent, attempting to shoot Randy Weaver's associate Kevin Harris, shot Vicki Weaver instead. The report concludes that the shot that killed Vicki Weaver did not meet the constitutional "objective reasonableness" standard and that the "internal FBI review of the shooting incident has not been sufficiently thorough and reached incorrect conclusions about the second shot."

After the attack, FBI misconduct continued. According to the report, "the general disorganization and inexperience of some of the participants" in the FBI review of the incident, "coupled with inaccuracies in the searches adversely affected

the prosecution and contributed to the negative impression of the government generated during the trial." The Bureau also hindered the USAO's investigation of the incident, thanks to its desire to be "the only agency or, at a minimum, the lead agency on the case, resisted working as a coequal member of the prosecution team." The report recommends that the Justice Department and the executive branch assess the case to determine what criminal and administrative action may be appropriate.

From beginning to end, the Weaver affair was a textbook case of government agencies dominated by groupthink and a bureaucratic mindset. The government's actions reek of the banality of evil. Weaver misses his trial date because of the government's error, so they charge him for that . . . he is armed and paranoid, so Marshals snoop around his property unidentified . . . his cabin has his wife and children in it, so the feds get trigger-happy . . . the FBI believes that he fears a violent conflict with federal agents, so they make it happen. There was no good reason for any of these events to have occurred. Weaver presented a danger to nobody, and his initial "crime" was selling shotguns with barrels that were too short.

Larry Potts, the agent in charge of handling the siege and formulating the faulty rules of engagement, was recently removed from his position as deputy director of the FBI. Rep. Shumer has told reporters that his removal "takes a sword away from those who believe that Waco and Ruby Ridge were a grand government conspiracy." Not a conspiracy — just business as usual. —CS

**Judgment call** — Two years ago, in the wake of the confrontation near Waco that resulted in the deaths of about 86 Branch Davidians, I proposed making *Liberty's* analysis of the story the most prominent feature on our cover, with the headline "Holocaust in Waco."

I discussed my proposal with several other editors, one of whom vigorously argued that it would be a terrible idea. "By using the word 'Holocaust,' you're comparing what happened in Waco with Hitler's attacks on the Jews," he said. "That's going to offend a lot of people." I was cognizant of the fact that the American public overwhelmingly supported the government's attack on the Davidian compound and that virtually no other publication in the United States was critical of the government.

In the end, I stuck by my guns. That issue turned out to sell better on the newsstands than any other issue we've ever published, I'm pleased to report.

Last week, I was listening to Tom Snyder interview Steven Higgins, the bureaucrat who had been in charge of ATF when the assault on Waco occurred. Snyder was giving his usual kid-gloved, ever-so-polite treatment to the man who ordered the initial assault, asking his usual softball questions, being satisfied with Higgins' evasively flatulent answers. Then, so help me God, I heard Tom use the word "holocaust" to describe what had happened.

"Holocaust in Waco." Our controversial, incendiary, offensive headline. No one reacted to his choice of words.

Public opinion has changed in the past two years, I am happy to say. —RWB



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It was like a big family, everyone eager to meet one another. I got to personally know brilliant thinkers, great authors, and one special young lady, who has since become a close friend.

My foreign language skills are poor, but being in another country where few people spoke English was no problem. Many attendees were fluent in Spanish, and more than willing to interpret as we strolled around the city, sightseeing and shopping.

No words can express the excitement of climbing a 1,000 year-old Mayan pyramid and seeing a light show in the middle of the Yucatan jungle. My only regret is I didn't start going to these conferences sooner.

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*Jarret B. Wollstein, ISIL Director*

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# Medianotes

**Slick Philly?** — *The New Republic* got Phil Gramm dead to rights in its exposé of his secret past as an investor in pornographic movies. Despite Gramm's best efforts to squirm out of the charges, the evidence is overwhelming, as any fair-minded person who reads John Judis' "The Porn Broker" in the June 5 *TNR* is bound to conclude.

It's amusing, of course, to watch a presidential hopeful squirm and lie like ol' Phil had to if he wanted to keep his following among redneck fundamentalists, apparently the biggest component of the GOP these days. It is just as amusing to watch the way *TNR* celebrated its scoop.

In an editorial in its June 12 issue, *TNR* ridiculed Gramm's absurd defense. It concluded with this sanctimonious paragraph:

Gramm's response to our article bears out its central contention. The point was not that Gramm was wrong to invest in low-life movies, nor even that he is a hypocrite. It was that he is profoundly amoral, committed only to his own political advancement, ruthless in getting his way and untrustworthy in accounting for his actions. Everything Gramm has done since confirms this analysis. He has a major character problem. Is he someone we should even consider electing to the presidency?

The charges it hurls at Gramm are true, more or less. Yes, it was immoral to lie about this action in his distant past. But "profoundly amoral"? C'mon. It's no more profoundly amoral than a teenage girl's lie to her parents about what time she got home last night. "Committed only to his own political advancement"? What politician isn't? "Ruthless in getting his way"? Try as I might, I cannot see any ruthlessness here. I mean, it isn't like he sent tanks to kill innocent women and children, is it? "Untrustworthy in accounting for his actions"? Since when should we expect a politician to account for his private actions, anyway?

The worst that can be said about Gramm is that in his distant past he invested in a soft-core movie, an action that was neither illegal nor immoral. He tried to keep it secret at the time, and lied about it when it was exposed by a political journal that dislikes him immensely. In sum, he is a hypocrite liable to tell a fib to save himself embarrassment.

*TNR*'s description of Gramm does fit another contemporary political figure: "... profoundly amoral, committed only to his own political advancement, ruthless in getting his way and untrustworthy in accounting for his actions."

If you can't recognize Bill Clinton in that description you are blind or dead. It is Clinton whose ambition was so great that he refused conscientious objector status as a college student because he feared it might harm his future chances of being elected president, and instead lied to avoid the draft. It is Clinton who baldly lied to the nation about his extramarital sexual affairs. It is Clinton who used government

employees charged with his personal protection as procurers and as personal servants. It is Clinton who offered to pay off a jilted girlfriend with a government job. It is Clinton who got mysterious cash contributions from businessmen for whom he had obtained government subsidies. *Et cetera, ad nauseam.*

The evidence that Clinton was all these things was in long before the 1992 election. And it was Clinton whom *The New Republic* supported in that election. "In endorsing Bill Clinton," *TNR*'s editors wrote, "we are expressing our belief that he offers the best chance in a generation to bring reform and renewal to a country that desperately needs both."

No wonder *TNR* doesn't want to condemn hypocrisy.

—RWB

**The state of things to come** — Unlike L. Ron Hubbard, compulsive writer and "futurologist" Isaac Asimov hasn't been enough of a futurist to pull off the feat of writing posthumously. Not too long after his death three years ago, his slot as editorialist for *Asimov's Science Fiction* was taken over by Robert Silverberg. Like Asimov, Silverberg has written bestselling science fiction and well-thought-of popularizations of science. Unlike Asimov, Silverberg is not a technocrat, and has scarcely a totalitarian bone in his body. Asimov was one of the most convincing technocrats of his day, favoring "scientific" management of social affairs through the "benevolent" hands of government intervention; as such, many of his policy prescriptions veered off into tyrannical directions. But like any big-government liberal, he never noticed just how totalitarian his principles were.

But as I said, Silverberg is a breath of fresh air. Sometimes he is almost as good as Stanley Schmidt, the rather libertarian editor of *Analog*, *Asimov's* sister publication. But whereas *Analog* publishes only so-so science fiction, all framed by weird, cloying moralistic blurbs, *Asimov's* actually publishes some stories that are quite good (and, unlike Asimov's own workmanlike stories, occasionally demonstrate undeniable literary merit). The idea of buying a fiction magazine for its opening editorial strikes even me as bizarre, so I limit my occasional purchase of science fiction periodicals to magazines with good stories, *The Magazine of Fantasy and Science Fiction* as well as *Asimov's*. It is only as an added bonus that I thus partake of essays by Gregory Benford and Bruce Sterling (*Fantasy & Science Fiction*) and Norman Spinrad and Silverberg (*Asimov's*).

Though sf is often thought of as "forward looking," the sf writer *qua* essayist gives at best only an indication of what current trends in ideology are. The passing of the baton from Asimov to Silverberg reflects the trend of thinking people abandoning big-government liberalism.

True to his science-fiction roots, Silverberg offers a vision of the future: "In the era of global interconnectedness that now is opening, economic rationalism will be a powerful force for peace. The various ideology-driven nations are discovering that it's bad business to let themselves be controlled by political configurations that are rooted in abstraction." This is the thesis of "The Millennium Is Almost Here," his August editorial in *Asimov's*. He is right, of course: the comparative isolation that nations once had are a thing of the past, and this is transforming how people think about their governments, and about their politicians and politics. Furthermore, there are some truths of economics that even politicians can't ignore.

But what Silverberg ends up with is not a coherent limited-government philosophy, but a "common sense" one. He fails to draw any deep understanding out of his quick tour through the political future, and leaves his readers with little but a glimmering of what is going on in the world. The extent, for instance, to which government — and not just "political ideology" — is necessarily parasitical beyond a very narrow scope of activity, Silverberg does not broach (though evidence for this mounts daily). And readers of *Asimov's* are left with a sort of bare-minimum wisdom — a sense of common knowledge, but no breakthrough thought. But, as Voltaire observed long ago, "common sense is not so common"; at least *Asimov's* readers are ahead of those people who get their vision from TV. —TWV

**Rating the bottom of the barrel** — Without a hint of irony, a recent *Republican Liberty* reports that "At this point, with no clear-cut libertarian-minded GOPer in the race, the vast majority of libertarian Republicans remain uncommitted." *Republican Liberty* must believe that at some point a "libertarian-minded Republican" may enter the race. Apparently, the propensity for self-delusion is not limited to those Libertarian Party members who thought that Andre Marrou would get a couple of million votes in 1992.

The article lists a variety of Republicans that libertarians are lining up behind, including Phil Gramm, Richard Lugar, Pete Wilson (supported by Martin Anderson and George Schultz!?!), Susan Molinari (because she has the same last name as anarcho-capitalist Gustave de Molinari?), and Christine Whitman. To me, none of these people can in any meaningful sense be called libertarian, but my standards are somewhat higher than *Republican Liberty's*, which recently rated Al D'Amato as a libertarian and Jesse Helms as "leaning" in our direction. Next I suppose we'll see a "libertarians for Clinton" committee. —CS

**Leftists get it right** — At first glance, it seems like Left and Right have reversed themselves in the wake of the Oklahoma City bombing. "President Clinton, the croaking mouthpiece of liberalism, has been talking up law-and-order," observes Tom Bethell. "Conservatives have been reminding us of our civil liberties."

But what really seems to be going on is that the center is scrambling to reassert its hold on the public mind. If Newt Gingrich and his ilk are what we mean by conservative, then I haven't heard much about civil liberties from the Right.

This is, of course, because they have more in common with their nominal opponents than with Americans feeling disenfranchised and disenfranchised.

In the past two months, no one has been more aware of this than Alexander Cockburn. He has, in one article after another, noted the similar anti-authoritarian sensibilities of the '60s Left and the current grassroots rebellion that is being smeared as right-wing paranoia and hatred. He has even suggested that instead of fretting about the alleged epidemic of heartland Nazism, leftists should be setting up booths at gun rallies. His thoughts seem to have reached the status of epiphany in a recent column in *The Nation*: "Truth be told, 'left' and 'right' . . . have lost their power to motivate and direct political action; they have become scapegoats for all disturbances that might resist centrist hegemony."

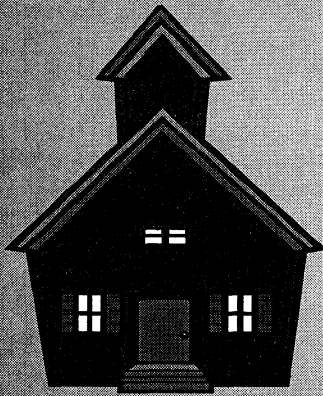
Cockburn isn't the only *Nation* regular who is beginning to wonder about such things. As far back as last December, Christopher Hitchens declared that the "Democratic Party is going the way of the Whigs, and a very good thing, too. To see the back of men like Foley and Rostenkowski and Cuomo is a positive pleasure. The pity is only that it didn't happen in 1992, thus sparing us the miserable two years past and the dismal two years still to come." Hitchens went on:

During the lunacy of the Reagan period in Washington, I was impressed by how often it was the Cato Institute that held the sane meeting or published the thoughtful position paper. These days, I get more out of reading the libertarian magazine *Reason* than I do out of many "movement" journals. There are important differences of emphasis, but it can be more of a pleasure to joust with the libertarians than to have another go-around with the center-left. . . .

Faced as we are with an apparently libertarian inclination among the voters, and a strongly authoritarian strain among the Republicans, the dialectical thing to do is to work with the libertarian tendency.

To be sure, Cockburn and Hitchens aren't your average leftists. Indeed, most of *The Nation's* editorials about the new dissidents have been downright frightening. As Cockburn understates it: "It's been . . . disheartening to find out how many on the liberal/left end of the spectrum hope earnestly for a ferocious pogrom against the militias." But if most analysts aren't ready to chuck the Left-Right straightjacket, that doesn't mean it isn't losing its hold. Cockburn and Hitchens are intelligent enough to realize what libertarians have been claiming for years: that the real battle isn't between Left and Right, but between liberty and power. —ML





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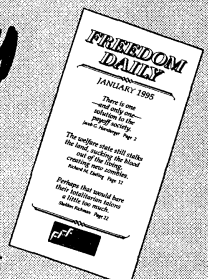
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## War Report

# The Battle of Oak Grove

by Randal O'Toole

One community fights the new social engineers.

Soviet-style social engineering is alive and well in the United States. And the most avid practitioners are not in Washington, D.C., but our own communities — specifically, in our city and county planning offices. A new breed of social engineer — the “new urbanist” — has taken root

there. Convinced that the automobile is the most monstrous invention ever devised, the new urbanists have concocted plans that would actually *increase* congestion and air pollution. According to their Orwellian reasoning, cities are congested with cars because they don't have enough people, so their solution is to cram more people in. Streets, they say, are busy because they are too wide, so their solution is to make streets narrower. And people drive a lot because their homes are so ugly, so planners want to impose strict design requirements on all new construction.

I first encountered this logic in 1977, when I was trying to understand federal land agencies such as the Forest Service. Someone convinced me that I could find answers at the University of Oregon's Department of Urban and Regional Planning, so I moved from my hometown of Portland to Eugene to enter the masters program.

Most students in the program took no classes outside the department, but for some reason, I signed up for a class in urban economics. Fortunately, it was taught by Ed Whitelaw, a soon-to-be-well-known Northwest economist who helped us build simple

models of an urban economy, test those models against reality, make the models more complex, and test them again. I was awestruck by the power of the economic way of thinking.

At that time, the legislature had recently enacted a law requiring cities to draw urban growth boundaries around themselves. Development outside these boundaries would be forbidden, or at least discouraged, until all available sites inside the boundaries were fully developed. The theory was that this would protect prime farmland. But our models clearly showed that since the measure resulted in roughly the same number of cars in a smaller area, the tradeoff would be more congestion and the increased pollution associated with it (cars pollute more in stop-and-go traffic).

Soon after developing this model, one of my urban planning classes considered the same question: *What effect would an urban growth boundary have on congestion and pollution?* The budding planners unanimously reasoned that, with a smaller urban area, more people would walk or use mass transit, reducing congestion and pollution. I

tried to explain the economic model in 25 words or less, but convinced no one. I was particularly shocked to find that the two professors in the class agreed with the other students and considered my answer wrong.

That day I decided I was an economist, not a planner. During the next two years I crammed as many economics courses as I could take. Over the next ten years I applied the economic way of reasoning to the Forest Service (and, in 1988, published my findings in a book titled *Reforming the Forest Service*). During that time, I had little contact with urban planners, except for the times I served on hiring committees for various environmental organizations. Recently graduated planners were often attracted to such organizations, and I had the pleasure of automatically rejecting any candidate with a degree in urban planning.

In 1989, I moved back to the Portland area and settled in an unincorporated suburb known as Oak Grove. Unlike most suburbs, Oak Grove has a distinguished history stretching back to 1893, when the world's first electric interurban rail line was built between Portland and

Oregon City. Wealthy Portlanders built grand houses on large estates along the line, and someone decided to call a small retail area next to one of the stations "Oak Grove."

Today, most of those large houses remain, but many of the estates have been subdivided. Still, most families live on lots of a quarter-acre or more. The block I live on is 20 acres, ten times the size of a normal city block. At a third of an acre, my lot is one of the smallest on the block. The temptation to subdivide further is tempered by the fact that the zoning requires a minimum lot size of 10,000 square feet (slightly less than a quarter-acre).

Such a low density means there is little auto traffic. When I walk with my dog around the neighborhood, I meet many of my neighbors who are also out walking. Since the houses were built one-by-one over a 100-year period, each is unique, with many made of native rock by a pioneer family of

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*They hoped people would tear down the older homes and erect buildings fronting on the streets with enough bay windows and other cutsie features to look "historic."*

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stonemasons. Many people take advantage of their large yards to grow flowers and vegetables, and a few own small livestock — poultry, goats, even a donkey.

The interurban railway is long gone, but several blocks away is Highway 99, the first four-lane road ever built in Oregon. Today it has developed into what many people scornfully refer to as a "strip development," though my neighbors and I find the numerous supermarkets, variety stores, and specialty shops to be convenient with competitive prices. And frankly, we're glad to keep most of the commercial areas some ways distant from our homes.

I've spent more than five years here blissfully unaware of the new urbanism. Then, last April, a neighbor slipped a note into my mailbox sug-

gesting that I should attend a county planning meeting. Ordinarily, I might have ignored it, but the note had an urgent tone that made me feel I should go.

At the meeting, I learned that county planners had been working for six months with "my neighbors" on a "transportation and growth management plan." The purpose of the plan, they claimed, was to give people more opportunities to walk and ride their bicycles than we have. This seemed peculiar since no one I know has ever felt hesitant to walk or bicycle around the neighborhood.

Then they showed us a map of the plan. The block I lived on and several nearby were to be rezoned for a 5,000-square-foot minimum lot size. The block across the street plus many others would be rezoned for multi-family dwellings with up to 24 units per acre. We were assured that this "densification," as the planners called it, was for our own good and that it would encourage walking and discourage cars.

To give people a place to walk to, a significant chunk of our neighborhood would be "mixed use," with stores and other businesses located a few steps from residences. In particular, planners hoped that many of the multi-family dwellings would be three stories high (two stories is the current limit) with businesses occupying the street floor.

When my neighbors and I asked about the reasoning behind these ideas, planners responded with totally circuitous logic. Why did planners want to densify our community? "Because densification is part of the neotraditional concept." What is neotraditionalism? "Neotraditionalism is a planning concept that calls for densification."

As someone familiar with Forest Service planning, I was struck with what was missing from the plan. First, there were no data. Any requests for populations or numbers of homes were met with, "Well, we haven't got our geographic information system working yet." (They didn't get it working until the plan was almost done.) Moreover, Forest Service plans always come with at least four alternatives. This one considered none.

The planners were fairly unguarded and made some amazing

statements. One gushed, "To preserve the historic character of downtown Oak Grove, we propose to allow zero-foot setbacks of buildings." This meant that the planners hoped people would tear down the older homes and erect buildings fronting on the streets. Design standards would require enough bay windows and other cutsie features to look "historic."

Planners also proposed to dissect our large blocks with new streets. When people protested that they didn't want new streets, planners

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*When people protested that they didn't want new streets, planners started calling them "pedestrian ways."*

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started calling them "pedestrian ways." When someone asked if such walkways would be protected from auto traffic by building walls at the entrances, a planner said, "Oh no, it would be unfair for us to deny access to cars. People have to be able to get to their properties."

One planner admitted that it had been raining the one time she had visited Oak Grove and that she "couldn't imagine why anyone would want to live here." She was from the government and she was here to help us neotraditionalize our neighborhood.

As it became clear that we didn't like these ideas (the meeting's official minutes report that "at least two people" said they opposed neotraditionalism), planners chided us for not participating in earlier meetings. I noticed that most of the "neighbors" on the original committee were developers, realtors, and business owners, and the directors of the local fire, sewer, and water districts.

This led us to ask how we were supposed to know about the meetings. Notices had been placed in the newspaper and the sewer district newsletter, they said. But such notices were innocuous, emphasizing bike paths and saying nothing about rezoning. In any case, planners from the very beginning had limited the plan to neotraditional concepts, so our participation wouldn't have changed anything.

After the meeting, I took some time to catch up on recent planning literature. Neotraditionalism turns out to be the brainchild of a California architect named Peter Calthorpe and a Florida husband-wife architect team named Andres Duany and Elizabeth Plater-Zyberk. Calthorpe has designed a neotraditional community near Sacramento and Duany and Plater-Zyberk have one near Miami.

These architects decided to model their plans after communities where people mainly walked, bicycled, or rode mass transit rather than drove. Based on their studies of such communities, they decided that people would reduce their use of cars if they lived in multi-family dwellings or in houses on small lots with tiny front yards and garages in back, and if their homes were close to grocery stores and other shops.

What communities did they study to reach these conclusions? Why, American communities of the 1920s. Americans had few cars back then, and they didn't drive much, so, the architects reasoned, if they designed communities like those of the 1920s, the people who live in them today won't drive much. (I am not making this up.) "Urban planning reached a level of competence in the 1920s that was absolutely mind-boggling," claims Duany.

Duany, Plater-Zyberk, and Calthorpe are confusing cause and effect. People lived in "neotraditional" communities in the 1920s because they didn't have cars. But that doesn't mean that people will abandon their cars if we force them to live in such communities again.

Were those cities of the 1920s so wonderful? Not to the planners of the day. Contrary to Duany's claim, those urban areas weren't planned — they just happened. It was the unplanned mixture of uses to which today's planners want to return that inspired zoning in the first place.

About the same time I began to question neotraditionalism, *Newsweek* magazine featured a cover story on the new urbanism. Such wonderful ideas as small lot sizes, design codes, and corner grocery stores, the magazine gushed, would cure the suburban blues.

The 13-page article barely admitted that anyone might not appreciate the

architects' latest schemes. But it did quote an urban planner who questioned whether anyone "really wants to re-create the social ambiance of an eighteenth-century village" and an economist who thought architects had a "strange conceit . . . that people ought to live in what they design." The magazine dismissed these comments as the natterings of free-marketeers.

But most of the problems that new urbanists complain about aren't the fault of the "free market." Instead, they are the legacy of previous generations

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### *Most of the problems new urbanists complain about are the legacy of previous generations of planners.*

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of planners. Duany's ideal cities of the 1920s were almost totally unplanned — and planners hated them.

By contrast, the large suburban lots and strip developments that we have today are the direct result of the zoning ordinances that planners imposed on cities in the 1940s and 1950s. Mixed uses were supposed to be unhealthy, so planners separated them. Small lot sizes were unappealing, so planners zoned for minimum lots of 7,000, 10,000, or more square feet.

Though many planners blame urban blight on the automobile, some planners recognize that zoning is the true cause. Says Randall Arendt, a planning professor at the University of Massachusetts, zoning "is why America looks the way it does. The law is the major problem with the development pattern."

Zoning is not a cure that is worse than the disease. It *is* the disease. Planners have become nostalgic for a time before most of them were born — a time that people in their profession said was so bad that it could only be fixed by zoning. And how are we supposed to get back to this wonderful time? More zoning.

But this time we will have "zoning with an attitude." Says Plater-Zyberk: "Most zoning codes are *proscriptive* — they just try to prevent things from happening without offering a vision of

how things should be." For example, a traditional zoning plan might contain a provision calling for 5,000-square-foot building lots at a *minimum*, allowing people to use 10,000- or 20,000-foot building lots if they want.

In contrast, says Plater-Zyberk, neotraditional zoning is "*prescriptive*." We want the streets to feel and act a certain way." That is to say, neotraditional zoning might call for building lots with a *maximum* size of 5,000-square feet. Such prescriptive zoning is used in many places, including parts of the Portland area. Multi-family zones forbid construction of single-family homes.

But this is only the beginning. Neotraditional zoning, including the proposed zoning code for my community, included "design codes" requiring peaked roofs, bay windows, full-width front porches, and certain other "cute" features. They also dictated that garages must be behind houses, not in front. Apparently flat roofs and prominent garages make people drive too much.

The new codes differed from the old in another important way: setbacks. Traditional codes require that homes and other buildings be built (typically) at least 20 feet apart and 30 feet from the street. In contrast, the new codes would require that homes be at *most* 20 feet from streets and that most commercial buildings be zero to ten feet from streets.

In sum, the planners got it wrong before, and now they propose to fix the urban blight they created. The solution they propose is a simple one: give them more power — power not just to prevent certain uses but to prescribe uses as well.

This will fix the problem?

### **An Ignoble Tradition**

Urban planners trace their history to architecture, and most university urban planning departments are in architecture schools. What makes architects think that, because they can design a house, they can design entire cities? That's like doctors presuming that, because they can reconstruct a shattered hip or create an artificial heart, they can also create human life from scratch.

Yet many architects have proposed grandiose urban designs. Frederick

*continued on page 68*

## Protest

# Shameless in Seattle

by R.W. Bradford

A scandal in the society pages.

The newspaper article set the facts down in cold black type. Ida Cole, a 47-year-old multimillionaire who had made her money in computers, had started a new business. She had bought an old movie theater and an office building and begun to restore them. She had invested part of her own \$50 million fortune in the project, as well as a few million from other wealthy computer people, including Bill Gates of Microsoft. "It's a business investment," she explained to the paper. "They can expect profits. It won't be the return you'd get from Microsoft stock, but it will be respectable."

The article also reported that she had made substantial donations to the candidates of the Democratic Party at the local and state level and used her expensive home to raise additional funds on their behalf. Local government, controlled by the Democrats, had given a \$1 million subsidy to the profit-making business of Ida Cole and her millionaire and billionaire friends, and had granted her special treatment on development rights — an advantage that will substantially increase her revenue. A state bureau, also in the control of that party, is working on another million-dollar subsidy.

In sum, Democratic-controlled governments gave millions of tax dollars as subsidies to a private, profit-making business owned by a group of multimillionaires. The head of the business (and at least some of the other investors) are heavy donors and big-time fundraisers for the Democrats.

The *Seattle Times*, an independent

paper that usually supports Republicans, got the story. What did it do with it?

You might think the *Times* would smell a Pulitzer Prize. You might think it would turn its investigative reporters loose to see just how far the corruption goes. You might think it would publish the story under a banner headline, maybe using it as a kick-off for an anti-corruption crusade.

You'd be wrong.

The facts I listed above were virtually all published in a single article in the *Seattle Times*. Not on the front page. Not on the editorial page. Not even in the news section.

They were published in *Pacific Magazine*, the *Times'* Sunday supplement. *Pacific's* cover showed a color photo of Cole, smiling broadly, alongside the construction site, decked out in a white hardhat and jewelry. It was titled "Queen Ida." Above the title in smaller letters were the words "Northwest People." It was not an exposé. It was a society feature, the sort of article a public relations man gets paid to place in a newspaper.

The first page of the article was another flattering color photo of Cole, this time looking pensively at her

building. The title here is "Stage Struck." It is subtitled: "After breaking the glass ceiling at Microsoft, Ida Cole resurrects a Seattle landmark." The theme of the article is that Ida Cole is an accomplished woman, a wonderful role model, who lives the sort of life all people should aspire to or maybe envy. "Friends, former employees, colleagues and even professional rivals extol the woman's authentic kindness and generosity," runs a typical line. "They also praise her analytical savvy and flair with a spreadsheet."

"Though she wears her All-American wholesomeness with pride," reporter Misha Berson gushes a few paragraphs later, "Cole is a gentle paradox: a woman with the perkiness of Mary Tyler Moore, the marketing smarts of a Fortune 500 tycoon and a fierce determination that just won't quit. . . . It didn't hurt that Cole started out with that increasingly rare underpinning: a happy middle-class childhood. She smilingly recalls scenes from her Virginia youth: fishing; bowling; playing classical music; solving math problems with her father . . ."

Cole's fundraising for Democratic candidates appears in a description of



her home some paragraphs later. Her getting her millionaire and billionaire friends to invest appears later still, along with her projected profits. The list of subsidies handed over to her by the Democrat-controlled local government is buried on the final page of the story.

The story illustrates something very frightening about American political culture. A generation ago, if a politician (or group of politicians) gave a million-dollar subsidy to a profit-making business owned by a millionaire who helped finance the politician, the whole process would be considered to be so corrupt that it would be hidden from public view. If a newspaper discovered it, they'd play up the story with banner headlines and launch a crusade.

Today, it's not even considered corrupt by a newspaper that politically opposes the politicians who gave the millionaire a million taxpayers' dollars.

And worse. Today, it's considered admirable. Admirable enough that the person who receives the million dollars, paid under threat of law by people far poorer than herself, is considered a hero, a role model, an object of aspiration.

Something has changed. And I don't like it.

A decade and a half ago, Ronald Reagan helped popularize the phrase "welfare queen" as a convenient label for an unmarried woman, probably

black, who makes a career of having children and cashing government welfare checks. The theory is that such women are proliferating and are responsible for America's budget crisis. Voters have responded well to this theme, one that Republicans have echoed more frequently in each subsequent election.

I'm pretty much with the voters on this issue. I don't think spending tax money to subsidize unmarried women who have children is a good social policy. I think it's probably bad for the

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*It was not an exposé. It was a society feature.*

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country. And like most people, I'd like my taxes to be lower. On the other hand, I've never been a poor young woman with a child. I'm sure they face a very tough situation, even with the welfare checks they get. So politicians carrying on about "welfare queens" don't win much support from me.

Unlike the welfare queens the Republicans complain about, Ida Cole isn't poor. She's rich. She's beyond rich: she's super-rich. The single mom who cashes a government check has an excuse: she really needs the money. Ida Cole doesn't have that excuse. The million or two or however many dollars her political friends shovel her way

isn't really going to make a significant difference to her. Let alone to her co-investor, Bill Gates, another Democratic Party donor, who happens to be the richest person in the United States.

I don't know whether the single mom who cashes her monthly government check ought to be decried as a "welfare queen." But I do know this: if ever anyone deserved that title, that person is Ida Cole — and any other wealthy and middle-class Americans who figure the government ought to subsidize them.

The welfare payments that go to the poor are dwarfed by the welfare payments that go the middle class and wealthy. So long as Americans bemoan the former but get in line for the latter, they will remain mean-spirited hypocrites. And so long as they keep them in place, their country will continue on its road to bankruptcy.

But there's a more important issue here. The corruption of public morals that enables multimillionaires and multibillionaires to collect million-dollar gifts of taxpayer money from politicians they financially support without the slightest hint of public outcry is eating away at the soul of American public life.

It will have to be reversed if the United States is ever going to get taxes and government spending under control. Or if America is to restore the political culture that made it a good and great country. □

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## Prescription

# Drug Laws as Cultural Lobotomy

*by John Dentinger*

The first casualty of the war on drugs.

Since it is customary in articles about drugs to recount one's personal struggle with the demon, I will begin with a personal anecdote.

My drug addiction began in Wisconsin in the late '60s. I didn't think it was serious at first. I just took a nosefull of the stuff with a high-school chum. Later I increased the dose. I was buying it every three weeks. I didn't know the nasal congestion I suffered was a withdrawal symptom, but I did know the stuff cleared it up. It wasn't until years later, when a doctor told me, that I realized I was addicted.

To Neo-Synephrine. An over-the-counter nasal decongestant which I took for hay fever. What I didn't know about the nose drops was that my friend was taking far more than he needed; and following his lead, so was I. What I needed to protect me from Neo-Synephrine addiction was not laws, but information.

Drug laws keep society from learning anything from the drug use that occurs; they foster lies to fill the silence; and this discredits valid warnings about the real dangers of drugs. This silence and disinformation, this never-ending cultural lobotomy, is the most subtle, the most ignored, and yet the greatest cost of the war on drugs.

### **Silence and Disinformation**

My Neo-Synephrine experience coincides with recent findings cited by Arnold Trebach in *The Great Drug War*: that honest, credible drug educa-

tion may increase drug use — but decreases drug abuse. No one claims education would eliminate abuse, but some commonplace examples indicate why it would reduce it: because much abuse is due to ignorance. Many common legal products are allergenic or harmful to a hypersensitive few: allergists often cite sulfites and monosodium glutamate in food, as well as ingredients in Irish Spring soap and Tide laundry detergent. Caffeine is an elusive cause of insomnia, heart palpitations, and other alarming symptoms.

Now, a lot of the use of these products results in needless anxiety, time lost from work, and doctor bills. And how does our government respond to that waste? By requiring warning labels on these products?

No. Rather, it busies itself outlawing drugs, many of whose users are far better-informed of their effects than is the average user of the caffeiniferous Coca-Cola. By subjecting users to a black market, government makes them less informed about, and thus in greater danger from, what they are ingesting. Sometimes it even pollutes the drugs itself: spraying poisonous paraquat on marijuana, as it adulterated alcohol with poisonous methanol during Prohibition.

One need not be in battle fatigues to take pot-shots at the truth; one can be a sort of civil defense worker, like Janet Cooke was when she wrote her Pulitzer-winning fabrications about an "eight-year-old heroin addict." As Thomas Szasz noted, lies on the subject of drugs are so common that if Cooke had not also lied about her academic credentials, she probably would have gotten away with it. Another classic tale told as true came in 1968 from then-Governor Raymond Shafer of Pennsylvania: six college students had gone blind staring at the sun while on LSD. The governor later recanted when his source, another government official, admitted he'd made it up. I mention this old hoax because (a) we all remember its tenacity, and (b) it illustrates the self-fulfilling hysteria about "bad trips," thereby guaranteeing that first-time LSD users would be more susceptible to them.

I can attest to this personally. In the summer of 1972, I did once what friends had done numerous times: I took LSD. I went into the experience with the wrong attitude, and had a very bad trip. The public hysteria did two monstrous things simultaneously: it made me fear that I had permanently damaged the only asset I

had — my mind — and it made this unfounded fear something I could not confide to anyone. I finally went to the student health service, which referred me to a psychiatrist, whom I saw once. His answer to my problems: Valium, 10 mg., several times a day.

I had no idea what a high dose this authority had prescribed. One-tenth or one-twentieth of that would have provided a crutch. The prescribed dose, which I took, was an emotional strait-jacket. I needed the plain truth, and I got chemical repression. All of the harm here came not from drugs but from silence and lies. Much the same, I suggest, is true of our culture.

### The Trials and Errors of Drug Laws

Society advances, in Karl Popper's phrase, by a process of "trial and the elimination of error." Hindering either of these two steps in the name of cost-cutting or risk-aversion does not hamper the commission of error, merely the elimination of error. It disconnects the ratchet of social progress.

For example, the backfiring of the attempt through regulation and tort law to produce a risk-free society is becoming increasingly clear. Had heavier-than-air flight been made even heavier with detailed regulation after the first plane crash, we would not have developed a means of long-distance transportation far safer than any alternative. Transportation would be costlier and riskier, but ten thousand back-page car crashes don't have the impact of one front-page plane crash. And a rat overdosed with cyclamate warrants a headline; extra human deaths from obesity do not. In innumerable areas of life, safety-at-any-price exacts a high price not only in dollars, but also in safety.

The same analysis applies to drugs. Illegal drug "experiments" go on constantly, but we can learn little of or from the good or bad experiences of drug users, since they may be arrested if they talk about them. Celebrities thus arrested may be able to escape prison if they agree to go on the lecture circuit and recant their heresy. In this, our sole advance over the Inquisition is that heretics do not need to be shown the instruments of torture: *viz.*, prison and the press. In any case, the resultant

testimony can hardly be considered reliable.

Drug companies have no incentive to invest in developing safer psychotherapeutic or "recreational" drugs, since these would simply be outlawed. The government's hostility to safe drugs was noted by Durk Pearson and Sandy Shaw in *Life Extension*: the Bureau of Alcohol, Tobacco and Firearms "forbids the addition of antioxidant vitamins such as B-1 to booze, although medical experts . . . agree [it] would significantly reduce alcohol-induced brain and liver damage." An even better solution, they note, "would be to develop new recreational drugs which provide the desired alcohol high without the damaging side effects. There is, in fact, such a drug. [It has already been tested, but it] is not FDA approved, and it is not likely to be approved in the foreseeable future."

Likewise, the prescription drug diphenylhydantoin "has been used successfully to allow smokers to quit without withdrawal symptoms," but

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*Safety-at-any-price exacts a high price not only in dollars, but also in safety.*

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of course, it is not FDA-approved for that purpose. "In fact," noted Pearson and Shaw, "since smoking is not a disease, the FDA may *never* approve any treatment, no matter how safe, specifically for the purpose of stopping smoking."

This show of concern for the health of even legal recreational drug users is no less that we could expect from those wonderful folks who let thousands of AIDS and other patients die while awaiting the nirvana of the perfectly effective drug, and the chimera of the perfectly safe one. These examples of costs imposed as savings, of danger and death imposed as safety, could be — and still are — multiplied *ad infinitum*.

### The Blinding Success of Drug Laws

In particular, the law "protects" us from the effects, both maleficent and beneficent, of coca and cocaine,

amphetamines, psychedelic drugs, and cannabis (a legal medicine until 1937). But as Lester Grinspoon and James B. Bakalar, both of Harvard Medical School, note in the Pacific Institute's anthology *Dealing with Drugs*, all of these have medicinal uses.

To take one example, as recently as 1985, psychotherapists from around the country offered the DEA testimony to the therapeutic efficacy of MDMA, a mild, then-legal psychedelic drug. (The term "psychedelic" may be misleading; MDMA — unlike alcohol — does not cause hallucinations, even in substantial overdoses.) The drug, they said, vastly increased the very bases of therapy: motivation, empathy, and depth and extent of communication. Dissolving the fear or embarrassment or inertia associated with new self-insight, the drug helped to break through the sticking points of therapy. Success stories abounded: a woman who was the victim of rape and torture and was still suicidal after six months of ordinary therapy was able to face the past and begin living a normal life again. The positive mental attitude it helped encourage seems to have aided another woman's remission from an otherwise fatal cancer. And so on. Disastrously, however, the drug was nicknamed "Ecstasy," a term so reeking of hedonistic heresy that no product could bear the name and not be outlawed, not even dog food or suppositories.

The medical case for marijuana is even clearer, to the point where even the government can't deny its efficacy in treating nausea, glaucoma, and other conditions.

Rick Morris, a truck driver in Tennessee, lost three-eighths of his body weight while on nauseating chemotherapy. Like many chemotherapy patients, until Morris began smoking marijuana, even the smell of food would cause him to vomit, his attorney said.

Attorney? Oh yes, Morris was convicted in 1988 of possession of marijuana.

Two million Americans suffer the progressive eye disease of glaucoma. An eighth of those have serious vision impairment already, and 7,500 people a year go blind from it. In 1972, Robert C. Randall, aged 24, was told he had

glaucoma and could expect to be totally blind in three to five years. He found *by chance* that smoking marijuana completely restored his eyesight and arrested the progress of his ailment. When he grew these medicinal plants, it was he himself who was arrested. Naïvely, he called federal drug bureaucrats to get permission to use marijuana as medicine — and found *they already knew* of its unique value in treating glaucoma, and never bothered to tell the public. After tremendous battles, he won the right to use marijuana (supplied from Uncle Sam's Mississippi pot farm), which the bureaucrats tried to make subject to Randall's conceding to keep quiet about it. He refused to accede to this, and they capitulated. But later the "liberal" Carter White House drug policy chief, Dr. Peter Bourne, threatened to cut off Randall's marijuana supply because he insisted on appearing in the press, telling people the truth about this medicine. In effect, the government repeatedly threatened to blind Randall if he didn't keep his mouth shut.

People are still going blind not because marijuana laws cut off the supply of the drug (tens of millions of people use it, after all), but because they cut off the supply of *information*. Glaucoma, cancer, and other patients have had to discover this information independently (and criminally). Or not discover it, and go blind or starve to death in retching agony, which all of them would have done if drug laws had been "successful." These millions of American remain, in effect, victims of a gigantic Tuskegee experiment (an experiment in which black males were intentionally denied medical treatment for syphilis for purposes of studying the disease).

### The Procrustean Moral Calculus

Prohibitionists are starting to concede that their policy has costs. Morton Kondracke, writing in *The New Republic*, offers a typical interventionist analysis: he estimates the cost of the drug war at a paltry \$30 billion — a third of that for direct enforcement, two-thirds for the cost of crime generated by heroin addicts. But this sort of cost/benefit analysis fudges entries on both sides of the ledger, by techniques

including these:

(1) Ignoring the costs of the "Tuskegee experiment" above.

(2) Aggregating costs imposed by people on themselves with costs imposed by people on others. Every life counts the same in this Procrustean moral calculus, the consenting and unconsenting alike. We can see the same shell game when gun control advocates slip suicides into the figures on "gun-related deaths."

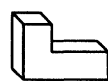
Consider what the interventionist does when he cites "productivity loss" as a cost of drugs. If Joe Would-Be-Cokehead were not producing anything in the first place, then his self-destruction would have "zero cost." Thus Joe's very productivity is perversely used as an argument for curtailing his liberty. This approach would argue that if Charles Krauthammer could make more money as a doctor than a political writer, the law should force him to do so.

This leaves us with the one real social cost: accidents, primarily driving under the influence by a small, irresponsible minority of drinkers and other drug users. The idea that we

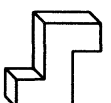
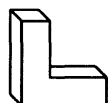
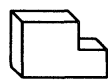
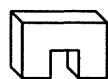
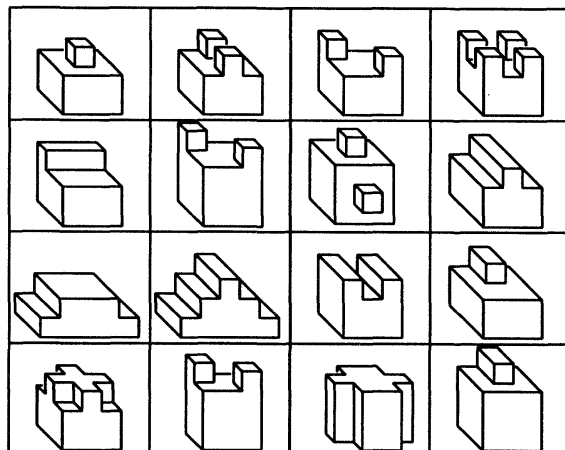
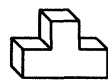
should round up all drug users because of this sounds suspiciously like "There is no such thing as an innocent suspect." Surely this is better dealt with by diverting \$10 billion a year worth of zealous narcotics officers into traffic patrols than by attempting preventive detention of all of society.

(3) Ignoring damage to other constitutional rights. When the government can blind its critics lawfully, the First Amendment is a mockery. When the government confiscates putative drug profits (including money intended for attorney's fees) in a "civil" proceeding, due process is mocked, as is effective assistance of counsel. Increasingly obtrusive searches are rubber-stamped in the name of the drug war. Penalties for marijuana sales have often grossly exceeded commonly given penalties for murder. And the list goes on. War is the health of the state, and the drug war is no exception.

(4) Ignoring psychic benefits. The feelings of would-be drug users are given no weight in this scheme, although they are willing to part with money to alter their feelings. This is like saying that one who survived an



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involuntary game of Russian Roulette had zero loss and one who survived psychotherapy had zero gain. In fact, the psychic benefits of some drugs may be far more than the mere physical pleasure of, say, cocaine.

One of the objections to drugs is that they "cause" some people to lose control over their lives. But in most such cases, I submit, drugs, legal or illegal, are simply the means by which a person carries out his early-life programming for self-destruction. The "cure" is not the removal of a few of many available means to that end, but the teaching of the victim how to change his own programming — i.e., how to be an autonomous human being instead of a robot. Ironically, there is, as noted above, strong evidence that some illegal drugs would be good for precisely that psychotherapeutic purpose. For vast numbers of responsible would-be users, then, drug laws are not aiding but obstructing self-control.

(5) Ignoring spinoffs. *Only when drugs are legal can they give rise to spinoffs benefitting non-users.* This is the biggest cost of all, meriting separate discussion.

## Spinoffs

The entire advance of civilization is a web of "spinoffs," intricately and unpredictably related. Cut off a strand of inquiry, narrow the range of allowable personal experiments, and the damage to the web grows exponentially with time — and in ways we cannot predict. Thus Friedrich Hayek writes in *The Constitution of Liberty*, "We shall never get the benefits of freedom, never obtain those unforeseeable new developments for which it provides the opportunity, if it is not also granted where the uses made of it by some do not seem desirable. It is therefore no argument against individual freedom that it is frequently abused."

Let us look at a business analogous to the recreational drug trade: the entertainment industry. If any business could be hamstrung without impairing progress, surely it is this. Let's say, *arguendo*, that "freedom of entertainment" has been grossly abused — that 99% of entertainment dollars have gone for mindless rubbish. But let's see what those dollars have financed.

Audiophiles financed the development of magnetic tape, later used in computers; diskettes and hard discs spun off that. The quarters plunked into early video games helped finance Silicon Valley. From the money consumers spent on laser discs there arose CD-Rom storage, which even New Age bookstores use for instant computer access to *Books In Print*. Couch potatoes in the '50s buying TVs to watch *I Love Lucy* helped make it possible for millions to have high-quality, inexpensive computer monitors today.

Thus entertainment spinoffs accelerated all advances based on computers.

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*When the government can blind its critics lawfully, the First Amendment is a mockery.*

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This includes artificial intelligence, whose applications include medical expert systems, aiding doctors with faster and more accurate diagnoses. It also includes the new science of chaos theory, which has been applied to the study of cardiac arrhythmia, Parkinson's disease, and similar medical abnormalities.

The hardware and software developed to animate sequences in the *Star Wars* movies have been adapted for computer-aided design and medical imaging applications. It's a shame radiology departments don't have signs rubbing this in, but the first people whose lives were saved by this technology can thank George Lucas and his fans.

*If science fiction has yielded medical spinoffs, it defies credibility that recreational drug research would fail to do likewise.*

We can already point to the accidental discovery of marijuana's value fighting nausea and glaucoma. In fact, we can even name one of its non-medical spinoffs: many utilitarian products can be made from the marijuana plant, including an inexpensive, high-grade paper that is far more long-lasting than acid-treated wood pulp. Thus the specific form of cultural brain damage that occurs as many old books disintegrate is one of the continuing

legacies of the drug war.

A free society's complex web of information and innovation is one with which we tamper at our peril.

## Inventing Danger

The reason our culture has evolved the custom of freedom and the concept of individual rights is that in the long run, they work. And the reason they have developed so slowly is that any zealot, well-meaning but without understanding, can point to the short run.

Every single freedom we now take as self-evidently crucial arose in a struggle against those who attacked it as dangerous. Neophobes of Plato's day attacked *writing* — as an enemy of memory. Luddites, Gordon Tullock tells us in *The Organization of Inquiry*, have been with us always: "inventions which simply eased the method of production of existing products were usually frowned upon [by governments]. The fear that labor-saving inventions will result in widespread unemployment [rather than more but different employment] is as old as history."

Here, in the realm of invention, is the paradigm of the mechanism and value of freedom. Very few people personally utilize the right to invent, and in the short run, some people are "harmed" by invention to the extent of having to change employment. Despite these two factors, we not only let people invent things — we encourage them. We sort out the results in the most callous manner: if they hit the jackpot, we get to use the invention without having taken their risks. If their experiments fail, well, tough for them.

This is the model for the discovery, diffusion, and utilization of knowledge in a free society.

Of course drug use has risks and costs, but only those to bystanders should be curtailed by law. Anything more done to the "social organism" — any laws and silence and lies — is not an immune response, but a jolt of curare, a routing to oblivion of the cultural neurons bearing information on which drug use is beneficial and which harmful.

This cultural lobotomy is a cost we should insist be included in the accounting when next the drug warriors trot out their moral calculators. □



## Lecture

# The Nine Myths of Schooling

*by John Taylor Gatto*

Everything you ever should have wanted to know about schooling, but didn't think to ask.

The Swiss, just like us, believe that education is the key to their national success. But that's where the similarity ends. In 1990, about 50% of American secondary-school graduates enrolled in college, but only 22% did in Switzerland. In America, almost 100% of our kids go to high school or private equivalents, but under a quarter of Swiss kids do. And yet the Swiss per-capita income is the highest of any nation in the world, and the Swiss keep insisting that virtually everyone in their country is highly educated!

Remember, we're talking about a sophisticated economy that produces the highest per-capita paycheck in the world. High for the lightly schooled as well as the heavily schooled. Higher than Japan's, Germany's, or our own. What on Earth could be going on?

No one goes to high school in Switzerland who doesn't also want to go to college; three-quarters of the young people enter apprenticeships instead. It seems the Swiss don't make the mistake that schooling and education are synonyms.

If you are thinking silently at this point that apprenticeships as a substitute for classroom confinement isn't a very shocking idea — and that it has the drawback of locking kids away from later choosing white-collar work — think again. I wasn't talking about blue-collar apprenticeships (though the Swiss have those, too) but white-collar apprenticeships in abundance. Many top managers of Swiss insurance companies, manufacturing

firms, and banks never saw the inside of a high school, let alone a college.

Well, *shocking* is the word for it, isn't it? I mean, here you are putting away your loot in a Swiss bank because it's safe over there and not so safe here, and now I've told you the bank president may only have a sixth-grade education. Just like Shakespeare.

As long as we're playing "Did you know?" — did you know that in Sweden, a country legendary for its quality of life, a nation that outperforms America in every academic category, kids aren't allowed to start school before age seven? The hard-headed Swedes don't want to pay for the social pathologies attendant on ripping a child away from his home and mother and dumping him into a pen with strangers. Can you remember the last time you worried about a Swedish Volvo breaking down prematurely or a Swedish jet engine failing in the air?

Did you know that the entire Swedish school sequence is only nine years long, a net 25% time and tax savings over our own twelve-year sequence?

Did you know that students in Hong Kong, a country with a population the size of Norway's, beat Japanese students in every scientific and mathematical category? Did you know that Hong Kong has a school year ten weeks shorter than Japan's? How on Earth do they manage that if longer school years translate into higher performance?

Why do you suppose you haven't heard about Hong Kong? You've heard enough about Japan, I'm sure.

But I'll bet you haven't heard that in Japan, a recess is held after every class period.

Or that in Flemish Belgium, the country with the shortest school year in the developed world, the kids regularly finish in the top three nations in international academic competition. Is it the water in Belgium or what? Their success obviously didn't come from any passionate commitment to forced schooling.

Did you know that three British prime ministers in this century, including the current one, didn't bother to go to college?

Exactly in whose interest do you think it is that the *New York Times* —

and just about every other outlet for American journalism — doesn't make information like this readily accessible?

If you trust journalists or the professional educational establishment to provide you with the data you need to think for yourself about schooling, you're the kind of citizen who would trade his cow for a handful of colored beans.

## Why School?

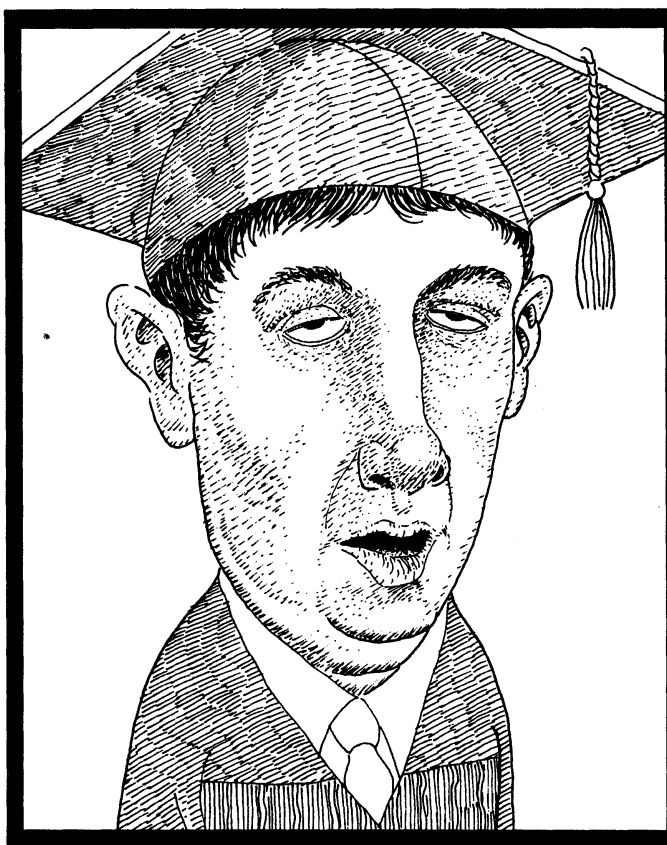
Shortly into the twentieth century, American educators decided to move away from justifying their jobs with the rhetoric of intellectual development and skills training, and to enter the eerie world of social engineering, a world where "socializing" and "psychologizing" the classroom preempts attention and rewards. Professionalization of the administrative/teaching staff was an important preliminary mechanism to this end, serving as a sieve to remove troublesome interlopers and providing lucrative rewards for allies and camp followers.

Non-intellectual, non-skill schooling was supported by a strange and motley collection of fellow travelers: by unions, yes, but also by such legendary businessmen as Carnegie and Rockefeller, Ford and Astor; by genuine ideologues like John Dewey, yes, but many academic opportunists as well, such as Nicholas Murray Butler of Columbia. Prominent colleges such as Johns Hopkins and Chicago played a large part in the deconstruction of American academic schooling, as did a powerful core of private foundations and think tanks.

Whether they did this out of conviction, for private advantage, or any hybrid of these reasons and more I'll leave for others to debate. What is certain is that the outcome aimed for — socializing children into creatures who would no longer feel easy with their own parents, psychologizing children into dependable and dependent camp followers — had little to do with why parents thought children were ordered

into schools.

In the early years of this century, a radical shift was underway, transforming a society of farmers, craftspeople, fishermen, and small entrepreneurs into the disciplined workforce of a corporate state, one in which all the work is sucked into colossal governments, colossal institutions, and colossal business enterprises — a society whose driving logic is comfort, security, predictability, and consensus rather than independence, originality, risk-taking, and uncompromising principle. In the gospel of social engineering this transformation was to lead to a future utopia of welfare capitalism. With the



"problem of production" solved, the attention of professional intellectuals and powerful men of wealth turned to controlling distribution, so that a "rational" society, defined as a stable state without internal or external conflicts, could be managed for nations, regions, and eventually the entire planet. In such a system, if you behave, you get a share of the divvy; if you don't, your share is correspondingly reduced. Keep in mind that a small farmer, a carpenter, a fisherman, a

seamstress, or an Indian fighter never gave undue attention to being well-behaved and you will begin to see how a centralized economy and centralized schooling box human behavior into a much narrower container than it normally would occupy. You will begin to see why intellectual development, for all its theoretical desirability, can never really be a serious goal for a society seeking comfort, security, predictability, and consensus; indeed, that such a fate must be actively avoided.

Once this design was in place — and it was firmly in place by 1917 — all that remained to reach the target was a continual series of experiments

on public schoolchildren: some modest in scope; many breathtakingly radical, such as "IQ tests" and "kindergartens"; and a full palette of intermediate colors, from "multiculturalism" to "rainbow" curricula to "universal self-esteem."

Each of these thrusts has a part to play in the movement toward the larger planners' utopia. Yet each is capable of being rhetorically defended as the particular redress of some current problem.

The biggest obstacle to a planned society is parents. Parents have their own plans for their own children. Most love their kids, so their motivations are self-reinforcing, unlike those of schoolpeople who "work with children" for a paycheck. Unless held in check, even a few unhappy parents can disrupt the conduct of an educational experiment. The second biggest obstacle to a planned society is religious sects, each of which maintains that God has a plan for all human beings, including children. And the third biggest obstacle is local values and ethnic cultures, which also provide alternative maps for growing up. Each of these three is an external force bidding against the school system for children's loyalties.

One final obstacle — a colossal one

— is the individual nature of each particular child. John Locke pulled a whopper when he maintained that children are blank slates waiting to be written upon. He should have asked a few mothers about that. If you watch children closely under controlled conditions, as I did for 30 years as a schoolteacher, you can hardly fail to conclude that each kid has a private destiny he or she is pulled towards wordlessly — a destiny frequently put out of reach by schoolteachers, school executives, and project officers from the Ford Foundation.

In a planned society, individuality, cultural identity, a relationship with God, and close-knit families must be suppressed, if not totally extinguished. The Soviet Union was an object lesson in this utopian undertaking; the United States has gone down the same road, albeit with more hesitations, at least since the end of the First World War. If the social engineers are to accomplish such a complex transformation of nature into mechanism, the general public must be led to agree to certain apparently sensible assumptions — such as the assumption that a college degree is necessary for a high-status career, even though Swiss corporations and the British government are often run by managers without college training.

The security of schooling depends on many such assumptions, some of which, by adroit concealments worthy of a card sharp, seem to link schooling and future responsibility; and some of which serve to exalt the political state, diminish essential human institutions like the family, or define human nature as mean, violent, and brutish. I'd like to list nine specimens of these assumptions for you, to allow you to gauge which ones you personally accept, and to what degree.

### Nine Assumptions

- (1) Social cohesion is not possible through means other than government schooling. School is the main defense against social chaos.
- (2) Children cannot learn to tolerate each other unless first socialized by government agents.
- (3) The only safe mentors of children are certified experts with government-approved conditioning; children

must be protected from the uncertified, including parents.

(4) Compelling children to violate family, cultural, and religious norms does not interfere with the development of their intellects or characters.

(5) In order to dilute parental influence, children must be disabused of the notion that mother and father are sovereign in morality or intelligence.

(6) Families should be encouraged to expend concern on the general

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*There is no evidence showing a positive relationship between length of schooling and accomplishment.*

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education of everyone but discouraged from being unduly concerned with their own children's education.

(7) The state has predominant responsibility for training, morals, and beliefs. Children who escape state scrutiny will become immoral.

(8) Children from families with different beliefs, backgrounds, and styles must be forced together even if those beliefs violently contradict one another. Robert Frost was wrong when he maintained that "good fences make good neighbors."

(9) Government coercion can serve the cause of liberty.

### Twenty-One Facts

These assumptions and a few others associated with them lead directly to the shape, style, and exercise of contemporary school politics. And these primary assumptions generate secondary assumptions that fuel the largely phony school debate played out in American journalism, a debate where the most important questions are never asked.

I once had dinner at the same table as Fred Hechinger, education editor of the *New York Times*. When I raised the possibility that the *Times* framed its coverage to omit inconvenient aspects of school questions (such as challenging the presumed connection between quantity of money spent on schools and quality of education), Mr. Hechinger became very angry and con-

temptuously dismissed my contention. Almost the same thing happened on a different occasion, when I dined at the same table as Albert Shanker of the American Federation of Teachers.

With that history of failure in opening a dialogue with some of the powers and principalities of institutional education — and I could add Lamar Alexander, Bill Bennett, Joe Fernandez, Diane Ravitch, Chester Finn, and many others to the list of luminaries who have listened to me only with impatience — I've turned to addressing the general public instead. I have tried to refute the assumptions schools rely on by drawing people's attention to several facts open to formal verification (or the informal variety grounded in common sense):

(1) There is no relationship between the amount of money spent on schooling and "good" results as measured by parents of any culture. This seems to be because "education" is not a commodity to be purchased but an enlargement of insight, power, understanding, and self-control almost completely outside the cash economy. Education is overwhelmingly an internally generated effort. The five American states that usually spend the least per capita on schooling are the five that usually have the best test results (although Iowa, which is about thirtieth in spending, sometimes creeps into the honored circle).

(2) There is no compelling evidence showing a positive relationship between length of schooling and accomplishment. Many countries with short school years outperform those with long ones by a wide margin.

(3) Most relationships between test scores and job performance are illegitimate, arranged in advance by only allowing those testing well access to work. Would you hire a newspaper reporter because he had A's in English? Have you ever asked your surgeon what grade he got in meat-cutting? George Kennan, intellectual darling of the Washington elite some while ago — and the author of our containment policy against the Soviet Union — often found his secondary-school math and science grades below 60, and at Princeton he had many flunks, D's, and C's. "Sometimes," he said, "it is the unadjusted student

struggling to forge his own standards who develops within himself the thoughtfulness to comprehend." Dean Acheson, Harry Truman's secretary of state, graduated from Groton with a 68 average. The headmaster wrote to his mother, "He is . . . by no means a pleasant boy to teach." Einstein, we all know, was considered a high-grade moron, as were Thomas Edison and Benjamin Franklin. Is there anybody out there who really believes that grades and test scores are the mark of the man?

(4) Training done on the job is invariably cheaper, quicker, and of much higher quality than training done in a school setting.

If you wonder why that should be, consider that education and training are two different things, one residing largely in the development of good habits, the other in the development of vision, understanding, judgment, and the like. Education is self-training; it calls into its calculations mountains of personal data and experience that are simply unobtainable by any school-teacher or higher pedagogue.

(5) In spite of relentless propaganda to the contrary, the American economy is tending to require *less* knowledge and *less* intellectual ability of its employees, not more. Scientists and mathematicians currently exist in numbers far exceeding any global or national demand — a condition that should grow much worse over the next decade, thanks to the endless hype of pedagogues and politicians. Schools could be restructured to teach children to develop intellect, resourcefulness, and independence, but that would lead in short order to structural changes in the old economy so profound that such a transformation is not likely to be allowed to happen.

(6) The habits, drills, and routines of government schooling sharply reduce initiative and creativity. Furthermore, the mechanism of why this is so has been well-understood for centuries.

(7) Teachers are paid as specialists but they almost never have any real-world experience in their specialties. Indeed, the low quality of their training has been a scandal for 50 years.

(8) A substantial amount of testimony exists from such highly regarded scientists as Richard Feynman, Albert

Einstein, and many others that scientific discovery is negatively related to the procedures of school science classes.

(9) According to research by sociologist Christopher Jencks and others, the quality of the school any student attends is a very bad predictor of later success — financial, social, or emotional. On the other hand, quality of family life is a very good predictor.

(10) Children learn fastest and easiest when very young. General intelligence has usually developed as far as it will by the age of four. Most children are capable of reading and enjoying difficult material by that age and also capable of performing all the mathematical operations skillfully and with pleasure. Whether or not kids should do these things is a matter of philosophy and cultural tradition, not a course dictated by any scientific knowledge about the advisability of the practice.

(11) There is a direct relationship between heavy doses of teaching and detachment from reality. Many students so oppressed lose their links with past and future. And the bond with "now" is substantially weakened.

(12) Unknown to the public, virtually all famous remedial programs have failed. Such programs as Title I/Chapter 1 survive by the good will of political allies, not by results.

(13) There is no credible evidence that forced integration has any positive effect on student performance, but a large body of data suggests that the confinement of children from subcultures with children of a dominant culture does harm to the socially weaker group.

(14) Forced busing has accelerated the disintegration of minority neighborhoods without any visible academic benefit.

(15) There is no reason to believe that any existing educational technology can significantly improve intellectual performance. On the contrary, to the extent that machines establish the goals and work schedules, ask the questions, and monitor the performances, the already catastrophic passivity and indifference created by forced confinement in school only increases.

(16) There is no body of knowledge

inaccessible to a motivated elementary student. The sequences of development we use are hardly the product of "science"; they are legacies of unstable men like Pestalozzi and Froebel, and the military government of nineteenth-century Prussia from which we imported them.

(17) Delinquent behavior is a direct reaction to the structure of schooling. It is much worse than the press has reported because all urban school districts conspire to suppress its prevalence. Teachers who insist on justice on behalf of pupils and parents are most frequently intimidated into silence. Or dismissed.

(18) The rituals of schooling reduce mental flexibility, that characteristic vital for adjusting to different situations. Schools strive for uniformity in a world increasingly less uniform.

(19) Teacher-training courses are held in contempt by most practicing teachers as well as the general public, because expensive research has consistently failed to provide guidance to best practice.

(20) Schools create and maintain a caste system, separating children according to irrelevant parameters — poor, working-class, middle-class, and upper-middle-class kids are constantly made aware of alleged differences among themselves.

(21) Efforts to draw a child out of his culture or background has an immediate negative effect on his family relationships, his friendships, and the stability of his self-image.

## A Closing Thought

There you have them: nine false assumptions and 21 assertions I think can be documented well enough to call facts. What can we do to remedy the problems that government schooling has caused? After spending 35 years in and around the institution (53 if I count my own time as inmate), the only way I can see to improve American education is to put full choice back into the hands of parents, let the marketplace redefine schooling — a job the special interests are incapable of — and encourage the development of as many styles of schooling as there are human dreams.

Let people, not bureaucrats, determine their own destinies. □

# Tools for Taxpayers

by Scott J. Reid

The balanced budget amendment is dead. Long live the balanced budget amendment.

At one point during the interminable debate over the Contract with America and its centerpiece, the balanced budget amendment, Sen. Robert Byrd of West Virginia hauled a copy of the Constitution out of his pocket, waved it before the cameras, and melodramatically declared,

"This is *my* contract with America." In a debate characterized by tedious exchanges of political clichés, Byrd's Constitution-waving was the rhetorical high point.

Ultimately, the House of Representatives passed the amendment, but the Senate amended it to make it unenforceable, then killed it. To supporters of mandatory spending caps and constitutionally balanced budgets, the failure to translate last spring's political momentum into a two-thirds supermajority in the Senate seems like a political tragedy. In practice, it probably isn't.

Here's why. The Contract with America's balanced budget amendment is only the latest in a long series of legal limitations on government appropriations and spending to enter into American public debate, and it certainly won't be the last. An examination of these proposals reveals that each time the idea comes back, it is a little bit more thorough in the restrictions it places on the government. This latest version was better than the previous one, but probably not good enough to deserve to be carved in constitutional stone — particularly because this would discourage enacting a better, more comprehensive amendment.

Like all legislated or constitutional rules binding government, tax-and-expenditure limitation laws (TELs) are tools, or technologies, for controlling undesirable state behavior. A constitutionally entrenched balanced budget law/spending cap is simply a fiscal version of the rules that prevent the government from silencing the press, outlawing private ownership of firearms,<sup>1</sup> or requiring defendants to incriminate themselves. The closeness of this relationship becomes apparent when one realizes that the taxes and deficits that TELs seek to limit are themselves technical innovations developed by governments in order to circumvent the restrictions the common law and Constitution place on the most direct forms of taking: seizure of goods by means of direct expropriation and seizure of services by means of forced labor. Such restrictions are characterized by some scholars as a "fiscal constitution."<sup>2</sup>

So in a sense, Sen. Byrd is right after all in drawing attention to the existing provisions of the Constitution. The Constitution contains numerous restraints on spending and on takings. Unfortunately, it employs what can only be characterized as out-

dated technology. Starting from the beginning of the Republic, legislators gradually have found ways of circumventing nearly every one of the tax-and-expenditure limits (better known as "checks and balances") that the Founding Fathers designed. Any effort to recapture in American constitutional law the essence of Washington and Madison's fiscal constitution therefore requires a much more effective TEL than the Contract with America's. In the arms race between increasingly elaborate limits on government spending and increasingly effective devices for getting around them, the recently deceased balanced budget amendment was as out of date as a Sherman tank.

To understand how to make fiscal constitutions more effective, it helps to know a little about their past. Constitutional history in the English-speaking world — and also the history of tax-and-expenditure limitations — begins with the Magna Carta. Before this date, constraints on the arbitrary appropriations of monarchs were limited to those which could be gently urged on them by wise counsellors, or imposed by means of periodic palace revolutions. (Feudalism



also imposed some constraints on the revenue-raising and spending powers of kings, and primitive societies have their own ways of dealing with overbearing chieftains, but that is, as they say, a different story.) In some countries, this absolutist stage of history has continued to exist until very recently; one writer has nicely characterized tsarist rule in nineteenth-century Russia as autocracy tempered by assassination.

In this pre-constitutional period, those enlightened individuals who thought it might be nice to limit

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*In the arms race between increasingly elaborate limits on government spending and increasingly effective devices for getting around them, the recently deceased balanced budget amendment was as out of date as a Sherman tank.*

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Leviathan's appropriations and spending were forced to focus their efforts on insinuating themselves into the court of the nearest king, so that they could whisper sentiments of moderation into his ear. Confucius and his disciple Mencius spent most of their adult lives wandering through the kingdoms of ancient China, looking for local sovereigns willing to consider constructive alternatives to rape and pillage. Likewise, Plato travelled twice from Athens to Sicily in the futile hope of providing decisive counsel to King Dionysius II of Syracuse, and Aristotle tutored the young Alexander of Macedonia, thereby earning himself a lifetime sinecure as the head of his own university. Normally, as Plato discovered, such advice fell on deaf ears. There was the odd success, as illustrated by the enlightened reigns of King Asoka in India and Marcus Aurelius in Rome. But in general, meaningful changes did not take place in any country prior to the local version of Runnymede.

The earliest form of TEL, therefore, was the creation of a parliament. To restrain the natural tendency of kings

to consume the entire wealth of the nation, a body representing the interests of the rest of society was given the task of limiting the funds available to the monarch. The control by the legislature of the "power of the purse" and the nominal retention by the monarchy of the spending power remains a common feature of parliaments in almost all surviving constitutional monarchies. In Canada, for example, where much traditional British practice was formalized in 1867 and frozen into law in its mid-Victorian form, Section 54 of the constitution requires that bills proposing any form of expenditure be initiated by the queen or her representative rather than by one of the houses of Parliament.

As long as kings were able to retain their role as the initiators of all spending measures, parliamentary control over revenue-raising measures worked tolerably well. Kings were still profligate, but they had to be profligate with less. It is a matter of record that China's dowager empress, who was unrestrained by any parliamentary oversight, and England's Charles II, who could only spend what Parliament gave him, each used the greater share of moneys intended for their nations' respective fleets to purchase corporeal delights. But whereas Tzu Hsi destroyed the economy of a great empire, King Charles' rapaciousness was limited by the size of the budget that Parliament turned over to his care. As a result, his greed had little more effect on England's well-being than the extravagant congressional pension plan has on the economic prosperity of the United States.

Control over the raising of revenue eventually translates into control over the manner in which it is spent. In Britain the transformation from monarchical to parliamentary control over expenditures was largely complete by the end of the eighteenth century. The power to win friends and influence people by dispensing largess proved to be a powerful countervail to the traditional wrath of the electorate against legislators who consented to higher taxes. The pattern of interest-group pressure and legislative overspending that continues to this day was well-established, both in Parliament and in the colonial assemblies, by the time of

America's Constitutional Convention.

For this reason, the assumption that popularly-elected representatives will overtax and overspend was built into the bicameral structure of nearly every state constitution. The now-abolished property requirement to hold a seat in many state senates was clearly an attempt to stack the upper house of each legislature with individuals who would be predisposed to reject any excessive taxation measures proposed by the lower house.

Even more telling is the constitutional stipulation, at the federal level, that although most legislation may originate in either house of Congress, spending measures must be initiated in the House of Representatives. If the House were to assume the role of the king, then the Senate would assume the (now-abandoned) role of restraining the House. In Canada, this assumption is etched out even more clearly: not only must spending bills originate in the House of Commons (after their initial proposal by the queen), but the Senate is semi-officially designated as the chamber of "sober second thought."

To judge by the generally restrained fiscal behavior of America's

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*The balanced budget amendment is only the latest in a long series of legal limitations on government appropriations and spending to enter into American public debate.*

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federal government through its first century, bicameralism seems to have been a very effective anti-spending technology. Margaret Bayard Smith's 1906 observation that senators behave toward one another primarily by "falsehood, deceit, treachery"<sup>3</sup> suggests that the all-pervasive logrolling that characterizes the modern Senate was not established until after the bicameral system was over 100 years old. That things have changed over the course of the past 89 years is indicated by Robert Axelrod's observation, in *The Evolution of Cooperation*, that "For me, a typical case of the emergence of

cooperation is the development of patterns of behavior in a legislative body such as the United States Senate."<sup>4</sup> Axelrod cites the gradual development of the Senate's "folkways" that permit vote-trading as a paradigm for the central theme of his book.

Other procedural restraints on potential overspenders were implemented in the early days of the Republic or introduced over time. In the early days, governors were typically elected only for very short periods and given only limited powers. Later, when it became clear that bicameralism was starting to fail, gubernatorial powers were increased in the hope that governors would act as a check on free-spending state legislatures. The line-item veto, also a part of the Contract with America, is the latest innovation in this game.

Line-item vetoes may be successful to some degree in derailing the congressional logrolling machine. A realistic guess, however, is that its main effect at the federal level will be the same as it has been in the states: it will transform the executive into a sort of one-man third house of Congress, thereby increasing his powers in the logrolling game. If vote-trading (or veto-trading) is more rewarding to the occupant of the White House than the electorate's perception of him as a brake on spending, the line-item veto will prove ineffective.<sup>5</sup>

Term limits are another procedural restraint on overspending. Judging from the results of the 1994 midterm elections, they seem to be even sexier than line-item vetoes. Although there appears to be some truth to the contention that elected legislators become more profligate as the number of terms they serve increases (in *The Culture of Spending*, political scientist James Payne claims to have developed a statistical measure of this phenomenon), term limits are still too new to assess their effectiveness as a means of controlling spending.

Procedural changes such as term limits and line-item vetoes are indirect methods of limiting spending, designed to impede overspending by reducing politicians' incentives to overspend. But of course the Contract with America's balanced budget amendment employed a direct approach.

Direct TELs make no assumptions about the redeemability of politicians or about the ability of citizens to play one group of politicians off against another. They simply make overspending illegal. The philosophy of direct limits was summed up tidily by Proposition 13 initiator Howard Jarvis: "The bastards can't spend what they don't have."

The direct approach raises mixed feelings in some observers. One contemporary comment on Jarvis'

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*The Constitution contains numerous restraints on spending and on takings. Unfortunately, it employs what can only be characterized as outdated technology.*

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philosophy was that it was "Neanderthal in its sophistication, merciless in its application," but also that it was effective: "[Jarvis'] strategy is to limit revenues to a level that the electorate deems appropriate and then let the government officials work it out from there. The fact that this might be the only thing that works is a sobering thought."<sup>6</sup> Of course, one could just as easily argue that the first ten amendments to the Constitution are the product of the Neanderthal insistence of the Virginia House of Burgesses that the Constitution spell out the areas off-limits to the federal government, rather than relying exclusively on the more sophisticated set of checks and balances dreamed up at Philadelphia.

Popular pressure in favor of direct limits on federal spending can be traced back to a time before there *was* any federal spending, to the constitutional debates of the 1780s. "Brutus," one of the leading Anti-Federalist pamphleteers, wrote in 1787, "I can scarcely contemplate a greater calamity that could befall this country, than to be loaded with a

debt exceeding their ability ever to discharge. If this be a just remark, it is unwise and improvident to vest in the general government a power to borrow at discretion, without any limitation or restriction."<sup>7</sup>

The Constitution itself did not limit either debt or spending, but its ban on direct taxation placed an effective restraint on revenue-raising capacity. This had the practical impact of limiting both the ability to spend and the ability to repay large debts. This was a tight limit by today's standards, but not enough to satisfy Thomas Jefferson, who wrote to John Taylor in 1798 that if an amendment forbidding deficit spending were made to the Constitution, "I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its constitution."<sup>8</sup>

TEL advocates frequently quote Jefferson's letter nowadays, but his suggestion had no short-term practical impact. Debt limits were forgotten until the mid-nineteenth century, when reformers added them to most state constitutions after overspending on canal and railroad construction caused a rash of state and municipal bond defaults. By the end of the century, nearly every state had amended its constitution either to eliminate state and local borrowing entirely or to limit it to fixed-dollar amounts that rapidly became negligible as the population ballooned and commerce expanded. So thorough were these bans on deficit spending that by the 1890s state and municipal debt was regarded as a matter of purely historical interest. At the federal level, debts accumulated



"The premiums are high because you're in a high-risk profession."

Baloo

during the Civil War were rapidly paid down with revenues from the country's extremely high tariffs, while deficits remained small of their own accord and were regularly balanced by surpluses.

The eventual overthrow of this equilibrium at the federal level after World War II is a well-known story. However, things had started to unravel at the state level far earlier. Almost immediately after the states amended their constitutions to prohibit public debt, politicians began to seek out ways to circumvent them without violating the letter of the law. The technology that finally did the trick was the "off-budget enterprise" (OBE). OBEs were initiated by government but were to be financed — on paper at least — by revenues generated by their operations, rather than tax revenues. As James Bennett and Thomas DiLorenzo explain in their comprehensive book on OBEs, *Underground Government*,

Because the taxpayer is not deemed to be liable for the financial obligations of OBEs, voter approval is not required for the debt issued by such organizations and, more importantly, debt restrictions do not apply. . . . No great feat of logic was required to establish a separate corporate entity to issue bonds and, simultaneously, to escape the borrowing restrictions that had been imposed on the unit of government that had created the corporation. . . . By superimposing separate corporations on a political jurisdiction, politicians could effectively multiply the debt limit, even if the debt limit is applied to each corporation.<sup>9</sup>

The first such district (the Kennebec Water District) was created by the city of Waterville, Maine, in 1899, following a court battle over the legality of this clear violation of the spirit of the state constitution. In the ensuing years, debt limit laws gradually lost all meaning, though they remained on the books in most states.

At the federal level, statutory limits on debt were first imposed in 1917, as part of the Second Liberty Loan Act. The complete failure of the legislated limit as a restraint on spending was quickly demonstrated, as Congress adjusted the debt limit upward to \$43.5 billion in 1921 and higher still in 1931

to deal with "the exigencies of the Great Depression."<sup>10</sup> In 1940 the ceiling was raised again, and in 1945 Congress set it at the "permanent" level of \$300 billion, which was raised "temporarily" by another notch with each budget debate of the 1950s and 1960s (and "permanently" again in 1959 and 1967). The Budget and Impoundment Control Act of 1974 and Gramm-Rudman-Hollings are merely the best-known of a long list of statutory limits that have had precisely no effect on government spending.

Debt limit laws themselves evolved into pork-barrel legislation. The low point was probably reached in 1982, when senators added more than 1,400

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*Legislators have found ways of circumventing nearly every one of the tax-and-expenditure limits (better known as "checks and balances") the Founding Fathers designed.*

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nongermane amendments to that year's debt limit bill in response to Majority Leader Howard Baker's promise that it could be used "as a vehicle for pet legislation that had been bottled up all session."<sup>11</sup> After this embarrassment, it was agreed that henceforth legislators would have to find other bills to which to attach their pet projects. But by 1987, the omnibus idea had emerged in a new form, with Congress submitting a single vast spending bill to President Reagan in place of a number of smaller appropriation bills, thereby "essentially daring him to veto them and shut down much of government."<sup>12</sup>

The brief illusion of stability that statutory debt limits seemed to bring in the early postwar era was actually a product of two factors completely unrelated to the laws themselves. First, the appropriations committees of both houses, as well as the Senate's Finance Committee and the House Ways and Means Committee, were dominated by curmudgeonly old chairmen who didn't care for new-fangled deficit-promoting Keynesian ideas or policies.

Second, and more important, in the first two decades of the postwar era America experienced such a surge of economic growth that it became possible to increase government spending at a rapid rate within the confines, more or less, of a balanced budget. Had it been possible to maintain these growth rates into the 1970s, the illusion of fiscal moderation would have been maintained even longer.

But the 1970s were not a period of economic growth. The economy stagnated while government spending continued to soar. Popular frustrations with overspending grew, launching a new wave of demands for direct limitations on deficits, taxation, and expenditures at both the federal and state levels. This wave, which culminated with the passage of Proposition 13 in California and Proposition 2<sup>1/2</sup> in Massachusetts, lasted from 1973 (when Ronald Reagan's comprehensive TEL, Proposition 1, failed to win the approval of a majority of California voters), until about 1983.<sup>13</sup> During this period, voters in five states were successful in initiating TELs and constitutionally imposing them on their governments, while the legislatures in more than a dozen other states adopted statutory TELs or prepared constitutional TELs for voter approval, usually with the intent of derailing more stringent petition-driven measures.<sup>14</sup>

These were the first pieces of legislation to be called "tax-and-expenditure limitations." As the label makes clear, these new technologies were intended to be far more comprehensive than any direct restriction previously imposed by a state fiscal constitution. Typically, TELs of this generation limited legislatures' ability to raise taxes or increase expenditures faster than the rate at which the state's gross domestic product was growing.

Legislated TELs from the Proposition 13 era have proven to be so full of loopholes as to be completely meaningless, and constitutional TELs seem to have had a only minimal impact on spending levels. Reports published in the 1980s and early 1990s repeatedly arrive at the same depressing conclusion: "[TELs have] resulted in virtually no success in limiting growth in their budgets" (Dale Bails, 1990); "For most

states, TELs have not been a constraint on growth in taxing or spending" (Daphne Kenyon and Karen Benker, 1984); "By and large, the behavior of the [spending] cap states has been similar to that of noncap states." (James Cox and David Lowery, 1990). The most optimistic study concludes that less than half of the TELs of this generation have succeeded in keeping spending increases significantly lower than they would otherwise have been — and even in these states, the effect was only temporary, lasting on average for around four years.<sup>15</sup>

Their failure can best be explained by way of metaphor. TELs are intended as a sort of dam behind which private wealth can accumulate free from government appropriation or control. The quantity of water that can accumulate in the reservoir behind the dam depends on two factors.

The first is the height of the dam. TELs from the 1970s and early 1980s typically limited state expenditures to a percentage of state wealth, as measured by Gross Domestic Product, personal wealth, or some other yardstick. This was an easy target to meet, given that taxes in many states had already approached levels at which the political cost, in terms of taxpayer backlash, from any additional revenue increases

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*The earliest form of tax limitation was the creation of a parliament.*

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outweighed the political benefits of increased spending.<sup>16</sup> A 1989 review of the impact of TELs notes that in 16 of the 19 states studied, the revenue limit set in place by the state TEL was so lenient that it had always exceeded appropriations.<sup>17</sup>

So in a sense, the dams were built too low.

Second, most TELs — particularly the ones passed by state legislatures — included elaborate mechanisms for setting aside the normal limitations in the event of emergencies, or for purposes that were judged too important to be regulated by mere considerations of cost, such as education, fulfilling federal mandates, and obtaining federal

matching grants.

Some TELs allowed legislatures to control and periodically rewrite the accounting rules by which they were to be judged; some excluded vast sections of the total budget from limitation. Marcia Howard, research director at the National Association of State Budget Officers, notes that "on average, approximately 44% of state-appropriated funds are excluded from tax or expenditure limitations."<sup>18</sup> The most extreme case is Oregon, where in 1989, 71% of the funds in the state budget were exempted from the limits imposed by the state TEL. There was no state in which less than a quarter of the budget had been exempted from the TEL.

This kind of loophole is the equivalent of a hole in the dam.

The taxpayers' revolt of the late 1970s and early 1980s produced no concrete results at the federal level, but it did produce a series of proposals for a constitutionally-entrenched federal TEL. Most of these proposals suffer from the same flaws as the state-level TELs of the period, so it is probably just as well that none of them was adopted.<sup>19</sup> Even some of the authors of these proposals seemed uncertain as to whether their efforts would produce positive results. In 1982, for example, Alvin Rabushka expressed the rather vague hope that the TEL he was then promoting would establish "a focus upon two or three critical votes each year relating to the total level of taxation or the size of the deficits, in place of the present piecemeal focus on hundreds of separate spending measures," thereby "enabl[ing] the electorate to better identify those members of Congress most responsible for higher levels of spending, taxing, and deficits."<sup>20</sup> The likelihood that such a measure would reduce expenditures can be surmised from the unimpressive performance of Britain, Canada, Australia, and other countries that have based their entire political systems on accountability.

Although it incorporates some more recent innovations, such as a flat-rate ceiling on government expenditures rather than a ceiling that is measured as a percentage of GDP, the Contract with America's balanced budget amendment is essentially a product

of the tax revolt of the late '70s and early '80s, and contains the weaknesses normally found in tax limitations of that generation. Conspicuous by their absence are the innovations that have been added into the latest generation of tax-and-expenditure limits, such as the voter approval requirements for expenditure increases, provisions making a violation of the TEL actionable in a court of law, and

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*So thorough were the states' bans on deficit spending that by the 1890s state and municipal debt was regarded as a matter of purely historical interest.*

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mechanisms for punishing elected officials who have violated the spending limit. Such measures have been adopted or are under consideration in Colorado, Washington, Oklahoma, and Nevada, and in the Canadian provinces of Manitoba and Ontario. One particularly important provision that is almost certain to be written into the next version of the federal TEL will be an anti-offloading provision forbidding the federal government from requiring states or municipalities to undertake tasks they cannot afford within the constraints of its constitutional spending limits. Such a provision exists already in the state constitutions of Colorado and Missouri (with regard to offloading expenditures onto county and municipal governments), and its absence from the Contract with America's TEL was the object of much concern last spring. This improvement, in itself, makes the delay in the adoption of a balanced budget amendment worth the wait.

Bringing the federal-level TEL up to par with the present generation of state-level TELs will be an important step, but even this represents merely a stage in the long struggle to develop a responsible fiscal constitution. One of the most important developments in the Prop 13-era tax revolt was an outpouring of intellectual publications on the concept of TELs and of fiscal constitutions in general. The studies and

theoretical essays authored by Rabushka, Aaron Wildavsky, and others<sup>21</sup> have not only laid the intellectual framework for the latest generation of TELs, but also noted the substantial additional restraints that will have to be adopted before Leviathan is truly tamed.

Among these measures is a limit on Congress' power to require individuals to undertake economic functions without regard to cost. This is the equivalent, at the personal level, of the unfunded mandates Washington imposes on lower levels of government; as long as this power exists, any

limitation on direct expenditures will serve merely as a minor impediment to the powers of the state. Nearly as important are limitations on governments' ability to make loan guarantees. Without restraining these indirect methods of spending, there will be nothing to prevent governments from creating new off-the-book deficits just as big and nasty as the existing Social Security debt.

The most promising new proposal issues from James Buchanan and Geoffrey Brennan. They recommend that each act of Congress should state not only what is being spent and where,

but also what the limit on such expenditures shall be. Every runaway taxation effort or spending project, from the Sixteenth Amendment to Medicaid, has been enacted with a promise that expenditures would be modest. A constitutional requirement that spending under any act be limited to the amount appropriated when the law was passed would reduce the number and the severity of any new out-of-control entitlements or taxing authorities.

A balanced budget and spending cap amendment would be a real step forward. But this particular road never ends. □

## Notes:

1. In Canada, where I live, the government is in the process of enacting one of the most restrictive gun laws on Earth. No compensation is being offered for the millions of weapons that will eventually be confiscated, which points rather strongly to the need, north of the border, for a version of the Fifth Amendment.
2. See, for example, Kenneth Dam's article, "The American Fiscal Constitution," *The University of Chicago Law Review*, Winter 1977. W. Craig Stubblebine has observed of the fiscal constitution that the "central concern is not . . . whether we should have such limits, but whether the provisions now extant in the Constitution will be modified by new language." W. Craig Stubblebine, "Balancing the Budget versus Limited Spending," in W.S. Moore and Rudolph Penner (eds.), *The Constitution and the Budget: Are Constitutional Limits on Tax, Spending and Budget Powers Desirable at the Federal Level?* (American Enterprise Institute, 1980), p. 50.
3. Quoted in Robert Axelrod, *The Evolution of Cooperation* (Basic Books, 1984), p. 5.
4. Ibid.
5. This is not to rule out entirely the beneficial effects of the line-item veto. Lewis Uhler reports that a 1981 report prepared by the Advisory Council on Intergovernmental Relations found that "there is a [statistically] significant relationship between the magnitude of the governor's veto activity and lower levels of state spending." See Lewis Uhler, *Setting Limits: Constitutional Control of Government* (Regnery Gateway, 1989), p. 161.
6. Both Jarvis and the contemporary commentator are quoted in Stubblebine, op. cit., p. 52.
7. Quoted in William Irvine, "'Brutus': Anti-federalist hero," *The Wall Street Journal*, February 6, 1987.
8. Thomas Jefferson, letter to John Taylor, November 26, 1798, in Paul L. Ford (ed.), *The Writings of Thomas Jefferson* (E.G. Putnam's Sons, 1904), p. 481.
9. James Bennett and Thomas DiLorenzo, *Underground Government: The Off-Budget Public Sector* (Cato Institute, 1983), pp. 35-36.
10. This is the phrase used by Linda Kowalcky and Lance LeLoup in "Congress and the Politics of Statutory Debt Limitation," *Public Administration Review* 53:1, January/February 1993, p. 15.
11. Ibid., p. 23.
12. Uhler, op. cit., p. 48.
13. Writing in 1989, Marcia Howard notes that all but two of the 19 TELs then in force had been adopted prior to 1983. The only exceptions were a revenue-limiting TEL adopted in Massachusetts in 1986 and a revenue-limiting TEL adopted in New Mexico in 1987. See Marcia Howard, "State Tax and Expenditure Limitations: There is No Story," *Public Budgeting and Finance* 9:2, Summer 1989, p. 83.
14. For a list of these measures, including the manner of initiation and adoption, see Dean Stansel, "Taming Leviathan: Are Tax and Spending Limits the Answer?" *Cato Institute Policy Analysis* #213, p. 16.
15. Barry Poulson, "The Rules of the Game: Designing a State Fiscal Constitution," in John Berthoud and Samuel Brunelli (eds.), *The Crisis in America's State Budgets: A Blueprint for Budget Reform* (American Legislative Exchange Council, 1993), p. 133.
16. Marcia Howard writes the following (op. cit., p. 89): "For revenue systems as a whole, the percent of state personal income accounted for by tax revenue has grown. When corrected for recession-related tax increases from 1983 to 1984 and federal tax reform in 1986, however, taxes as a share of income have remained relatively constant. This suggests that TELs may not be needed to keep state spending under control; state tax systems do that by themselves." On the other hand, the revenue and expenditure limitations were occasionally triggered. Howard notes that revenue limits had been triggered in California, Oregon, and Massachusetts by 1989, with the result that some tax revenues were refunded to taxpayers, and that expenditure limits had been triggered in Colorado, California, Oregon, Rhode Island, and Tennessee (p. 86). Likewise, Michigan's revenue limit was triggered in the 1993-94 fiscal year, forcing the state to find some way to refund taxpayers an average of \$65 per capita before September 30, 1995. See Oscar Suris, "Michigan Residents May Get Unexpected Reduction in Taxes," *The Wall Street Journal*, January 10, 1995.
17. Ibid., p. 86.
18. Ibid., p. 87.
19. Proposals from this period include the Heinz-Stone spending limitation amendment (1979) and Senate Joint Resolution 58 (1981), both of which were endorsed in turn by the National Tax Limitation Committee, and proposals authored by William Niskanen and Aaron Wildavsky. See (among others) Alvin Rabushka, "A Compelling Case for a Constitutional Amendment to Balance the Budget and Limit Taxes," in Richard Wagner, Robert Tollison, and John Noonan (eds.), *Balanced Budgets, Fiscal Responsibility and the Constitution* (Cato Institute, 1982), pp. 55-83; Aaron Wildavsky, *How to Limit Government Spending* (University of California Press, 1980), pp. 127-133.
20. Rabushka, op. cit., p. 81.
21. Probably the most important work to come from this period was James Buchanan and Geoffrey Brennan's *The Power to Tax: Analytical Foundations of a Fiscal Constitution* (Cambridge University Press, 1980), in which they developed the theory of the revenue-maximizing "Leviathan" state.



## Assessment

# Auditing the Income Tax

by Pierre Lemieux

"Progress = Regress": welcome to the wonderful world of the income tax.

A resident of, say, Butte, Montana, who earns \$14,000 per year must surrender 15% of his income to the United States Treasury and another 6% to the State of Montana. His neighbor who earns \$62,000 must surrender 34% of his income to the *federales* and another 11% to his state. In other words, the person who earns \$15,000 must work for his state and federal governments for 10.4 weeks per year, while a person who earns \$60,000 must work for his governments more than twice as long — a total of 23.4 weeks per year.

Such discrimination is not always apparent in other demands that governments make on their citizens. There has never been a provision requiring young men with high incomes — say, the gigantic gifted athletes of the National Basketball Association — to be conscripted into military service for four years, while less affluent young men be drafted for only two. Nor have the courts forced high-income individuals to serve longer terms as jurors. The taxes embedded in the price of every gallon of gasoline, every bottle of wine, and every cigarette are the same for the rich as for the poor. The postage stamp sold by Canada Post costs 43¢ — many, many times more than an e-mail message — whether its buyer is wealthy or indigent.

Does discrimination become "progressive" when applied to an income tax, or is it merely the majority's way of forcing the better-off minority to pay a disproportionate amount of the cost of government? My intent here is

to show not only that there is no economic justification for progressivity, but that there exists a strong moral and political case against any tax levied as a function of income.

To understand the economic argument against progressivity, one must first grasp the difference between a real cost and a mere transfer. Since some individuals necessarily receive more in government services than they pay in taxes, taxation operates transfers among individuals. Standard economic theory does not have much to say about transfers, for it assumes that the "marginal utility of income" is the same for all individuals, i.e., that everybody's last dollar is worth the same in terms of utility (satisfaction).

As non-voluntary and recurring transfers, though, taxes carry a real economic cost over and above the transfers they operate. The price of a good (or service) hit by a tax will increase compared to other goods. Individuals will consume less of the former and more of the latter. By distorting relative prices, taxes incite people to substitute goods that bring less utility for goods they actually prefer. This net utility lost — or its money value — is called the welfare

cost, or "deadweight loss," of taxes. There is less to redistribute because taxes dampen incentives to produce and consume more valuable goods and services. This of course applies to income taxation, which reduces the price of leisure relative to other goods (bought with income). The standard economic case in favor of income taxation is that it is less distorting, more "neutral," than other kinds of taxes, because it hits more equally all economic activities. While personal income taxes only exclude leisure, payroll taxes discriminate against salaried employment, consumption taxes favor savings, etc.

### **The Economic Case Against Progressivity**

Progressivity increases the income tax's welfare cost and cancels at least part of its less distorting effects on relative prices. An income tax levied at one single constant rate would still reduce the remuneration of work and the price of leisure, and would still generate welfare costs, but less than progressive rates would. For if a government wishes to raise the same amount of taxes with progressive rates as with a constant rate, it will

have to compensate for lower rates at the bottom of the income scale with higher rates at the top. These higher rates will have a negative effect on work incentives and thus increase the welfare cost of taxation.

The only way that substituting a progressive tax for a flat tax could reduce the welfare cost of taxation (for a given level of government revenues) is if the low-income earners were to react to lower marginal rates by

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*There has never been a provision requiring young men with high incomes to be conscripted into military service for four years, while less affluent young men be drafted for only two.*

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increasing their supply of labor more than the high-income earners were to reduce theirs. This is unlikely, though, for the high-income earners probably do not value leisure less than low-income earners. Those subjected to the largest disincentive effects are likely to be the most productive. Indeed, it has been estimated that the welfare cost of one dollar raised through the actual income tax system could be as high as \$0.38, and that the shift to a constant marginal rate would raise GDP by 3%, or nearly \$750 per person.<sup>1</sup>

A progressive income tax is discriminatory as it imposes differential burdens on different individuals. Now, this is not true if (contrary to what we have assumed thus far) the marginal utility of income is lower for the rich than for the poor. Then, one more tax dollar imposes a higher utility loss to the poor than to the rich. There is a net loss, and a real economic cost, in non-discriminatory taxes. Consequently, argue the supporters of tax discrimination, tax equality in terms of utility lost requires taxing the poor less than the rich.

This argument does have some intuitive appeal, if only because an individual experiences that, *for himself*, a dollar is worth more when he is poor than when he was rich. In other terms,

for any given individual, the marginal utility of income decreases as he gets more of it. But the difficulty lies in comparing utility across individuals. Utility is subjective and cannot be measured, so the objection is impossible to prove or disprove. Moreover, one's intuition is not independent of one's own preferences. It may be true that one less Havana cigar for a rich man is worth less than a two-day milk supply for a poor man's child. But what if the poor man buys a case of beer and the rich man a recording of a Bach harpsichord concerto? Faced with these and similar considerations, the welfare economist usually assumes that the marginal utility of income is the same across individuals. This assumption may not be more satisfactory than an accounting convention, but it at least embodies the fundamental axiom that "Each man counts for one, and that is that," as James Buchanan puts it.<sup>2</sup>

A more subtle economic argument for discriminatory taxes is that if the government knew all individuals' preferences, it could impose higher taxes on those whose behavior is less responsive to relative prices — those, for example, less inclined to reduce their work after being taxed higher. But if the government could graduate an individual's income tax according to his subjective demand for income (and conversely leisure), the ideal schedule to minimize disincentives would be a regressive one, i.e., from the highest marginal rate for the first hour of income-earning activities to lower rates as the marginal utility of income decreases.

So it may be that optimal discrimination would actually require *regressive* taxes. Such a system would be politically unacceptable, of course. Moreover, tax discrimination carries economic costs of its own, over and above the welfare costs considered earlier. In the real world of majoritarian democracy, as opposed to the benevolent-despot model of the state, coalitions of taxpayers will try to get on the right side of discrimination. This rent-seeking means that they will invest real resources (time, political contributions, lobbying, etc.) that could have been used for producing wealth instead of merely transferring it. Tax discrimination will also generate a

complex tax system, with high administrative and compliance costs.<sup>3</sup> These efficiency costs of tax discrimination are likely to be higher than any of its uncertain benefits.

The standard alternative to the high economic costs of a graduated income tax is the "flat tax," which would tax all incomes at the same rate. In the U.S., this idea has been in the air since the '80s, and some proposals actually before Congress would replace the existing schedule with a single marginal rate of 17% or 19%, designed to be "revenue-neutral," i.e., to bring the same revenues into the government's coffers.

One problem with a flat tax is that it will be tempting for government to inflate it again. Look at the record. The U.S. federal income tax was introduced in 1913, with rates ranging from 1% to 6%. World War I rapidly brought the top marginal rate to 77%. It shot up to 94% during World War II, and was still 92% in 1952-53. John Kennedy initiated a reduction to 70%. The top rate then seesawed between 77% and 50%, until Ronald Reagan's reforms replaced the 11%-50%, 15-rate schedule with a three-tier structure: 15%,

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*When free to exert tax discrimination, Leviathan is in a position to levy the highest rates against those subjects who are least likely to respond to the disincentives of the tax system.*

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28%, and 33%. George Bush and Bill Clinton have since added 31%, 36%, and 39.6% rates.

But a flat income tax that remains flat would certainly be less discriminatory and less costly than the present system. The problem with income taxation, though, is much deeper than its narrow economic aspects and, I am convinced, not amenable to such a simple solution.

### **The Moral Curse of Redistribution**

The moral case for an income-based tax is closely related to the assumed

desirability of redistributing income to the poor. Of course, even a flat rate would make the distribution of income more equal. As we saw, the economist does not have much to say about income redistribution, except to the extent that the process generates real economic costs. If \$100 were to be taken from all women and redistributed among all men in a one-shot, lump-sum, and non-recurrent manner, there would be no welfare cost. From an ethical point of view, though, such redistribution would certainly be questionable. Transfers are not morally neutral.

One argument for redistribution proceeds from the notion of need: some people's needs are not satisfied on the market, while other people earn more money than they need. But how do we measure need? Any definition — in terms of basic or primary needs, for example — is necessarily arbitrary and a function of time and place. Otherwise, it would be a matter of justice for poor Americans to be coerced into making transfers to even poorer people across the planet.

Assessments of need are common in voluntary relations: when I give \$10 to my son, I judge that he needs it more than I do. But the more removed we are from close personal relations or voluntary charity, the more uncertain the assessment is. Redistributing according to need across what Hayek calls the "Great Society" requires arbitrary appraisal and coercive action.

Yet, the idea that some needs have priority over others cannot be summarily dismissed. From the point of view of human accomplishment, the needs of a hungry child have priority over the swimming pools of the rich. Even the advocate of the minimal state wants to have his property rights protected more than his other wants fulfilled. And the anarchist would argue that people need to be freed from government more than they need electric toothbrushes. Of course, the more we move away from the most basic requirements of human accomplishment and social life, the fuzzier and the more conflictive the needs argument becomes. Let's avoid drawing the line, and just say that some needs may have priority over others, that people in dire need (either for protection or food) should be helped. Private charity will

certainly provide help. But suppose it is not sufficient?

In such a case, a distinction can be made between "direct" (or intentional) and "indirect" redistribution. Direct redistribution aims at a more equal distribution of income. Indirect redistribution, on the contrary, is just a by-product of other actions, without any grand view to flattening income distribution. While direct redistribution violates individual rights, indirect redistribution cannot be disentangled from most voluntary relations, nor

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*One less Havana cigar for a rich man is worth less than a two-day milk supply for a poor man's child. But what if the poor man buys a case of beer and the rich man a recording of a Bach harpsichord concerto?*

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from production of "needed" public goods. If the minimal state's police spend more resources protecting more vulnerable individuals, this is indirect redistribution. Or consider a private hospital whose bad debts from poor patients are indirectly financed by higher prices charged to paying customers. Indirect redistribution does have the side effect of making utility somewhat more equal, but such is not its goal.

In other words, setting an income or utility floor, by whatever private or

public means, is logically distinct from the purpose of equalizing incomes. The argument from need calls for indirect, not direct, redistribution. If the only tax levied were a head tax, indirect redistribution would ensue from the way the moneys are spent. Income taxation, then, is not required. Indirect redistribution is accomplished by the expenditure side of state activity.

## Maximizing Social Welfare

Modern utilitarians justify redistribution with the goal of maximizing total utility (or "social welfare"). Since it is impossible to quantify individual satisfactions, let alone calculate their total, utilitarians fall back on the concept of the "social welfare function," which embodies society's preferences as regards the distribution of utility among individuals. The argument is often couched in terms of the "trade-off between efficiency and equity." Because of the welfare cost of taxation, redistributing income will move society under its efficiency frontier. But even with this efficiency loss, people might still prefer the new distribution to more efficient but more unequal outcomes.

The main analytical problem with the social welfare function is that it does not exist. Society is not a superindividual with a mind capable of harboring preferences. Political processes (or any other processes, for that matter) are demonstrably incapable of consolidating individual preferences into anything like an unambiguous, consistent utility function.<sup>4</sup>

FROM EACH ACCORDING  
TO HIS ABILITIES



TO A FAT ASS  
WASHINGTON  
BUREAUCRAT..



TO EACH ACCORDING  
TO HIS NEEDS.



Moreover, as powerfully argued by Bertrand de Jouvenel,<sup>5</sup> there is a blatant inconsistency between the objective of maximizing social utility through redistribution, and any post-redistribution intervention. Suppose government has redistributed income to maximize social utility. If income is redistributed from the rich to the poor, making everybody middle-class, demand for high-income goods and services (say, sports cars, classical concerts, or Ivy League educations) will fall, while demand for middle-taste goods (family sedans, baseball games, self-help books) will rise. Now, the same people who argue for income redistribution in order to increase social utility are also likely to propose that the state then support these very activities — education, the arts, urban renovation, etc. — that will decline absent a wealthy class.

If the state has to intervene to support what the rich were financing before redistribution, that means that social welfare was higher before. And then income redistribution did not increase social welfare as claimed. It will not do to reply that state financing will equalize access to what was formerly the preserve of the rich, for government will certainly not be able to produce more with the wealthy's money than the latter's demands were bringing on the market. The difference will be that, after redistribution *cum* intervention, some people will now get goods they are not willing to pay for, while those who would be willing are expropriated.

From a utilitarian point of view, the case for forced redistribution seems to boil down to a single factor: envy. The mere observation of higher incomes creates so much disutility among the less well-off that they gain more from redistribution than what the rich lose. Expediency and brute force provide a closely related justification: let the most powerful charge, as it were, what the market will bear. In his delicious little book, *The Income Tax: Root of all Evil*, Frank Chodorov quotes one economics text: "Yet it is inevitable that taxes should be levied in this [progressive and redistributionist] way because the state must get the revenues from people who have the money." This means, comments Chodorov, that "it is

right to get where the getting is good."<sup>6</sup> More to the point, one is reminded of Willie Sutton's famous explanation of why he robs banks: "Because that's where the money is."

### Contractarian Redistribution

Another argument for redistribution lies in contractarian equity or fairness. All individuals unanimously agree to redistribution at some fictitious constitutional stage — "under the veil of ignorance," as John Rawls puts it. It is in each individual's interest to make sure that he cannot fall to the bottom of a very unequal distribution of income.

Parties to this social contract are very convenient creatures: Rawlsians

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*One is reminded of Willie Sutton's famous explanation of why he robs banks: "Because that's where the money is."*

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can mold their preferences (risk aversion, for instance) to get any redistributive outcome they like. You wouldn't know it from reading Rawls, but the social contractors might not be completely ignorant of the costs and benefits of political society. Negotiating behind the veil of ignorance, some of them just might recognize the public-choice dangers of the welfare state. They may realize that granting redistributive powers to the state will invite exploitation of minorities by the majority, or even of the majority by minorities. Most of the actual redistribution carried out by the state benefits bureaucracies and the "poverty industry" much more than the poor. A host of regulations, from minimum wages to occupational licensure, actually redistribute income opportunities *away* from the poor, who are not always members of the winning redistributive coalitions.<sup>7</sup> Consequently, the original parties to a social contract are just as likely to limit the state's redistributive powers as to expand them.

Perhaps the most serious argument for income-based, redistributive taxes is that the value one receives from government services is related to one's income. "The subjects of every state,"

wrote Adam Smith, "ought to contribute towards the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the state."<sup>8</sup> The idea that one benefits from the state's existence in a way that is proportional to one's income probably explains why so many classical liberal thinkers accept proportional taxation as non-discriminatory and just.

In the context of voluntary exchanges, prices of goods and services generally bear no relation to the buyer's (or the seller's) income. Suppose a grocer offers you the following deal: "When you purchase a pound of beef, I will charge a price equal to X% your income." ("And here is the beef-income report to be filled each year.") Perhaps you will accept if X% amounts to less than the fixed prices offered by competing grocers; otherwise you will decline, or put an end to the deal when your circumstances change. The fact that everybody reasons the same way explains why grocers do not make such offers. If the state is considered a voluntary institution created by a social contract, why would the contracting parties to be any more sympathetic to this method of settlement? After all, they are also the state, and will not wish to be in the grocer's shoes.

### The State as Insurer, the State as Pimp

One could argue that protection of life and property resembles an insurance contract. Just as an insurance company will charge you more to cover a castle than a shack, the state is justified to exact more payment from somebody whose protected property is more valuable. This argument might well be applicable to real property taxation, but does it apply to the state protecting one's own person? Other things being equal, a Pinkerton bodyguard will not charge you more if you are wealthier.

Other things are not always equal, though, as in ransom insurance, where the risk of being kidnapped presumably goes up with your wealth. It is not altogether inconceivable that prices charged by private protection agencies

in an anarcho-capitalist society would bear some relation to a person's wealth or income.

The question now is, *Why do we need the state?* Assuming that we do need it, the answer is presumably because protection of individual rights is deemed too important to be left entirely to the market. This amounts to saying that, as far as one's own protection is concerned, one person is worth as much as any other, whatever his income or the value of his human capital. Otherwise, why should not the state charge more for protecting, say, a sexy woman than an old maid? Either the price of personal protection depends on the "value" of an individual, and we don't need the state, or else we need the state precisely because we think protecting all individuals' rights is equally important. If this reasoning is valid, the state may not tie the price of personal protection to an individual's wealth or income.

While insurance premiums are a function of covered property values, commissions compensate services rendered in proportion of income derived from the deal. Read Adam Smith's argument between the lines: the more income you earn, the more you owe in

Hobbesian setting would be totally exempted. A line of the income tax form would ask for the size of your biceps. This does not make much moral sense, even for the IRS.

Assuming that there would be virtually no production or incomes without the state, is it still obvious that parties to a social contract would unanimously agree to pay the state on commission? Just as commission-paid employment faces competition from other compensation formulas, alternative proposals might be brought to the attention of the social contracting parties, and they may well choose a protection agency or association willing to accept a flat fee.

If the state does not offer protection insurance and is not a commission-paid broker or a pimp, perhaps we must look at it as an income insurance company. Back to our hypothetical grocer, suppose he offers you the *permanent* opportunity to buy beef at an income-related price. Some people might want to hedge against the possibility of being too poor to buy beef in the future. Such insurance-grocers do not exist, presumably because the business would carry a high moral hazard. Some people with a beef-insurance plan would stop working. Do we create the income-insurance state to correct this market failure? If the grocer can't do it, call 911.

Some forms of income insurance do exist on the market: they go under the names of permanent employment, nest-egg investing, and life in communes and religious orders. Another, non-market, form of income insurance is called slavery. The typical nineteenth-century American slave had a standard of living comparable to that of a free laborer. The master spent 88% of the slave's production on his slave's lifetime upkeep (lodging, food, clothes, medical care, etc.), and the slave enjoyed an income security that the free man did not have.<sup>9</sup> The price he paid for this, willy-nilly, was his liberty — a very high price indeed. But in return for 12% of his earnings and his liberty, he got income insurance.

The point is that non-market income insurance can only be provided by a master who owns the human capital of a slave and is certain that he will forever control the flow of income

from this capital. The only way the state can economically offer income insurance is for its customers to accept a slave-relation with their supplier. Income taxation, where the state takes the first cut on your income, institutionalizes such a relation. The argument against the state as a universal income insurer is the same as the general argument against slavery. Unless he is dead drunk during the social

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*Perhaps we pay the state on commission to help us increase our incomes. Perhaps the state is a pimp, and we are his prostitutes.*

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contract negotiations, no free man would accept the deal.

There is, then, no moral basis for a tax levied as a proportion of income. This conclusion applies whether the rate is regressive, proportional, or (*a fortiori*) progressive.

Income taxation is, however, a great tool in Leviathan's arsenal.

### Optimal Exploitation

Thomas Hobbes compared the modern, sovereign, all-powerful state to Leviathan, the Biblical monster. "None is so fierce, explained Yahweh, that dare stir him up . . . There is nothing on earth to be compared with him. He is made so as not to be afraid. He seeth every high thing below him; and is king of all the children of pride."<sup>10</sup> The Public Choice school of economics has combined the Hobbesian view of the Leviathan state with the rather realistic hypothesis that the children of pride, as parties to the social contract, will want to impose constitutional restraints on their protector. The state is not some benevolent despot, but (at best) a sleeping Leviathan who exploits its subjects when not kept in check.

Even if one dismisses the economic case against progressive income taxation, and the moral case against redistribution and income-based taxes, the most powerful argument — the political case — remains to be made: any tax based on income grants unacceptable powers to Leviathan.

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*Most of the actual redistribution carried out by the state benefits bureaucracies and the "poverty industry" much more than the poor.*

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taxes because you would not have earned it without the state's protection. Perhaps, then, we pay the state on commission to help us increase our incomes. Perhaps the state is a pimp, and we are his prostitutes.

This argument makes sense only to the extent that production and incomes are made possible by the state's existence. Income taxation justified this way can apply only to that part of an individual's income which he could not have earned in anarchy. One implication is that the most efficient individuals in a peaceful society should be taxed more heavily, while the big tough brutes who would do better in a

The first reason for this is that income taxation allows Leviathan to maximize its exploitation of its subjects. When free to exert tax discrimination, Leviathan is in a position to levy the highest rates against those subjects who are least likely to respond to the disincentives of the tax system. This discrimination will be efficient from a narrow economic point of view, as it will minimize the welfare cost of taxes. But this is true only to the extent that the state is a benevolent despot financing the optimal amount of public goods. To the extent that the state is conceived as Leviathan, tax discrimination will allow it to raise "public" revenues and expenditures much above the optimal size of government and, therefore, to increase the economic cost of taxation.<sup>11</sup> When Leviathan cannot discriminate with rates, income taxation still allows him to exact more in absolute value from people who earn more money income. A flat tax is still discriminatory. Among two individuals who are identical except for the fact that one prefers leisure more than the other, the latter would bear a higher tax burden than the former.

The main danger in flat tax proposals is that they come with an enlargement of the tax base. Both the 1986

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*To protect our privacy, it is necessary to keep the bureaucrats in the street.*

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Reagan reforms and the current proposals are meant to be revenue-neutral, i.e., to keep government receipts unchanged. But Leviathan is always at work maximizing its revenue. In order to ensure that the marginal rate faced by bottom income earners does not increase too much, flat tax proposals require reduced exemptions and deductions. The advantage of so-called loopholes is that individuals use them to avoid confiscation. Other things (including discrimination powers) being equal, the larger the tax base, the more Leviathan can confiscate. So the citizenry won't necessarily benefit from trading high marginal rates for a larger tax base. Leviathan will be much tempted to raise the flat rate in the

future — if not actually to reintroduce discrimination on its new, wider tax base.

Any income-based tax system offers Leviathan both opportunities for tax discrimination and access to a large tax base. When one door is closed, the monster comes in through another one. Only 2% of the American population was hit by the federal income tax introduced in 1913. Then, rates climbed up. When the children of pride became impatient, government yielded on the rates but enlarged the tax base. In the process, all of the American working population had been subjected to the income tax. The same trend can be observed in most countries.

### The Rule of Law

The second source of political danger in the income tax is that it is an ideal tool for political persecution. The income tax requires reporting — as we say in French, it is a "declaratory" tax: the taxpayer has to provide government with the information it needs to assess it.

Not all taxes are declaratory. The head tax, for instance, is not. The average government bureaucrat will normally notice that you have a head; in the worst case, the most you might have to declare is that you exist. Another example is the medieval French tax on house windows and doors: as Jean-Claude Martinez writes, "the civil servant could establish it without entering the homes, he would just walk in the street and count the number of windows and doors." To protect privacy, adds Martinez, it is necessary to keep "the bureaucrats in the street."<sup>12</sup>

With the income tax, the state breaks into your home. The state's obscene peeping gives it information it should not have that can be used against its subjects. It accustoms individuals to answering questions from the authorities concerning their most private affairs, and, on top of that, forces them to sign their returns as though they were contracts. This debasement of a man's privacy, signature, and honor has more disastrous moral effects than all the vices of capitalism one can imagine.

Moreover, a tax applied on such a wide and fuzzy base as income is

bound to rely on the most arbitrary criteria. What is income? Presumably net income, i.e., what is left after you have incurred the necessary expenses to earn it. Now how in heavens can one sensibly determine which part of a four-course business meal topped with a cigar is pleasure, and which part is business? Or what kind of office do you need at home? (Why should not seduction of your boss provide deduct-

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*Mobil Corp.'s 1993 income tax return comprised nine fat volumes totalling 6,300 pages and weighting 76 pounds; its preparation required 146,000 documents and cost \$1 million.*

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ible expenses?) One only has to read the *Wall Street Journal* "Tax Report" column about the arcane decisions of the IRS or tax courts on such matters to realize the arbitrariness, verging on stupidity, of income taxation. Or examine the instructions that accompany one's tax forms.

Try to make this consistent with the rule of law, and the result is abstruse complexity. Add the fact that it is in many people's interest that tax laws be recondite — not only accountants and lawyers, but also all the beneficiaries of loopholes and privileges — and what you get is a tax system that no specialist, not to mention any average citizen, can understand.

The U.S. Internal Revenue Code occupies 21 megabytes of disk space on the Internet, which makes for 2.8 million words, and would fill fifteen 3.5-inch diskettes if one dared to click "Download." Assuming that the average citizen can read these 11,200 pages of tax jargon at the rate of one page a minute, going through the Internal Revenue Code would take him more than one month full-time. The Swiss host who provides it in full text from his World Wide Web server warns the visitor: "Looking for something in that mass of verbiage can be daunting." You should, he adds cheerfully, "harness the free WAIS-sf indexing and retrieval engine."<sup>13</sup> Just click here.

What would the Founding Fathers



have thought about the citizens harnessing the power of the WAIS-sf indexing and retrieval engine? Wrote Madison: "It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood . . ." <sup>14</sup>

Corporate income taxation suffers from the same disease. Mobil Corp.'s 1993 income tax return comprised nine fat volumes totalling 6,300 pages and weighting 76 pounds; its preparation required 146,000 documents and cost \$10 million. According to the House Ways and Means Committee's chairman, the compliance costs of the current income tax system reach \$300 billion a year. <sup>15</sup>

### Tyrannical Enforcement

To raise revenue by means of such an arbitrary and complex set of rules entails a tyrannical enforcement apparatus. At some point, tyranny has to come in the open, when armed men go to capture the recalcitrant taxpayer. But the government will try to hide tyranny under *a priori* controls — payroll deductions, compulsory reports and forms, restricted currency denominations, etc. To the children of pride, Leviathan will issue ID cards in the name of "Social Security," and number the wandering cows lest their earning whereabouts escape the IRS.

For any free spirit in tune with the American dream, the ubiquity of the social insurance number is a tragic symptom of our times as well as an insult to personal dignity. Go visit the WWW site of Wells Fargo, <sup>16</sup> the bank hailed as the first to allow its customers to access their account on the Internet: the customer is asked for his secret password (given by Wells Fargo), and his social security number (compliments of Leviathan).

The U.S., of course, does not stand alone in this predicament. How much mentalities changed between the time the dynamics of liberty was on the rise and our disastrous twentieth century! About the possibility of taxing income, Adam Smith wrote: "An inquisition into every man's private circumstances, and an inquisition which, in order to accommodate the tax to them, watched over all the fluctuations of his

fortune, would be a source of such continual and endless vexation as no people could support." <sup>17</sup> About corporate income taxation, he added: "It would have been impossible to proportion with tolerable exactness the tax on a shop to the extent of the trade carried in it, without such an inquisition as would have been altogether insupportable in a free country." <sup>18</sup>

If the income tax apparatus were used only to collect racket money, it would be unacceptable enough in a free country. Because an income taxation system is necessarily replete with arbitrariness and complexity, and because of the information-gathering powers given to the state, it would be surprising if Leviathan did not yield to the temptation of using it against his political enemies. This hypothesis does not require a grand conspiracy, only enterprising politicians and career-minded petty bureaucrats. Let a bureaucrat look far enough into anybody's taxes, and he will always find something. In the U.S. as elsewhere, many cases of tax audit persecution have been documented over the years. The IRS's current crack-down the NRA is only the latest.

We can't say we were never warned.

In 1894, Rep. Robert Adams, among others, foresaw that an income tax "will corrupt the people. It will bring in its train the spy and the informer. It will necessitate a swarm of officials with inquisitorial powers." <sup>19</sup> All this is done under the guise of redistribution. "The more one considers the matter," wrote Jouvenel, "the clearer it becomes that redistribution is in effect far less a redistribution of free income from the richer to the poorer, as we imagined, than a redistribution of power from the individual to the State." <sup>20</sup>

There are a few great causes that have such symbolic and strategic value that, if they were won, we could probably live with the state that would ensue. Near the top of such a list would rank the constitutional prohibition of any tax that is at the same time direct, widely based, declaratory, and potentially discriminatory. This would settle the case of progressivity and all the problems of income taxation under its many forms. It is difficult to determine which taxes are the most acceptable — or least unacceptable — taxes, but relatively easy to see which ones are utterly inconsistent with a free society. □

### Notes:

1. See Raymond J. Keating, "The Great Tax Debate: Making Sense of Competing Tax Plans," Testimony at the House of Representatives Small Business Panel Hearing on Flat Tax, *Tax Notes Today*, May 19, 1995; and Alvin Rabushka and Robert E. Hall, "Testimony Prepared for the Subcommittee of Taxation and Finance," Federal Document Clearing House, May 18, 1995.
2. James Buchanan, *The Limits of Liberty: Between Anarchy and Leviathan* (University of Chicago Press, 1975), p. 2.
3. James Buchanan, "The Political Efficiency of General Taxation," *National Tax Journal*, December 1993.
4. The Arrow Impossibility Theorem is but one version of this impossibility.
5. Bertrand de Jouvenel, *The Ethics of Redistribution* [1952] (Liberty Press, 1990).
6. Frank Chodorov, *The Income Tax: Root of All Evil*, Devin-Adair, 1954, p. 29.
7. Cf. Gordon Tullock, *The Economics of Income Redistribution* (Kluwer-Nijhoff, 1983).
8. Adam Smith, *The Wealth of Nations* [1776] (Modern Library, 1965), p. 777.
9. Robert William Fogel and Stanley L. Engerman, *Time on the Cross* (Little, Brown and Company, 1974), especially chapter 4.
10. Job, 41.
11. Geoffrey Brennan and James Buchanan, *The Power to Tax: Analytical Foundations of a Fiscal Constitution* (Cambridge University Press, 1980).
12. Jean-Claude Martinez, *Lettre ouverte aux contribuables* (Albin Michel, 1995), p. 113.
13. At <http://www.fourmilab.ch/ustax/ustax.html>.
14. James Madison, *Federalist* #62, in *The Federalist Papers* (Bantam Books, 1982).
15. "Tax Report," *The Wall Street Journal*, June 7, 1995, p. 1.
16. At <http://www.wellsfargo.com>.
17. Adam Smith, op. cit., p. 800.
18. Ibid., p. 804.
19. Quoted by Frank Chodorov, op. cit., p. 63.
20. Bertrand de Jouvenel, op. cit., p. 72.

## Consciousness-Raising

# Husband Abuse

by Wendy McElroy

No man is safe when personal responsibility is undermined.

On December 4, 1990, Stanley Green locked himself in his car to get away from his abusive wife. Breaking in, she shoved him down face-first into the passenger seat, planting her knees in his back. She used a hefty cellular phone to club him repeatedly across the side of the head.

In a telephone interview, Green described what happened when he tried to report the attack to the police. "Blood streamed down my face. Internal injuries dislocated my ribs. Lacerations and multiple abrasions marked my back and groin. My attacker had no injuries. I told the officer that I wanted the crime report to note my injuries and the names of witnesses. He responded: 'We ain't takin' a report from you, buddy.'" The Long Beach police refused to take Green seriously because he was a man. And, as we all know, women do not beat up men.

Yet Murray A. Straus, co-director of the Family Research Laboratory, can point to at least 30 studies of domestic violence that show both sexes to be equally responsible for starting and continuing spousal abuse. Some of the studies, he cautions, leave "out data on women abusing men . . . because it's politically incorrect."<sup>1</sup> The National Family Violence Surveys of 1975 and 1985 concluded that men are as likely to become victims of domestic violence as women. A 1988 survey of couples in Calgary found the rate of severe husband-to-wife violence to be 4.8%, while the severe wife-to-husband violence was 10%.<sup>2</sup> More recently, on July 11, 1994, the U.S. Department of

Justice released a study on violence against women that claimed women committed "spousal" homicide at approximately the same rate as men did. Indeed, this statistic has been stable for the last two decades.

Every year, thousands of women seek safety at shelters for battered women. In 1974, the first battered women's shelter in the U.S. opened its doors in St. Paul, Minnesota. By 1990, over 1,500 shelters offered protection to women. But not to Stanley Green.

In California, the shelter for battered men closest to Green was run by the Community United Against Violence (CUAV) in San Francisco. The CUAV is geared toward gay men. In San Luis Obispo, California, men's rights activist David Gross is currently organizing the Allen Wells Memorial Fund for Battered Husbands. Wells recently committed suicide after losing custody of his children to an abusive wife.

Today, in St. Paul, George Gilliland, Sr. — the director of the Domestic Rights Coalition — has set up a shelter for men, after years of effort. Gilliland is an abused man whose wife hit him on the head with a board, a protruding nail narrowly

missing his eye. Gilliland claims that women's organizations in the twin cities have tried to block his efforts to aid abused men. Why? Perhaps they fear scarce government resources would be diverted away from women.

In their book *Intimate Violence*, Straus and coauthor R.J. Gelles comment, "Unfortunately, the scarcity of resources has not led to agencies and institutions banding together to lobby and demand more resources for the prevention and treatment of family violence. Instead, as is often the case when the need is great and the resources are small, there has been fierce competition for the limited resources that are available."

After his attack, Stanley Green approached several battered women's shelters. They would not even answer his questions over the phone. "How should I handle the police?" he asked one woman. "We don't know what to say to a man," she replied. "What would you say to a woman?" he pressed on. He got no answers.

Yet most shelters receive government funding, which requires non-discrimination on the basis of race or sex. In 1994, Congress allocated \$1.5 billion to combat violence against women. Most of the money will go to

advocacy groups such as the Battered Women's Justice Project. And men will pay taxes to support a program that explicitly excludes them.

What has happened to women's sense of fair play? In a word: ideology. Domestic violence is no longer a criminal act but an ideological one, a hate crime that men commit against women. The official feminist line on domestic violence has two components: (1) wife-beating is epidemic and on the upswing, and (2) such violence against men is virtually nonexistent.

Is domestic violence on the rise? Not necessarily. The Thirteenth World Congress of Sociology on July 19, 1994 reported that male-on-female violence had been gradually decreasing over the last decade. Female-on-male violence was increasing.

In fact, violence in general seems to be on the decline. According to the Department of Justice's National Crime Victimization Survey, nearly 22.1 million U.S. households in 1992 — just under 23% of all households nationwide — were directly affected

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*After his attack, Stanley Green approached several battered women's shelters. They would not even answer his questions over the phone.*

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by crime. This is both the lowest number and the smallest percentage of households victimized since the inception of the "households-touched-by-crime" indicator in 1975.

Yet on August 30, 1994, CBS correspondent Bob Arnot reported that domestic battery is the leading cause of injury to American woman between the ages of 15 and 44. This figure was derived from the study of a single, very poor inner-city neighborhood. The principal investigator for the study, Dr. Jeane Anne Grisso, has cautioned against using any of its conclusions to apply more generally to other populations.

Now consider the second claim of the feminist orthodoxy: that domestic violence against men is virtually nonexistent. The media hurries to trumpet

this misinformation. Newspapers such as the *Houston Chronicle*<sup>3</sup> throw around such figures as "only 2% of domestic violence is directed at men." And for once, the police agree with the media. In cases of domestic violence, the Houston police department uses the word batterer interchangeably with the word male.

Abused men are in a position similar to that of women who were raped three or four decades ago. They are reluctant to go to the police or even admit the abuse occurred. Why? Because they think, "No one will believe me"; "I will be blamed for the crime"; "I will be ridiculed"; "I will be further traumatized by an unsympathetic system."

Keith O'Donnel works with abused men. After hearing tales of police refusing to take reports, O'Donnel decided to check out the situation himself. "I posed as an abused man and I asked two lawyers for help. They suggested that I get help (mental help for me, not her). I called the abuse hot lines and they too suggested that I get help (for me — not her) and politely told me that I absolutely could not stay with them." O'Donnel recommends that skeptics repeat his experiment.

O'Donnel explains the trauma of abused men, "Abused women are accepted today and helped. Men are not so. They are silent. It *isn't* pride. . . . Abused men don't feel pride — it has been destroyed. They feel *shame* — soul-shattering shame."

Eighteenth- and nineteenth-century Europe had a custom called *charivari*, in which an abused husband was dressed as a woman and forced to ride through the village, sitting backwards on a donkey. If the man escaped this punishment, his nearest neighbor was forced to take his place. After all, the neighbor had permitted such an unnatural act to go on under his nose.

Armin A. Brott comments on the twentieth-century equivalent of *charivari*. "Take Skip W., who participated in a program on domestic violence on the short-lived *Jesse Jackson Show* in 1991. Skip related how his wife repeatedly hit him and attacked him with knives and scissors. The audience's reaction was exactly what male victims who go public fear most: laughter and constant derisive snickering."

Included on the list of abused men is no less a figure than Abraham Lincoln. Mary Lincoln was known to hit him with firewood, to throw coffee in his face, to beat him with a broom, to pelt him with potatoes and books. Lincoln sought refuge with neighbors and friends — and, some say, in the Oval Office.

Yet many feminists would maintain that Mary must have been acting in self-

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*Our society has a deep commitment to the myth of women as helpless and innocent. At the same time, we bring up girls to believe it is acceptable to strike a man: "If he gets fresh, just slap him across the face."*

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defense when she fired those potatoes at the president's head. They claim that women's violence is always in self-defense. Again, what do the data say about this claim?

In her unpublished Ph.D. thesis, Dr. Reena Sommer accumulated data on domestic violence from approximately 450 men and 450 women.<sup>4</sup> She followed up on this research two years later. Her study concluded that women were more likely than men to initiate both severe and minor violence. The Straus and Geller studies back up this conclusion.

Nevertheless, it is sometimes argued that violence against women is more *important* than violence against men, because women are more likely to be seriously injured. Perhaps, but women are also more likely to use a weapon. A 1984 study of 6,200 cases found that 86% of female-on-male violence involved weapons. By contrast, only 25% in cases of male-on-female violence involved weapons.<sup>5</sup>

According to Jim Sniechowski and Judith Sherven, a husband-and-wife team who speak out on gender issues, "To offset men's larger physiques, women more often use weapons than do men (82% of women, 25% of men). A woman with a knife, scissors, gun, lamp, frying pan, and the like can be very dangerous and damaging." Besides which, not all men are larger

than all women. Stanley Green's wife weighed 200 pounds.

Despite these statistics, the courts are beginning to legally recognize women as helpless victims. Consider the trial of Laurie Kyles for manslaughter. Kyles shot her husband in January 1994 after a quarrel in which he pinned her on the bed. No other violence was charged. There had been no history of prior physical abuse.

In her closing argument, the prosecutor Maria Leslie reminded the jury that the law does not allow people to kill each other over a quarrel. "You can't blow people away simply because they're yelling and screaming at you, no matter how much you're sick of it."<sup>6</sup> Laurie Kyles was acquitted. Why? Because she was a psychologically battered woman. Because women are victims.

Crime and punishment now revolve around genitalia, and — legally speaking — men have the wrong equipment. Indeed, the only right men seem to have retained in full is the right to remain silent. But silence

cannot cloak the fact that violence is wrong, regardless of who commits it.

Keith O'Donnel has issued an appeal to feminists over the Internet. "Consider this . . . an unhealed abused man may have a high probability of becoming an abuser or of raising abusers. . . . A healed abused man will respect your rights. An abused man will look at you as a person who can and will destroy him if given the opportunity."

Our society has a deep commitment to the myth of women as helpless and innocent. At the same time, we bring up girls to believe it is acceptable to strike a man: "If he gets fresh, just slap him across the face." And when a woman hits a man, the attitude of observers is often, "Good for her." Meanwhile, men are told to never hit a woman, even in self-defense. And when they do accept abuse without hitting back, society laughs at them.

Domestic violence is clouded by gender myths and politics. The fog must be cleared away. Spousal abuse is a dynamic in which both people partic-

ipate, for which both people bear some responsibility. Domestic violence is a crime that needs prevention as much as it needs punishment. But first we must take a deep breath, cast aside our preconceptions, and examine the issue realistically.

Stanley Green has learned this lesson the hard way. I asked him for the most important thing he could tell people about domestic violence. "Educate yourself," he replied. "The best prevention is education. If I had recognized the signs of abuse I might have taken steps earlier to protect my children and myself." □

### Notes:

1. *Washington Times*, January 31, 1994.
2. Brinkerhoff and Lupri, *Canadian Journal of Sociology* 13:4 (1988).
3. June 12, 1994.
4. Department of Sociology, University of Manitoba, June 1994.
5. McLeod, *Justice Quarterly* 2 (1984), pp. 171-193.
6. Quoted in the *Omaha World Herald*, July 1, 1994.

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# Reviews

*Letters of Ayn Rand*, edited by Michael Berliner, with an introduction by Leonard Peikoff. Dutton, 1995, 681 pp., \$34.95.

## Rand: Behind the Self-Mythology

R.W. Bradford

There is a lot of interesting writing in *Letters of Ayn Rand*. I think my favorite is a letter that illustrates her craftsmanship as a novelist:

Thank you for your letter. I liked it. It read as if your suggestions for what you take to be factual inaccuracies in *The Fountainhead* were prompted by a sincere interest, not by any ill feeling — so I will answer you in detail.

You say that “the scale for quarry workers is \$1.62<sup>1</sup>/<sub>2</sub>.” So it is — now. You must have overlooked the fact that the quarry sequence in my book took place in 1928. I had a New York granite company check through back records to tell me the exact scale for that year, and the one I have is correct. . . .

You say that Roark would not be allowed to take an exam for a license . . . in the state of New York a man without a college degree is allowed to take an examination if he has worked in an architect’s office for a certain number of years. In my story Roark had worked the exact number of years necessary.

A close runner-up would be a 1934 letter to H.L. Mencken, in which Rand sought to curry his favor by flattery and feigned humility: “I have always regarded you as the foremost champion of individualism in this country. . . . I

realize that I am a very ‘green,’ helpless beginner. . . . I consider myself a young and very humble brother-in-arms in your own cause.” It’s not easy to imagine Howard Roark writing such a letter!

Mencken was not the only celebrity Rand approached hat-in-hand. On December 12, 1937, she wrote Frank Lloyd Wright, describing herself in flattering terms and requesting an opportunity to meet him. His secretary replied, “[Mr. Wright] has now left for a several month sojourn in the Arizona desert so there will be no opportunity for you to see him.” A year later Rand telegraphed Wright, this time offering to “come out to Taliesin [Wright’s studio] for a twenty minute interview.” Wright’s secretary wired back, “Sorry. Mr. Wright has already left for the Arizona desert.” (I was reminded of the letter Mencken had his secretary send to annoying inquiries: “Mr. Mencken has just entered a Trappist monastery at Gethsemane, Ky., and has left strict orders that no mail was to be forwarded.”) After Rand became a celebrity herself, Wright wrote to her, she finally got her chance to meet him, and he eventually did preliminary plans for a home for Rand, which was never built.

Rand was a great wit, as anyone who has ever read the cocktail party dialogue in her novels knows. But she believed she was humorless; indeed, she *celebrated* her humorlessness. To say

she took herself seriously was an understatement. Her letters to Archie Ogden — the editor at Bobbs-Merrill who had threatened to quit his job if *The Fountainhead* was not accepted for publication — were among the friendliest in the collection (her greeting was usually “Archie darling”). In 1967, all that changed. She had asked him to write a new introduction for *The Fountainhead* to appear with its twenty-fifth anniversary edition, but she didn’t care for what he wrote:

My basic objection is to its overall spirit and style: it is flippant. Flippancy is not a proper approach to the nature of my novel, of my ideas, of my own character, of my career. The events surrounding the publication of *The Fountainhead* were not funny. That a book and an author survived triumphantly the kind of battle I was and still am fighting, is not a humorous subject.

I had always believed that you understood and appreciated *The Fountainhead*. Now I am sadly obliged to conclude that you and I have grown too far apart intellectually and that you have forgotten what you did know about me.

Perhaps the most offensive touch in your Introduction is the following line (in regard to the matter of cutting the character of Vesta Dunning out of the book): “So, out went the Hollywood whore — and every line deleted was like removing one of the author’s fingernails with a pair of red-hot pliers.”

In your letter to me of July 26, you say: “I may have slightly exaggerated the story of excising the budding actress.” What you wrote is not a “slight exaggeration,” but an outright fabrication which implies some extremely derogatory things about me. To refresh your memory . . .

Rand refreshes his memory for another 325 words. Then she turns to another point:

A similarly misleading implication about my character is conveyed by another passage in your Intro-

duction: "my only major contribution to it [the novel], in addition to encouragement and keeping the author's screams to a minimum when proofreaders altered a word, was the title." If I was the kind of person who needed "encouragement," I would not have been able to write *The Fountainhead* nor to survive any of things that went on before and after its publication. When did you ever see me "discouraged" about my writing? As to my "screams" — if you found that my refusal to read the galley notes of some pretentious mediocrity...

She concludes the letter with these words:

You can see from the above that the differences between your attitude and mine are fundamental and that there is no way to bridge the distance. . . . I will not attempt to tell you how sad and painful this is for me.

So much for an old friend and long-time champion who failed to treat her with sufficient gravity.

## The Problem of Ayn Rand

Despite her celebrity, Rand has always been an obscure figure. The challenge faced by anyone who tries to come to grips with the life or intellectual development of Ayn Rand is that she was both a very private person and one who believed that myth was sometimes more important than truth. In other words, it's difficult to understand a person who is both secretive and prone to lying about herself. Whether one is generous or ungenerous in explaining the problem of Ayn Rand, this underlying problem persists.

Rand's quest for privacy is by now almost legendary. Her keeping secret the details of her early life, including even her real name, was justifiable, in light of the risk of retribution against her family in the Soviet Union. Her desire to keep secret her now-famous affair with her protégé Nathaniel Branden seems also understandable, if for less noble reasons.

Rand's habitual self-mythologizing makes the task of coming to grips with her life even more difficult still. For example, in the introduction to the 1959 edition of her first novel, *We The Living* (originally published in 1936), Rand claimed that "all the changes are merely

editorial line-changes." Yet she made several substantial changes in meaning, removing a strong Nietzschean flavor. She told her biographer and her acolytes that the Italian film of her novel was censored by Mussolini's government on grounds that it was subtly anti-fascist, when in fact it never was banned (see R.W. Bradford, "The Search for *We The Living*," November 1988).

She also told her biographer that she took a course in philosophy at the Petrograd University from Professor N.O. Lossky, "a confirmed Platonist and a distinguished international authority on Plato's philosophy; he was a stern, exacting man, contemptuous of all students — particularly of women, who, he believed, had no business in philosophy; it was said that he failed most students the first time they took his examination." With this setup, she proceeds to tell a dramatic story illustrating how her brilliance and determination led this old Platonist misogynist to give the young Rand a score of "Perfect." Unfortunately, as it turns out, Lossky was not a Platonist, gave reasonably easy examinations, in no way treated woman students poorly, and was not even at Petrograd University when Rand studied there.

Compounding the difficulty of the problem the biographer and intellectual historian face, Rand labored most of her life in obscurity. She grew up in the revolutionary era in Russia. Her first novel was a commercial failure. *The Night of January 16th*, her first play to be staged, was moderately successful, though she disavowed its production entirely. Her second play, *The Unconquered*, was a complete flop, and remains unpublished. It was only with the success of her second novel that she became a well-known literary figure. Shortly after its publication, she moved to California, and within a year she removed herself to the San Fernando Valley, working part-time as a screenwriter and part-time on her next novel. Eight years later, she moved to New York, where she kept to a very small circle of friends, continued work on her novel, and wrote nothing for publication.

The appearance of *Atlas Shrugged* in 1957 marked a critical change in Rand's life. Prior to that date, her writing was virtually all fiction, and remarkably little was published, considering she had

been a professional writer for over a quarter century. Her *oeuvre* at that point included two novels, *We the Living* and *The Fountainhead*; a novella, *Anthem*; two plays, *The Night of January 16th* and *The Unconquered*; three screenplays, *The Fountainhead*, *Love Letters*, and *You Came Along* (the last of which credited her as "co-screenwriter"); two magazine articles; and one pamphlet.

For the remaining 25 years of her life, she never published another word of fiction. Mostly she wrote commentaries on contemporary culture, but also she also wrote several essays of an explicitly philosophical nature.

Those who expect *Letters of Ayn Rand*, a collection of a half-century of her correspondence, to be a big help in rounding out the picture, providing details of her life and intellectual development, will be disappointed. Yes, there is new information here — there's bound to be in a 672-page collection. But far less than one would ordinarily imagine. There are three reasons for this.

(1) For a literary figure, Rand wrote precious few letters. According to Michael Berliner, editor of *Letters*, her estate contained "more than 2,000 letters." There is considerable evidence that Rand kept copies of even the most trivial correspondence, giving us reason to believe that these 2,000-plus letters are virtually all she wrote between 1934 and her death in 1982. That's an output of about 40 letters per year, an astonishingly low figure when one considers that it includes such items as requests for free advertising calendars, recipes sent to friends' wives, very brief notes to friends, and such missives as "In response to your letter: thank you," all of which are included in Berliner's anthology. Or that during a period of more than two years in the mid-1940s, she lived in the country, without a telephone.

Rand herself frequently admitted to being a very poor correspondent, usually explaining that the long delays between letters was the product of her total immersion in her fiction-writing. She offered Isabel Paterson a different explanation: "The first letters I ever wrote regularly were to my family in Russia, when I came here — and every letter was censored, so I had to be extremely careful of what I said, in order not to embarrass them. I always rewrote



every page before I could mail a letter to them. I had to doubt and scrutinize every sentence for any possible misinterpretation. I have not been able to write any kind of letter spontaneously ever since." At least into the early 1960s, she was still using stationery with the address of her California home, in which she had not lived for more than a decade, neatly typed over — suggesting both a personal frugality and the infrequency of her correspondence.

(2) *Letters* has a remarkable paucity of background information. In the preface, Berliner explains: "I have kept the explanatory notes to a minimum, because this is a collection of Ayn Rand's writing, and not a biography." Consequently, one is often left wondering what Rand is writing about and whom she is writing to. (Thank goodness editors of other anthologies of letters have not had such an abiding fear of being mistaken for biographers!)

Is the George Boardman to whom Rand wrote on May 19, 1961 the libertarian theorist and writer? I suspect he is, but Berliner identifies him only as "a fan." Is the W.M. Curtiss to whom she wrote on November 30, 1945 the same W.M. Curtiss who was executive secretary of the Foundation for Economic Education? Again, he is identified only as "a fan."\*

Berliner refrains from identifying "the fascinating little book" that Rand thanks Gouverneur Morris for (January 23, 1936), leaving us to wonder why he bothered to include Rand's 150-word encomium on it. He identifies Rose Wilder Lane only as "a pro-individualist writer and daughter of Laura Ingalls Wilder (author of *Little House on the Prairie*)."

Surely, if one is going to spend only 16 words identifying Lane, one ought not spend 13 of them describing her parentage.

What little background information Berliner includes is sometimes rather

strange. He identifies Gouverneur Morris as "a screenwriter at Universal, whose credits included many silent films in the early 1920s, such as *Anybody's Woman* (1930) and *East of Java* (1935)," leaving us to wonder why he selected as examples of Morris' "silent films of the early 1920s" two talkies made in the 1930s.

But the strangest editorial move was the decision to exclude any but the briefest excerpts from Rand's correspondents. This is especially unhelpful



in the chapter "Letters to a Philosopher," her correspondence with John Hospers from 1960 and 1961. Here we have Rand discussing her philosophy with a distinguished philosopher, making a case for her system, responding to his arguments, arguing, instructing, disagreeing. Yet except for short excerpts from Hospers' letters that Rand quotes in her responses, we have none of Hospers' half of the dialogue. As a result, reading the chapter is rather like listening to someone speaking on the telephone. We know what Rand is saying, but we can only guess what she is responding to. The chapter of letters to

Isabel Paterson is saved from the same degree of bizarrerie only by the fact that this correspondence was somewhat less philosophical than the correspondence with Hospers.

(3) Those who hold title to Ayn Rand's literary estate very much see themselves as keepers of the flame, protectors of her privacy, and promulgators of the myths Rand spent so much of her life spreading. This had an obvious impact on the editorial process.

For example, in a 1943 letter to her editor, Rand writes:

I find — in the horror of the present time and in the horror of man's past history — not a proof of man's essential evil, but a great and tragic proof of his essential morality, that is, his determination to act according to what he considers as right. Altruism (the conception of living for others as a virtue) has been preached as mankind's moral ideal for centuries. And all the great horrors of history have been committed in the name of altruistic purpose. After each disaster men have said "The ideal was right, but Robespierre was the wrong man to put it into practice," (or Torquemada, or Cromwell, or Lenin, or Hitler, or Stalin) and have gone on to

try it again. At the price of incredible suffering and rivers of blood, mankind has stuck to the pursuit of its alleged moral ideal — surely a demonstration of men's moral instinct. But we look on and say: "This noble ideal is beyond human nature, because men are imperfect and evil."

Berliner footnotes the penultimate sentence with this comment:

"Moral instinct" is metaphorical. AR was an opponent of the deterministic view that man possesses instincts, i.e., innate ideas.

Try as I might, I see no indication that Rand used the term "moral instinct" metaphorically. Indeed, the context makes it clear that she meant the term in its literal and conventional sense. So why the footnote — virtually the only explanatory footnote Berliner offers?

Berliner is acting to protect Rand's myth that her philosophy sprang from

\* By my count, 110 of the 540 letters included in this collection are replies to fan mail, some of which are interesting, but most of which are perfunctory. Is there another collection of letters of a literary figure that consists so much of replies to fans?

The largest category is "literary business," consisting of 114 letters to agents, publishers, producers, and the like. Only 15 letters were written to philosophers, of which eight were written to John Hospers. Incidentally, the total number of letters, 531, falls far short of the 700 to 800 that Berliner claims in his preface to have included.

her head in full armor, without any mother, like the goddess Athena from the brow of Zeus. As part of her struggle with the paradox of free will and causation, Rand later came to believe that instincts were a particular type of "innate idea" and rejected them as irrational. Berliner rewrites her intellectual history to reflect this later development in her thought.

Similarly, there is little or no mention of several of the most important figures in Rand's life. There is precious little that relates to Nathaniel Branden, the central person in her life both personally and intellectually between 1951 and 1968, the years during which she finished writing her magnum opus and systematized her philosophy. Branden, arguably more than Rand herself, was responsible for the cult that grew around her during these years, was a major figure in publicizing her ideas, helped manage her career, wrote and performed several authorized lecture series on her philosophy, organized an institute to promulgate her thought, coedited and copublished both *The Objectivist Newsletter* and *The Objectivist*, and had a secret love affair with her from 1954 to 1968.

Yet we have but three letters to him, all from 1950, written to Branden before he had changed his name from Nathan Blumenthal to Nathaniel Branden (an anagram of "Ben Rand," or Son of Rand) — indeed, before he had reached his twenty-first birthday. Other than that, we have three references to Branden's lectures in her correspondence with Hospers, several mentions of Branden in a letter complaining about an article about her cult that was scheduled to appear in the *Saturday Evening Post*, and brief mentions of him (neither noted in the index) in a letter to Barbara Weidman (later Barbara Branden) and a letter to Barbara Weidman's mother.

There's no mention at all of Joan and Allen Blumenthal or Henry and Erika Holzer, her closest associates during much of the post-Branden period. This is not surprising, I suppose, since like so many others, their relationships with Rand ended acrimoniously.

There is but a single mention of the political movement that was founded by people heavily influenced by her political philosophy. In a letter dated

June 2, 1974, Rand wrote Mrs. William Maethner, "a fan":

Please tell your daughter that I am profoundly opposed to today's so-called libertarian movement and to the theories of Dr. Murray Rothbard. So-called libertarians are my avowed enemies, yet I've heard many reports on their attempts to cash in on my name and mislead my readers into the exact opposite of my views.

This letter, written when Rand was 69 years old, offers sad evidence that her wonderfully precise way of choosing words had either begun to slip or had disappeared in an orgy of hostility. While Rand expressed a powerful animosity toward libertarians, virtually no libertarian ever expressed animosity toward her to be characterized as her "avowed enemy." And her use of the term "so-called" as a contentless pejorative is outright embarrassing.\*

Surely there were letters that mention the Holzers and Blumenthals, and others mentioning the Brandens and Rothbard. These were omitted from the book, no doubt because Berliner wanted to help maintain Rand's self-made myth, which ultimately came to minimize the importance of those close colleagues with whom she had broken off relations. For Rand to engage in self-mythology was at least understandable. She was, after all, a writer of fiction who had an interest in her public image. But when a scholar consciously protects myths about his subject, his action is inexcusable. Indeed, he has given up the pretense of scholarship.

Happily, despite the inept editorial job and the paucity of material, *Letters of Ayn Rand* contains many interesting glimpses into her life.

In letters to her family, we sometimes see a more "human" Rand than she ever chose to reveal in public. Her early family letters seem quite loving and normal (though she'd hate to have anything about her described that way), but by the late 1940s, they are preachy and didactic. In more than one, she warns relatives against asking her for

financial help, adding brief lectures about morality complete with references to her philosophy. Her final letter, in contrast, is a short note written 74 days before her death, accompanying a cash gift to the same niece she had earlier lectured. "This is to help you with the burden of holiday guests; I don't like you to be depressed, if it can be helped. Give your guests something nice for dinner, without worrying about the cost." Here, at last, Rand had rested her philosophically pure persona. Or has she? Her explanation ("I don't like you to be depressed") sounds a bit like an egoistic rationale, or at least a rationalization.

We learn that she "never considered [*The Night of January 16th*] to be a particularly good play and was fully prepared to allow any changes to improve it" (November 29, 1935), a view that contrasted sharply with her later view that, "As to my opinion of the original play's merit, it is very high — as high, relative to its scale, as my opinion of any other work of mine" (March 13, 1965), as well as her antipathy to allowing anyone to edit any of her work in any way.

Some of her opinions seem preposterous. For example, in 1943, she wrote the president of Republic Steel a letter suggesting that he read two recently published books, *The Fountainhead* and Isabel Paterson's *The God of the Machine*. Toward the end of her letter she offered him this analysis:

Our communication lines have been cut by our own side. The literary editors of all important conservative publications are pinks, "liberals" and actual communists. The proof? That you have never heard of *The God of the Machine* or *The Fountainhead*.

Her opinion of conservative publications didn't improve much during the next few years. In a 1946 letter to Leonard Read, she observed:

All these so-called respectable publications, owned by conservatives, have been staffed with pinks who maintain a blockade against all real advocates of our side. Only the Hayeks and other such compromisers are allowed to get through, the kind who do more good to the communist cause than to ours.

This may be the first time Hayek has been accused of helping the Communists!

\* This is also the only mention of Rothbard in *Letters*. Rothbard had briefly been a member of her "collective," before she tried and convicted him of plagiarism, and expelled him from that elite body. See "My Break With Branden and the Rand Cult," by Murray N. Rothbard (*Liberty*, July 1989).

There is also a hilarious letter-of-recommendation Rand wrote for her protégé Leonard Peikoff in 1980, to aid his vain quest for an academic appointment. One wonders what a university hiring committee would make of the letter from the 75-year-old Rand, attesting to Peikoff's "superlative understanding of the philosophy of Objectivism. . . . He grasps not only its well-known ideas in ethics and politics, but also their basis in Objectivist epistemology. In particular, he has a detailed grasp of my theory of the role of mathematics in concept-formation, and of the implications of this theory for the analytic-synthetic, *a priori-a posteriori* dichotomy. . . . One day soon, I think, Dr. Peikoff will have a national reputation in the field of the philosophy of history."<sup>†</sup>

There's specific information also. We learn, for example, that the payment she received from the producers of the 1943 Italian film version of *We The Living* came from an out-of-court settlement of her own aggressive lawsuit — and thus that it was not an unexpected windfall negotiated by the U.S. State Department, as she later claimed. We also learn that she herself had seen the film in 1948 and possessed a print of it, contrary to her later claim that all copies of the film had been destroyed by the Italian government. We now know something about what happened to the print she possessed.<sup>‡</sup> And we get a pretty good idea of why she promulgated the myth that the film was banned ("If this is true, I think it is won-

derful. It would make the greatest kind of publicity . . .").

We learn that well into the 1940s, Rand generally described herself as a "conservative," a term she later rejected (though she could equivocate on the subject when writing to Sen. Barry Goldwater). We learn about her relationships with others who were what we would now call libertarians, including such well-known figures as Leonard E. Read, Isabel Paterson, Rose Wilder Lane, Henry Hazlitt, and Ludwig von Mises, and such lesser-known figures as Jasper Crane and William Mullendore. We get insights into the development of her theory of rights, thanks to discussions in correspondence with both Isabel Paterson and Rose Wilder Lane. (Once again, the editor could have been more helpful: in a letter to Lane dated August 21, 1946, Rand writes: "I do not quite understand the basis of your definition of rights, which you mentioned briefly in your letter." Neither do we: at no point are we offered a description of Lane's definition, brief or otherwise.)

Her correspondence with other conservatives and classical liberals is revealing. At first she was generally pleasant, often humble, and sometimes even obsequious. As her reputation grew, her letters became collegial and friendly. By the late 1940s, she was lecturing them, holding herself an authority on matters of philosophy and politics, even at one point offering Leonard E. Read of *The Freeman* her services "without charge, to protect your publications from internal treachery."

Ayn Rand was both a great novelist and an important philosopher. She was without a doubt the most important influence on a whole generation of libertarians, and is more responsible for the resurgence of libertarian thinking than any other individual. Her eccentricities, as well as her radicalism, have tended to keep her from being given the sort of serious consideration she merits.

The fact that those to whom she left her literary estate posthumously indulge her eccentricities — especially her proclivity toward self-mythology — also works against her being taken seriously. What her estate has so far published — selections from her unpublished fiction, this anthology of letters, and a few carefully selected bits of her philosophical journals — is

guarded and insufficient. Whether Peikoff, Berliner, and company will ever allow scholars access to such important resources as the bulk of her philosophical journals, her remaining correspondence, or other important personal papers remains a matter for speculation. If I were a betting man, I'd bet against it, for the simple reason that her unpublished works are bound to undermine elements of the Rand myth. In this, her estate is probably acceding to her wishes, but undoubtedly undermining her reputation and influence.

*Letters of Ayn Rand* lifts the veil on her life and intellectual development, especially during the period before her

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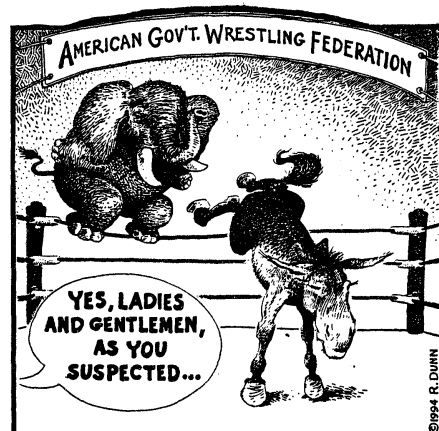
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<sup>†</sup> Incidentally, Peikoff, owner of Rand's literary estate, provided an uninformative introduction, memorable mostly for the ridiculous claim that Rand "alone" saw the "slow deterioration" of America during the 1930s!

<sup>‡</sup> At least it seems as if we do. A letter to a storage company dated June 23, 1949 authorizes them to release "31 cans of the film stored in my name to Mr. Walter Wanger for temporary withdrawal. . . . Please give him the complete film *with the exception of the can marked 'FILM CUTS.'*" Berliner does not tell us whether this was indeed Rand's copy of *We The Living*, though it seems almost certain that it was: there's no evidence she possessed prints of any other films, and at the time Rand was trying to arrange for it to be re-edited and released in the U.S. Wanger was a film producer, though Berliner does not mention this either.



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Rand, The Greatest Philosopher Who Ever Lived™. Despite the transparent attempts of its editor to keep Rand the human being hidden behind Rand the myth, *Letters of Ayn Rand* allows the reader to see glimpses of the real woman and her development as a thinker and writer. □

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***The De-Moralization of Society: From Victorian Virtues to Modern Values*, by Gertrude Himmelfarb. Knopf, 1995, 314 + x pp., \$24.00.**

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# Three Cheers for Virtue

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Lester H. Hunt

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For its fortieth anniversary issue last December, *American Heritage* magazine asked a wide array of luminaries (some merely so-called, but some genuinely luminous) what the most important changes during those 40 years had been. To me, the most interesting answer by far was that of Jacques Barzun, who began by noting that all human actions can be assigned to one of three classes: those that are free, those that are enjoined or forbidden by force of law, and those that are enjoined or forbidden "by habit and the sway of opinion." He said that the most important development since 1954 had been the shrinkage of the third of these classes. Part of what this means, I would add, is that morality, as a form of social influence independent of law, has lost influence, for the force of morality is the sway of opinion. A good deal of the point of Professor Himmelfarb's book is to denounce this contraction of morality as a calamity with no hope of a remedy, other than to reverse the calamitous process itself.

More specifically, she defends a specific set of moral values: those by which England and America were swayed during the Victorian period. Much of the book is an account of what Victorian morality really was and a

description of its actual effects on various aspects of Victorian society. Her story, as she tells it, leaves the impression that the creation of this morality was the most fundamental social achievement of the era, the one from which its other achievements flowed.

## New Moralities for Old

Victorian morality, as she describes it, was a new table of values. It contrasted sharply with the classical virtues of the ancient philosophers (which included wisdom, justice, temperance, courage, magnanimity, munificence, liberality, and gentleness) and it also differed radically from the traditional Christian virtues of faith, hope, and love of God.

Neither of these older moralities was well-suited to ruling the sort of world in which the Victorians found themselves. The classical virtues were designed for a warlike and aristocratic society, and were mainly concerned with getting aristocrats to use their superior prowess in ways that were either harmless or beneficial. As such, they served well in their day, but they were of limited importance for running a democratic world devoted to peaceful competition and the production of wealth. The Christian virtues were not meant to assist in running the world at all, but for preparing for the afterlife. The Victorian world was one of declin-

ing religious belief and increasing this-worldliness. The Victorians accordingly fashioned a morality suited for living in this world, and in the corner of this world into which fate had thrown them: the system which their age was the first to call "capitalism." By examining it we see that, contrary to what socialists say, capitalism has "a moral as well as an economic dimension" (p. 187).

Himmelfarb presents this morality as organized around two central values: gentlemanliness and respectability. In their notion of the gentleman the Victorians took an aristocratic value and moralized and democratized it. Anyone (including women and the poor) could be a gentleman (or lady), provided only that he (or she) acquire the gentlemanly virtues, including honesty, integrity, courage, and politeness. Respectability meant having a certain sort of reputation and deserving it. One comes to deserve this sort of reputation by possessing the respectable virtues, such as hard work, sobriety, frugality, and prudence.

Himmelfarb makes a convincing case that these values were not mere hypocritical cant but were actually acted on — acted on to a surprising extent, and in every level of society. Particularly impressive is the fact that even the very poor managed to practice the minor Victorian virtue of cleanliness, a feat that must have required real dedication in a world without washing machines and dustbusters.

As evidence of the general moral condition of society in the Victorian Era and after, Himmelfarb rests great weight on certain statistical facts regarded as "social indicators." We may disagree about how to interpret them, but the numbers themselves are quite impressive. In England, the "illegitimacy ratio" (percentage of births that are out of wedlock) increased during the first half the nineteenth century from a little more than 5% at the beginning to 7% in 1845. This is hardly surprising to us, of course: we think of such numbers as naturally tending to rise, like helium or cigarette smoke. But during the period from 1845 to the end of the century (roughly, the Victorian Age) the number actually *sank* from 7% to less than 4%, which means the size of this fraction shrank by about 40%.

In case it seems too hopelessly

"Victorian" to treat the illegitimacy rate as an indicator of what Himmelfarb calls "social pathology," a similar tale can be told about the crime rate. From 1857 to 1901, the rate of indictable offenses shrank by almost 50%, despite the fact that society had suffered the strain of technological and economic change as well as massive movements of population.

Even more impressive, and crucial to her argument, is what has happened during the decades after Victoria and her Age passed from the scene. The illegitimacy ratio held to something surprisingly close to its turn-of-the-century level until around the beginning of the 1960s, when it began to increase rapidly, and then skyrocketed. In 1992, the rate was 32%. In America a similar succession of numbers can be presented, with the ratio reaching 30% by 1991. Among American blacks in the same year it was an incredible 68%.

What caused such changes? Himmelfarb thinks that history refutes most of the possible explanations. Do you think the rise in illegitimacy is caused by industrialization and urbanization? In the Victorian era the ratio was actually lower in the cities than it was in the countryside. Is it caused by poverty? During the same period, the rate in one of the poorest sections of London was consistently below the national average. Do you think the recent skyrocket-like surge was fueled by the recent recession? Then you have to explain why neither illegitimacy nor divorce increased in the Great Depression of the '30s, nor indeed during any other recession or depression for which we have relevant data.

According to Himmelfarb, there is one thing that distinguishes life as we have lived it since the early '60s from everything else in recent history. That is our "reluctance to speak the language of morality" (240), our fear of being "judgmental." That, together with the fall from grace of the specific content of Victorian morality, of the particular virtues they venerated, can explain the social pathology we see. Nothing else can. Thus the course of

recent history, properly understood, compels us to bring back some of old reliance on the moral point of view that distinguished both the private and public discourse of the Victorians, and something of the content of their moralizing as well.

This is a very interesting book, and it should be read by everyone who is



seriously interested in the moral dimension of capitalism, especially those who believe it never had one. It is full of astute comments and throws light on parts of the Victorian world with which most of us are unfamiliar. Of particular interest are the chapters on Victorian feminists (more individualistic than those of today) and the chapter in which she argues that the Jews were the ultimate Victorians because their morality was particularly well-suited to thriving in capitalism.

### Enforcing Morality

Like all books, however, this one does have its problems and limitations, and I would be remiss if I did not try to

point some of them out. One thing that will bother some people very much is the fact that Himmelfarb never really explains why a high illegitimacy rate is an infallible sign that something is terribly wrong with society. It seems to be self-evident to her. Of course, things like this are never literally self-evident, in the sense of being known in the absence of supporting evidence. As

I sit here, I can think of several halfway plausible reasons for thinking she is right about this. But that's not my job — I didn't write this book, she did. Some readers aren't going to be as generous as I am about donating missing premises.

More problematic are the policy recommendations she bases on her historical narrative. Though most are only very briefly and vaguely set forth, they are not offered as unimportant asides. Himmelfarb is in deadly earnest about them, as serious as a heart attack. Despite this passionate seriousness, however, I don't think they all show the same depth of understanding that is evident in her historical explanations.

One policy that she seems to suggest is restoration of something like traditional obscenity laws. Her rationale is that "values, even traditional values require legitimation." Legitimation may require backing these values up with the force of law, given that it "requires a great effort of will for the individual to decide for himself that something is immoral and to act on that belief, when the law declares it legal and the culture deems it acceptable" (248). Civil rights legislation, she says, helped convince people that discrimination is morally wrong.

One thing that bothers me here, admittedly a minor point, is that I am not convinced that this judgment about civil rights laws, though it has often been made, is true. The fact that only 27 senators voted against the 1964 civil rights bill suggests that the belief that discrimination is wrong was already widespread at that time. I am old enough to remember the controversy

about the 1964 federal bill, as well as the debate over a similar enactment in California. I followed these discussions closely, and never heard anyone say that discrimination should be legal because it is sometimes morally innocent or socially desirable. Obviously, people were not always so enlightened, but just as obviously people did not achieve this comparative enlightenment by having the law pound it into their heads.

Another, more serious problem with this whole line of reasoning is

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*While Queen Victoria lived, cocaine and heroin were both legal and cheap.*

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that, if it is applied in an unconstrained way, it would seem to be self-defeating. If we were to legitimate all virtuous behaviors by making them legally mandatory, we could seldom be sure who was doing the right thing from virtuous motives and who was acting out of a not-so-virtuous desire to avoid trouble with the cops. This would interfere with one of the most important ways in which virtue is spread through a healthy society: by means of known examples of (real, not bogus) virtuous conduct.

What is particularly disappointing in Himmelfarb's argument here is the near-absence of historical evidence for her conclusion that some sort of obscenity laws are desirable. The closest she comes is to argue that, in the past, when the law was reformed to allow dramatists and filmmakers to purvey obscene images, they always

did so, and in fact went further than the reformers expected or desired. This is certainly true. But it is also irrelevant. She should be arguing that legally prohibiting such images results in people having more of some virtue, such as temperance or chastity, and that failing to do so results in their having less of it. The issue is not the behavior of artists and entertainers but the moral effects of their behavior.

I can imagine a historical narrative that would support the conclusion that she wishes to support. I can imagine someone arguing, for instance, that the moral rectitude of the Victorian era was preceded by the establishment of laws requiring moral behavior, and that this rectitude collapsed after these laws were repealed. One would be arguing for legislating morality in the same way that Himmelfarb argues for having morality itself.

But she does not offer such an argument. She does mention that Victoria, toward the beginning of her reign, issued a proclamation forbidding the sale of liquor during church services, but adds that it "was not strictly enforced" (28). She does not try to correlate morality with legality in the way that she correlates morality with social order.

I think the main reason for this is that no such correlation can be made. The most impressive attempt to legislate Victorian morality was Prohibition, that ancestor of our present drug war. Prohibition was a response to just the sort of problem that Himmelfarb is concerned about: she mentions drug abuse as an indicator of social pathology. But, except for a few puritanical backwaters, prohibition laws were passed years after Victoria died. While she lived, cocaine and heroin were both legal and cheap.

Similarly, the court decisions that made possible the pornography explosion of the last two decades occurred after the sexual revolution was well underway. These changes in the law were obviously related to major changes in morals, but they were more likely effects than causes.

Of course, I would not want to deny that law has an effect on morals. But the effect is not the same sort as the effect of

morals on behavior. It is not as strong and it is also not as easy to identify and generalize about. In this respect the case of antidiscrimination laws is rather misleading, in that they might be connected with morals in a relevant and fairly close way. Presumably, the moral lesson of such laws is that discrimination is wrong. We can readily understand how it might teach this lesson: it says that discrimination is wrong, and lends the great prestige of the law to this idea. This could convince people that the idea is true.

Conceivably, this could make an important contribution to inculcation of a certain virtue: fairness. Fairness consists, in part, of never discriminating on the basis of race. Of course, we could argue about whether this is actually true, but at least it has one thing in its favor: the content of the law is immediately and clearly relevant to the virtue it is supposed to instill.

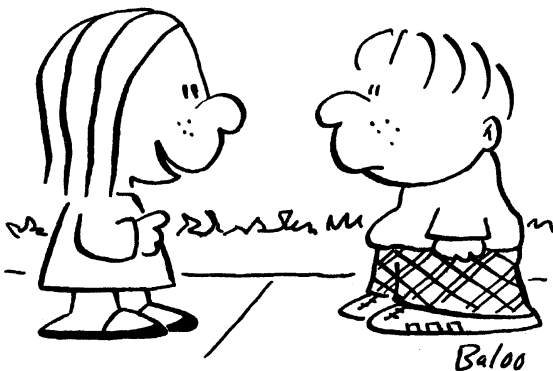
We cannot give the same sort of account in the case of obscenity laws. What these laws declare to be wrong is the production of obscene movies and printed matter. But this declaration is not the deep moral lesson they are supposed to impart to most of us. What Himmelfarb and others evidently hope is that they will help to give us some virtue, such as chastity. But it is far

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*In the Victorian era the illegitimacy ratio was lower in the cities than it was in the countryside. The rate in one of the poorest sections of London was consistently below the national average.*

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from obvious what relationship holds between chastity and the availability or unavailability of obscene materials. Contrary to popular misconception, the traditional virtue of chastity did not mean having a weak libido or abstaining from sex. It meant something like having rightly ordered appetites and conducting oneself in appropriate ways. It included such things as the avoidance of promiscuity. It is not difficult to think of ways in which this trait might actually be aided by the availa-



"Let's play house — I'll be a divorced executive, and you can be my butler."



bility of erotic materials and undermined by a legal system that bans them.

However, as I say, Himmelfarb's policy recommendations, important as they might be to her, do not take up many pages of this book. Most of it is

revisionist history of the most interesting sort. Some people, I am sure, will be annoyed or offended by it, but that is not necessarily a bad thing, especially if they are among those who have had things pretty much their way for the last several decades. □

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***Lies My Teacher Told Me*, by James W. Loewen. The New Press, 1995, 372 + x pp., \$24.95**

***The South Was Right!*, second edition, by James Ronald Kennedy and Walter Donald Kennedy. Pelican Publishing, 1994, 431 pp., \$22.50.**

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# Reconstructing History

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## Clark Stooksbury

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You probably wouldn't want to invite James Loewen and James and Walter Kennedy to the same cocktail party. James Loewen is a left-leaning sociology professor at the University of Vermont. The Kennedy brothers are unreconstructed Southern Nationalists. Loewen has a high level of antipathy for Confederate-minded southern whites in general, and Mississippians in particular. The Kennedy brothers are members of the Sons of Confederate Veterans; they grew up in Mississippi.

But there is a common thread that runs through Loewen's *Lies My Teacher Told Me* and the Kennedys' *The South Was Right!* Both books take to heart the old adage about history being written by the victors. And both try hard to set the historical record straight.

## A Textbook is a Committee Designed by a Camel, or Something Like That

Loewen's thesis, simply stated, is that high-school American history texts are awful. They are filled with inaccurate information, contentless drivel, and nationalistic cheerleading. They tell a fairy-tale history: Columbus discovers America, then the Pilgrims land and

celebrate Thanksgiving, and democracy takes root and freedom rings and everything just gets better and better. Nothing is ever complex; nothing is ever debatable. Reading these textbooks, one gets the impression that everything that has ever happened was inevitable; the debates of the past are rendered almost as invisible as debates about the past.

Loewen offers an alternate American story, one in which Indians are more than "props in a sort of theme park of the past" (p. 92), one which presents still-open questions (the number of pre-Columbian Indians, details about Columbus' life, etc.) as controversies, one which eschews one-dimensional heroes in favor of multifaceted individuals. He devotes a chapter to debunking two textbook favorites in the "hero" department, Helen Keller and Woodrow Wilson. In the texts, Keller overcomes great obstacles as a child and never does anything else; her devotion to radical politics disappears, along with almost all the rest of her adult life. Textbook writers whitewash Wilson's repugnant public career. His imposition of racial segregation among federal employees, his suppression of dissent during the First World War, and his use of U.S. Marines to serve corporate interests in Latin America are

glossed over or ignored.

Most of the time, Loewen is on fairly solid ground. He does slip up sometimes, though. Some of his worst moments come when he ventures into the realm of economics, as with his bizarre explanation of the oil shortages of the 1970s. Loewen tells us that "capitalism, a marvelous system of production, was never designed to accommodate shortage" without ever mentioning the fact that, due to Nixon's price controls, "capitalism" never had the opportunity to "accommodate" the "shortage."

But Loewen's weak understanding of economics is more forgivable than his warped view of the War Between the States. Throughout *Lies My Teacher Told Me*, Loewen criticizes textbook writers for being vapid, one-sided, simplistic, uncritical cheerleaders for the U.S. government. Yet all of these words can be used to describe his treatment of the Civil War.

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## Unpleasantness About the Late Unpleasantness

Loewen's treatment of Abraham Lincoln is positively sycophantic — he acknowledges Lincoln's professed racism with his right hand but then tries to absolve him with his left. "In conversation, Lincoln, like most whites of his

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*Textbooks tell a fairy-tale history: Columbus discovers America, then the Pilgrims land and celebrate Thanksgiving, and democracy takes root and freedom rings and everything just gets better and better.*

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century, referred to blacks as 'niggers,'" Loewen writes. "When responding to Stephen Douglas's race-baiting in the Lincoln-Douglas debates, Lincoln himself sometimes descended into explicit white supremacy: 'I have no purpose to introduce political and social equality between the white and black races'" (172). Just a couple of paragraphs later, Loewen describes Lincoln's views on race as "more 'complicated' than Douglas's," offering this quotation in

evidence: "If one man says it [the principle of equality in the Declaration of Independence] does not mean a Negro, why does not another say it does not mean some other Man?" (173).

In a mere mortal, such inconsistency would merit the title "two-faced" or "hypocrite," and might answer the hypothetical question, "I wonder how

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*No one ever manned the barricades after being fed a diet of "on-the-other-hand" rhetoric.*

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Bill Clinton would have responded to slavery?" In Lincoln, it is a sign of his "complexity."

*The South Was Right!* produces further examples of the Great Emancipator's "complexity," such as his promotion of one Colonel Turchin to brigadier general after the colonel was court-martialled (and convicted) for allowing his command to commit war crimes in the town of Athens, Alabama. The Kennedy brothers' source for this is the U.S. government itself, in *The Official Records: War of the Rebellion*. Loewen doesn't see fit to discuss this or the many other outrages committed by the Northern army.

He does recount the story of a racist atrocity committed by the Confederates: "the infamous Fort Pillow massacre by troops under Nathan Bedford Forrest, who crucified black prisoners on tent frames and then burned them alive, all in the name of preserving white civilization" (184). But the events at Fort Pillow are actually disputed. According to Shelby Foote's *The Civil War*, a different ver-

sion of events occurred. The soldiers occupying Fort Pillow refused an opportunity to surrender and were attacked. Many (including a disproportionate number of blacks) were shot while trying to surrender, but according to Foote, Forrest put a stop to it as soon as he was able (Foote, Vol. III, pp. 108-112). This was not the proudest moment in the history of the Confederate Army, but neither is it the ghastly war crime Loewen describes.

So who does Loewen cite as a source for this controversial anecdote? Himself! The tidbit comes from his own history textbook, *Mississippi: Conflict and Change*. When one of the texts he spends a few hundred pages analyzing ignores a historical debate this way, he mercilessly attacks it for being simplistic, for mindlessly promoting the views of the United States government, and for treating complex questions as simple morality plays.

### Lies, Damn Lies, and Yankee History

*The South Was Right!*, as you might guess, takes a different view of the War Between the States. The Kennedys are determined to answer every possible charge that might be made against the South and the Confederacy, and they leave few stones unturned when leveling charges against the North. The first chapter consists of retorts to what they call "Yankee myths." Among the myths: "Lincoln the Emancipator, Humanitarian, and Protector of Liberty" (26), "The North Fought the War to Save the American Constitutional Union" (32), and "General Lee was a Reluctant Southern Nationalist" (40).

Most of these are indeed myths, but some of their debunking isn't very convincing. Take the above-mentioned discussion of Robert E. Lee. The authors allow that Lee was opposed to secession until the threat of aggression forced his hand. That sure sounds "reluctant" to me.

Perhaps the weakest chapter in *The South Was Right!* concerns race relations in the Old

South. As far as I could tell, the Kennedys' statistics and anecdotes are well-documented — but they're rather selective as well. The authors are a bit pollyannish on the issue of slavery. Granted, this is a book called *The South Was Right!*, not *An Even-Handed History of the South*. But the "peculiar" institution is too evil a practice to skirt over and prettify.

On the brighter side, the chapter includes some facts you'd never dream of had you only been reading a conventional history text — or *Lies My Teacher Told Me* — including a list of blacks, both slave and free, who served in the Confederate States Army, and an anecdote about a black veteran who was admitted into a Confederate Veterans' retirement home in the early twentieth century. Details such as these tend to be ignored by those who prefer one-dimensional paintings of the South as a land of nothing but hatred and oppression.

Still, after reading the Kennedy brothers' comments on slavery and racism, it would be wise to turn back to Loewen for a more critical view.

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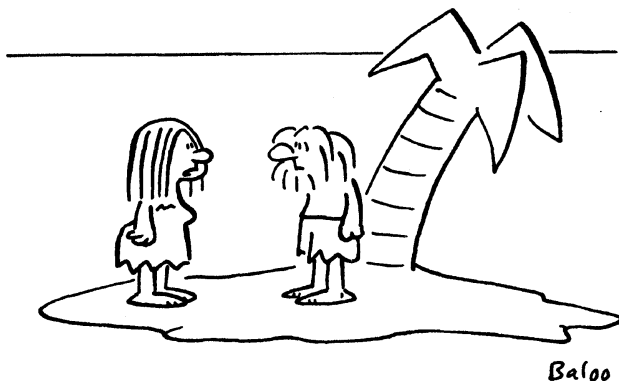
*Slavery was an important reason for secession, particularly in the Deep South. But Virginia, Tennessee, Arkansas, and North Carolina only seceded after Fort Sumter had been attacked.*

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Nowhere in *The South Was Right!* will you read about — for example — the Confederacy's "twenty nigger" law, which exempted overseers of a large number of slaves from military service.

### Bury My Heart at Stone Mountain

Is Loewen correct when he asserts that "slavery was the primary cause of the Civil War" (134)? Or are things more complex? From the documents of the time, one has to conclude that slavery was an important reason for secession, particularly in the Deep South. Georgian Robert Toombs' remarks in a debate on secession with Alexander Stephens include a passage in which he



"Not tonight, Eddie — I have to wash my hair."

"demand[ed] the equal right with the North to go into the common territories with all of our property, slaves included, and to be there protected in its peaceable enjoyment by the federal government." The Mississippi resolutions of November 1860 denounced the northerners for having "insulted and outraged our citizens when traveling . . . by taking their servants and liberating the same." But Virginia, Tennessee, Arkansas, and North Carolina only seceded after Fort Sumter had been attacked and Lincoln had called for 75,000 volunteers to invade the South.

More importantly — and here is a point that Loewen completely misses — the reasons for secession and the reasons for the war are not necessarily the same. If the North fought the war to end slavery, why didn't Lincoln abolish it in the loyal states of Missouri, Kentucky, Maryland, West Virginia, and Delaware? And why didn't the Emancipation Proclamation do a little more emancipating and a little less proclaiming? Why didn't Ole Honest Abe at least ask General Grant to free his wife's, er, "involuntary servants"? (Loewen, who laments critical omissions from U.S. history texts, leaves the reader blissfully unaware that the leader of the war against slavery was himself tarred by the infamous practice.)

Loewen criticizes the mote of cognitive dissonance in others' eyes, but is oblivious to the beam of inconsistency in his own. Noting some southern voices who called for abolishing slavery and/or arming slaves, he asks, "What . . . would the new black soldiers be fighting for? Slavery? Secession? What, for that matter would white Southern troops be fighting for, once blacks were also armed?" (185, emphasis in original) The obvious answer, *their homeland*, never occurs to him. Perhaps he is not aware of the United States' war atrocities against black southerners, atrocities recorded in *The Official Records* and recounted in *The South Was Right!* It also never occurs to him that if many southerners were considering abolishing slavery, perhaps the survival of that institution was not their only concern.

If his views about the war are questionable, on some related subjects Loewen goes off the deep end. He seems to believe that the Fourteenth Amendment was written in stone by

the finger of God: "The passage, on behalf of blacks, of this shining jewel of our Constitution shows how idealistic were the officeholders of the Republican Party, particularly when we consider that similar legislation on behalf of women cannot be passed today" (187). This quote is guilty of several sins he uncovers in other texts, primarily in its whitewashing the story of how the amendment was passed. One would never get the impression, reading Loewen, that the amendment was added to the Constitution only by denying several southern states reentry into the union until they ratified it — and refusing to recognize some northern states' repeal of passage. His "idealistic" Republicans could not have succeeded in passing this "shining jewel" if they had been idealistic about the U.S. Constitution.

### A Look Back in Anger

Teaching U.S. history is too important to be left to the experts. Loewen largely confines his critique to the twelve history texts that he studied, and his book generally succeeds at showing their weaknesses. To his credit, he usually avoids painting history as one long episode of White Guilt, and he opposes "feel-good history" for minorities as well as for affluent whites. His chapters on the Civil War should be taken with a massive pillar of salt, but he redeems himself in most other areas.

*The South Was Right!* was conceived for a very different reason than *Lies My Teacher Told Me*. The Kennedy brothers are trying, with intellectual and emotional appeals, to activate and enrage people, especially southerners, against the Leviathan on the Potomac. I believe they are correct in their core view that the southern states had the right to assert their independence in 1861, even if some of the evidence they offer to support that position doesn't wash, and even if they skirt around southern motives less noble than a desire for freedom and independence. I find their occasional sins, more of omission than commission, to be forgivable. This book is a manifesto, not an even-handed history, and no one ever manned the barricades after being fed a diet of on-the-other-hand rhetoric. Nonetheless, the South can still be right even if it is allowed to be imperfect. □

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# Booknotes

## *That Which Is Called the Tao Is Not the Tao*

— I'd never given much thought to all those *The Tao of This-and-That* and *The Tao of Whatever-Ails-Ya'* books. Then I read, in the first chapter of Murray Rothbard's *Economic Thought Before Adam Smith*, that the "Taoists were the world's first libertarians, who believed in virtually no interference by the state in economy or society."

So I'm browsing through *Borders*, and in the middle of the economics section is Ivan Hoffman's *The Tao of Money* (Prima Publishing, 1994, 210 pp., \$17.95). Well, I can't pass up a book on money from a libertarian point of view. Unfortunately, Hoffman's version of Taoism doesn't jibe with Rothbard's. And the book really isn't

about money, either.

On the plus side, Hoffman is for open borders and eradicating military spending. But he also writes, "It should be fairly clear that unbridled freedom in economics can and indeed has led to significant abuse of the system, through greed [Ah! The G-word!], unethical practices, and the like." To offset all this greedmongering, government should stimulate the economy, train workers who have lost their jobs due to technological shifts, and feed, clothe, and house the poor.

What would the original Taoist, Lao-tzu, have to say about this? A few selections from Thomas Cleary's translation of the *Tao Te Ching* should offer a few clues:

When the government is unobtrusive,

the people are pure.

When the government is invasive, the people are wanting.

The more laws are promulgated, the greater the number of thieves.

When people are starving, it is because their governments take too much,

causing them to starve.

When people are hard to control, it is because of the contrivances of their governments, which make them hard to control.

About the only thing Hoffman and Lao-tzu agree about is that war is bad. Other than that, Hoffman is about as Taoist as Bill Clinton.

—Douglas French

**Out of His Depth** — Hilary Putnam is a distinguished professor of philosophy at M.I.T. and the author of numerous books on epistemology and philosophy of science. I read his *Realism with a Human Face* (Harvard University Press, 1990, 424 pp., \$15.95) in order to absorb the latest developments on scientific realism (e.g., what is the current status of elementary particles in physics?) and necessary truths (e.g., is it necessarily false that I could have been born at a different place or time?). One essay in this collection, "How Not to Solve Ethical Problems," begins with a blast at those ethical theories that "prove too much" — that is, if they are true they devastate not only the opponent's theories but also parts of one's own. He uses Nozick's theory in *Anarchy, State, and Utopia* as a case in point: Nozick's theory not only gets rid of welfare but also gets rid of taxation, which in Putnam's opinion is enough to make Nozick's theory absurd on its face.

Putnam describes his early Marxism, as well as his return to it during the Vietnam War, which he abandoned because he found Marxists intolerant of dissent. He condemns Communism along with (what he calls) conservatism — Communism, because their system cannot provide justice, and conservatism, because it lives too comfortably with the thought that millions will have to remain in permanent poverty. How this is implicit in "conservatism" is not made clear. But he does appear to believe that the conservatives in power are to blame:

When we take the stand that nothing

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can be done about high unemployment rates, and that a whole generation of young people in their teens and twenties will simply have to wait for better times before they can hope to have better than a dead-end job (or in many cases, any job at all), we are flouting our professed commitment to a "right to a job." Unemployment did not come about by accident, after all: government decisions to raise interest rates and 'wring out' the economy in order to bring down the rate of inflation *predictably* had the effect of throwing millions out of work and causing the disappearance of entry-level jobs. If it is right for government to regulate the rate of employment at all (and "wringing out" the economy is regulating it — regulating it *downwards*), then the government, which is supposedly acting in the interest of the majority who still have jobs, has a moral obligation to protect and help the minority which is asked to suffer for the sake of the community. To ask young people who are unemployed to give up their life chances by deferring entry into real jobs for five, or ten, or however many years so that the middle class won't have to worry about inflation is to ask too much. (p. 188)

Putnam mentions Milton Friedman only to dismiss him. Whose economic theory then is Putnam using to "prove" that high employment can be achieved only at the price of high inflation? Is it perhaps his view that high employment is impossible without creating millions of government make-work jobs, and that the resulting debt entails inflation? Has he not heard of prosperous economies without inflation? Has he read anything of American economic history? Has the thought crossed his mind that high unemployment occurs when taxes and regulation make it no longer worth someone's while to start a business and take on employees? Is it a thought unfamiliar to him that our present condition has come about because big government has eaten our sustenance? But no, big government is not one of his villains — it is for him a necessary means of rescuing the needy from their otherwise inevitable condition.

So, instead of identifying the real enemies of unemployment and depression, he demonizes the very people who could alleviate these conditions. It

is a dangerous thing for a person with distinction in one field to use that distinction to make pronouncements in another field of which he has only a hearsay acquaintance. —John Hospers

### *Crackpot in the Ivory Tower*

— "What finally broke the S&Ls was a combination of bureaucratic meddling, a credit crunch after years of 'easy money,' and the industry's own chronic mismanagement and massive overinvestment," George Roche writes in *The Fall of the Ivory Tower* (Regnery Publishing, 1994, 310 pp., \$15.95). "That combination is precisely what threatens colleges and universities today."

Roche's book is at its best when it details the history, politics, and distorting effects of government funding of higher education. It also includes interesting information about corruption among administrators, exploitation of the untenured, and affirmative-action failures. And its discussion of rising tuition, while incomplete, is on the right track.

It is much less successful when it strays from these topics.

Roche's favorite form of argument is the anecdote; far more pages are spent listing one-sentence horror stories than offering detailed, broad-based, statistical support for his positions. Such stories are useful, of course, and some of the tales Roche has gathered are damning. But others aren't. For example, when Roche decides to demonstrate the pointlessness of much modern scholarship, he offers as proof a list of recent scholarly books, on the theory that their titles alone should prove his point. Unfortunately, many of the books are actually legitimate scholarship (*Girls Lean Back Everywhere* is a respected history of censorship), or could very well be legitimate scholarship (I've never heard of *Acting Gay: Male Homosexuality in Modern Drama*, but I don't see anything inherently silly about the topic). And many aren't even published by university presses: his list includes titles from such commercial publishers as Random House, St. Martin's Press, and Basic Books.

What's more, while Roche understands the pernicious role of education subsidies, he ignores other forms of government intervention that have fed the collegiate Leviathan. Occupational

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The answers are only in **THE RIGHT GUIDE 1995**, a directory of over 3,400 conservative, free-market, and libertarian organizations. 831 groups are profiled in-depth, listing mission, accomplishments, publications, key personnel and their salaries, revenues, expenditures, net assets, newspaper citations, e-mail address, more.

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licensure is never mentioned. Neither is the Pentagon. Instead, Roche wastes time on such topics as "Morality on Campus," a subchapter mostly given over to complaining that universities no longer persecute homosexuals. Such ranting reveals more about the author than about college life.

Someday, someone is going to write a comprehensive report on what's wrong with American higher education. He'll find some useful leads in Roche's book, but he'll have a lot more legwork to do on his own.

—Jesse Walker

**Blankout** — In the mid-'70s, my mother, brother, two cats, and I packed our blue Impala and drove from Boston to Chicago. Sometime during one of the 30 gazillion ear-torturing times Barry Manilow's "I Write the Songs" was on the radio, the car overheated, leaving us stranded on I-90. Ma flagged a man willing to help and, telling her eight-year-old and four-year-old sons to stay in the car, rode off to get some antifreeze.

Or so I remember. It didn't occur to me until a few years ago that this behavior didn't speak well for my ma's ma-ing instincts. So I asked her if she had indeed left us alone. Of course not, she answered, she brought us with her. My brother corroborates her claim. I'm inclined to believe them. So why do I have such a vivid memory of the (non)incident?

One obvious explanation is that human memory isn't reliable. *Return of the Furies* (Open Court, 1994, 431

pp., \$39.95 hc, \$16.95 sc) by Hollinda Wakefield and Ralph Underwager offers ample evidence supporting this explanation. The book provides a layperson's introduction to current research on human memory, the claims of repressed memory theorists, and the case against their validity.

I don't buy their basic thesis, indicated by the title, that recovered memory claims represent a vicious return of rampant irrationality, and that this represents a serious threat to our society. America has always had a surplus of scapegoats and paranoiacs. Repressed memory battles are at most just another symptom — and a marginal one, when one compares it to, say, the persecution of drug users or gun owners.

The book could also do with a little less babble about the wonders of Western civilization, e.g., "At the beginning of Western civilization the conflict between men and women was settled by reason, balance, and fairness" (p. 380). One doesn't have to be a P.C. nut to find this absolutely absurd.

All the same, the case against recovered memories is very strong, and they present it ably. It's a book worth reading, by those on all sides of the debate.

—Michael Levine

**A Place in the Sun** — If you ever wanted to read a semi-literate account by a small-town bigot of what happens when members of a strange foreign religious cult buy up land in the American hinterland and try to practice their religion in private, get a copy of *A Place Called Antelope* (August Press,

1994, 150 pp, \$11.50), by Donna Quick. Without the slightest hint of self-awareness, Quick tells the story of how her friends and neighbors harassed the Rajneeshees who settled in the Oregon desert only 35 miles from their little town of Antelope (pop. 39), only to have the Rajneeshees rent a place in town, move in, win the election, and take over the town. Before the struggle was over, the state of Oregon, the U.S. government, and an elitist environmental group had joined the struggle against the outsiders, who proved themselves just as loony as the townspeople, though not as unneighborly.

—R.W. Bradford

## videonotes

**My Gun Is Quirk** — Quentin Tarantino may be credited with reinvigorating cinema, showing Hollywood decision-makers that good writing and odd plotting and an offbeat point-of-view can sell at least as well as cut-and-paste filmmaking. But other recent films demonstrate that Tarantino has no monopoly on oddity. Consider *My New Gun* (Stacy Cochran, director; 1992).

From the video's cover, I feared that this would be an anti-firearms cautionary tale. But the writing is too weird, too attentive to realistic speech-patterns and everyday misunderstandings — indeed, too attuned to human eccentricities — to ruin the film with anti-gun moralizing. Indeed, like, say, NBC's *Seinfeld*, it is basically morality-free. But it is not farcical, like Jerry Seinfeld's sitcom; and it is not superficial or inhumane. The film is full of surprises, odd moments of people trying to figure out what is going on; people acting, that is, pretty much as they do act when strange things actually happen to real people.

So what happens? A doctor buys his wife a gun; she loans it to the quiet next-door neighbor, even though he may be a criminal; getting it back, the husband shoots himself in the foot; he is poisoned by an egg salad sandwich while in the hospital; he demands a trial separation . . . well, the litany of events does not even suggest how peculiar this movie feels. The acting is perfect, though I recognized only two players (Tess Harper, playing the mother of "Skippy," the next-door neighbor; and

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Stephen Collins, playing the doctor-husband). The lead actress, Diane Lane, is marvelous, with a perfect, puzzled look and excellent hesitant delivery. (She is also extremely attractive.)

*My New Gun* takes a slice-of-life look at yuppie-middle-class life and, with a twist of the cutting room knife, shows it in its full vacuity . . . if through a glass, quirkily. —Timothy Virkkala

**It's a Horrible Life** — Few documentaries are as well-titled as *The wonderful, horrible life of Leni Riefenstahl* (Ray Müller, director; 1993). The wonderful part of Liefenstahl's life, of course, was her films, notably *Triumph of the Will* (1935) and *Olympiad* (1938), two of the most visually stunning movies ever produced, and certainly the two greatest documentaries ever filmed.

They are also the horrible part of her life. Both movies were made in Nazi Germany. Worse still, the subject of the former was the 1934 Nazi rally in Nuremberg, and it glorified Hitler and Nazism. Indeed, it was used as Nazi propaganda. Her critics also manage to find a Nazi flavor (the body beautiful was a Nazi theme, they say, and . . .) to *Olympiad*, though here they stretch credibility a bit.

Riefenstahl never cared much for politics, and saw her films as apolitical works of art. She could just as easily have filmed a rally for Franklin Roosevelt or Joseph Stalin, or Olympic games staged in Moscow or Los Angeles. Even so, after World War II, she was put in detention for four years, and has pretty much remained an object of opprobrium ever since. Much of the documentary about her life consists of her being badgered about her work for the Nazis. She explains over and over that her concern was cinema, not politics. Before the documentary is over, it seems like she protests too much.

Leni Riefenstahl is not the only great filmmaker to put her talents to work on behalf of a totalitarian monster. The very celebrated Sergei Eisenstein did his work for the murderous Soviet regime, beginning in the 1920s and lasting through the post-World War II period. Unlike Riefenstahl, Eisenstein was an ideologically committed servant of his master. He was a Latvian studying in St. Petersburg when the Bolshevik revolution broke out. Rather than return to

his newly independent homeland, he volunteered for service in the Red Army, where he studied theater. In 1920, he left the army to join the First Workers Theatre of Proletcul, which was striving to replace the old culture with a new Communist one. He made his first film in 1923. In the words of a standard reference book, "he believed that his duty as an artist was to contribute to the forging of the new life for his country [and] eagerly embraced the film medium as the most efficient tool of communist propaganda." He followed every jot and tittle of the Communist Party line, even speaking in favor of alliance with Nazi Germany during the period of the Stalin-Hitler pact. His films were easily as propagandistic as *Triumph* and vastly more so than *Olympiad*.

Yet curiously, Eisenstein is not remembered as part of the murderous Stalinist regime. He is celebrated as a great pioneering filmmaker who happened to live in the Soviet Union.

Why the different treatment? Well, Eisenstein's pro-Stalinist views had a lot of appeal to American intellectuals and filmmakers of the era. He visited the United States in 1930, lecturing at Ivy

League colleges and making a triumphant visit to Hollywood, where he hoped to make a film and was welcomed by Douglas Fairbanks, Charlie Chaplin, and Walt Disney. His Hollywood project was sidetracked and he returned to renew his work on behalf of Stalin.

But I suspect the real reason is simpler. Germany lost the war and the Soviet Union won it. Just as the victors write the history books, so they evaluate filmmakers.

When the war ended, Riefenstahl was shown Allied film of the piles of corpses in Hitler's death camps. She was shocked, as any decent human being would be. But there was no one to show Eisenstein films of the 30 million starved in the Ukraine during Stalin's collectivization of agriculture. As a conscientious and dedicated Communist, would Eisenstein have been shocked? —R.W. Bradford

**A Short Note** — One of the best films of 1993 received no Oscars (though it did get four "Genies"): *Thirty-Two Short Films About Glenn Gould* (Francois Girard, director). It is a

*continued on page 69*

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### O'Toole, continued from page 24

Law Olmsted, who invented the profession of "landscape architecture," spent most of his career telling cities how they should redesign themselves, and designed many communities with large lots, separated uses, and other features of modern-day suburbs.

The Swiss-French architect who called himself Le Corbusier proposed cities of huge ugly apartment buildings separated by wide avenues and concrete plazas. These may have been the model for modern cities in the Soviet Union.

Frank Lloyd Wright proposed "broad-acre city," which placed every single-family home on a full acre of land. In many ways, Wright predicted (rather than designed) the modern suburb, and he is also credited with designing the style of home known as "ranch houses."

So architects like Calthorpe and Duany are merely following a long, if not exactly glorious, tradition. And if people want to live in the communities that they design, that is fine.

But Calthorpe and Duany and the planners who follow them presume that everyone would be better off living in such cities, and are ready to impose their standards on communities like Oak Grove. Planners in my county hired Peter Calthorpe to help them design a neotraditional community. With strict design codes and maximum lot sizes of 4,500 square feet, the community meets new urban standards. Though the planning began five years ago, no homes have been built and only three are under construction — on spec. Apparently, developers don't have a lot of confidence that people want to live on small lots.

For the new urbanists, it isn't enough to design new suburbs to their standards. They also want to impose neotraditional concepts on existing suburbs. The county's plan for Oak Grove was an experiment to see if this would work.

### Oak Grove Fights Back

Planners announced that they were going to present their plan to the community at a public meeting in early May. To inform people of the meeting, they leafleted the neighborhood with another innocuous notice. My neighbors and I distributed a counter-leaflet, emphasizing densification, multi-family zoning, and 5,000-foot lot sizes.

Obviously expecting a small turnout, the

# Notes on Contributors

planners had set out around 100 chairs in the meeting hall. In fact, more than 175 angry residents showed up. But planners were ready, spending an hour and a half on boring presentations about bike paths and pedestrian ways before saying anything about zoning. The presentations were made by the "neighbors" on the planning committee, thus deflecting people's anger from the planners.

At the end of the presentations, the planners refused any public comment and allowed only 15 minutes for questions and answers. But it was clear that the people attending opposed the plan, and the meeting was punctuated by frequent outbursts of "Go home" and "Who asked you, anyway?" An informal poll showed that fewer than 20 people attended in response to the planners' leaflet, while at least half came in response to our leaflet.

To give people a chance to comment, planners held another meeting in early June. Again, they hoped that few people would show up, but we leafleted again and 150 people attended. Two hours of questions and acrimonious debate made it clear that the community was overwhelmingly opposed to the plan.

The meeting completely transformed the situation. Most of the original committee members distanced themselves from the plan, saying they were duped. A poll of committee members who actually lived in the neighborhood revealed them to be 100% opposed to the plan they had previously acquiesced to.

The planners could see they weren't getting anywhere, and said they'd drop the plan if that's what the community wanted. "But if you don't let us pass this plan now," warned one, "then Metro will make us impose even more densification on you next year."

What is Metro? Three years ago, it was Portland's garbage collection agency. Now, suddenly, it has become the nation's first regional government, with the authority to dictate zoning and residential densities to 24 cities and three counties.

The planner's warning was clear: Oak Grove residents may have won a battle against densification, but the war had only begun. □

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## Videonotes, continued from page 65

near-perfect movie that shows the many facets of Glenn Gould's life in discrete units — that is, in short segments. The full effect is impressive, and the concluding set of "films" is quite moving. (Thirty-two, by the way, is an allusion to Bach's *Goldberg Variations*, which Gould twice recorded, to much praise. The great harpsichord work contains an aria, 30 variations, and a restatement of the aria. Hence 32.)

Some of you may know Glenn Gould best as the pianist who hummed

and groaned while playing — an obnoxious habit that I share (but safely: no one wants to hear me play). A few readers here may remember Richard Kostelanetz's speculations in "Sex, Drugs, and the Goldberg Variations" (November 1990); the film covers some of Kostelanetz's notions about Gould's peculiar life style, but concentrates, appropriately, on Gould's career.

Which is fine, since Gould's artistic life was odd enough for several films. Maybe, even, 32. —Timothy Virkkala

# Terra Incognita

## *Boise, Idaho*

Regulation in the public interest, reported in the *Detroit News*:

OSHA threatened to sue a Boise plumbing contractor because its employees didn't use approved resuscitation techniques when they pulled a worker from a mud-filled trench and saved his life.

## *Wolleka, Ethiopia*

Advance of thespianism in east Africa, as described by *World Press Review*:

Now that the last Fallasha Jews have left Ethiopia, Amsale Nguissie, a Coptic Christian, portrays Jewishness for tourist dollars. She greets visitors with a "Shalom," recites gibberish that she pretends is the Torah, and shows off Judaic souvenirs, including a Star of David with legs and a face.

## *Colorado*

Contemporary government bookkeeping standards, as described in the *Rocky Mountain News*:

KUSA-TV reporter Paula Woodward repeatedly signed up to vote in Denver under false names in order to expose sloppy record-keeping.

"Denver did nothing wrong," protested Jefferson County clerk Joan Fitzgerald. "Paula Woodward did something wrong."

## *New York*

Hope for due-process rights, reported in *The New Republic*:

A Manhattan federal judge overturned the conviction of alleged drug trafficker Dale Tippins, ruling that Tippins' Sixth Amendment right to effective legal counsel was violated when his attorney fell asleep for significant portions of the trial.

## *Minnesota*

The populist credentials of Sen. Paul Wellstone (D-Minn.), as reported by the *Washington Times*:

Campaigning for office in 1989, Sen. Paul Wellstone labeled out-of-state fundraisers "absolutely insidious," assuring voters: "Some people want to represent the Rockefellers; I want to represent the little fellers."

Earlier this year, Abby Rockefeller held a fundraiser for Wellstone in Boston. Tickets cost a minimum donation of \$250.

## *British Columbia*

Privacy under socialized medicine, as described in the *Milwaukee Journal*:

Canada's Health Ministry says it will investigate how the confidential computerized medical histories of thousands of Vancouver-area patients turned up for sale on floppy disks at a Value Village store.

## *Russia*

Vladimir Zhirinovsky's comment on a proposal to sell Lenin's embalmed body to Euro Disneyland, quoted in the *Irish Times*:

"Disneyland is the proper place for a man who tried to turn Russia into a utopian fairground."

## *Brazil*

Brazilian federalism at work, as described by *World Press Review*:

Brazilian law calls sterilization a form of physical mutilation punishable by eight years in prison. The city of São Leopoldo has legalized and begun funding tubal ligations and vasectomies.

## *Greensburg, Penn.*

The benefits of compulsory schooling, as reported in the *Greensburg Tribune-Review*:

With the knowledge and cooperation of his seventh-grade son's teachers and guidance counselor, Charles Hayden took his son Chris out of his last-period study hall every day to help him prepare for classes. Subsequently, Chris' average jumped nearly ten points and he didn't have to repeat the seventh grade. School administrators have charged Hayden with illegally taking his child out of school.

## *Savannah*

Natural beautification by fiat, as described in *Frequent Flyer*:

City Council has ordered taxi drivers bringing passengers from the airport into town to avoid the shorter back route. The shortcut "is not an image we want newcomers to experience," explains the Savannah Airport Commission. "The front route, on the other hand, is very pretty and landscaped."

## *Washington, D.C.*

Media vigilance, reported by the *Washington Times*:

On March 10, a *Washington Post* reporter who covers Capitol Hill telephoned Rep. Michael Bilirakis' office to point out "rather antagonistically" that the congressman had his facts wrong about the Safe Drinking Water Act, and to demand to know from where he had gotten his information.

It had come, word for word, from an article in the *Washington Post*.

## *U.S.A.*

Advice for parents whose children were disturbed by the Oklahoma City bombing, from Prof. Lorraine Wallach of the Erikson Institute, quoted in *Ladybug*:

"Tell children, adults will take care of you. In fact, the whole government will take care of you!"

(Readers are invited to forward newspaper clippings or other items for publication in *Terra Incognita*.)



# Letters of Ayn Rand

Finally, readers can take an intimate look into the private and professional life of Ayn Rand — in her own words!

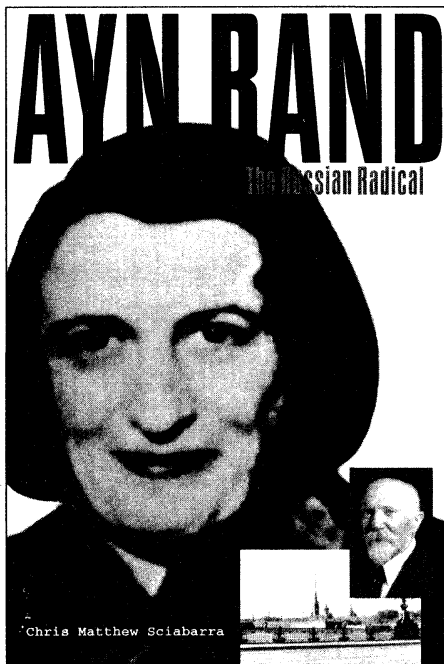
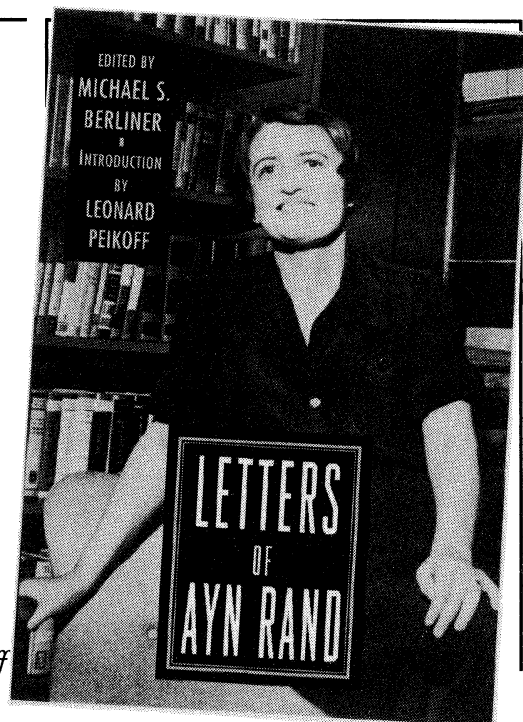
*Letters of Ayn Rand* spans over half a century of this titan's correspondence — letters to H.L. Mencken, Nathaniel Branden, Frank Lloyd Wright, Barry Goldwater, Rose Wilder Lane, John Hospers, Walt Disney, Alexander Kerensky, Isabel Paterson, Ira Levin, Mickey Spillane, Dashiell Hammett, John T. Flynn, Barbara Stanwyck, Cecil B. DeMille, Leonard Read, John Chamberlain, Ginger Rogers, Michael Collins, Henry Hazlitt, Robert Stack, W.H. Hutt, Duane Eddy, James Michener — even Gene Shalit. And many, many others . . .

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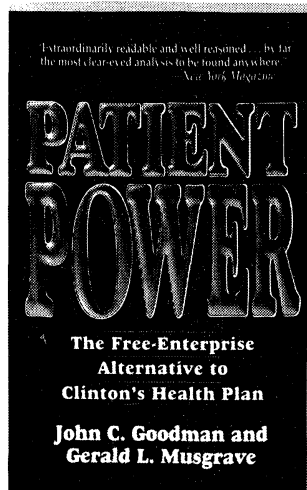
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Analyzes single-payer systems, managed competition, the Heritage Foundation's "consumer choice" plan, and Medical Savings Accounts as possible reforms.

**70 Years of Federal Government Health Care: A Timely Look at the U.S. Department of Veterans Affairs by Robert E. Bauman**  
The federal government's record in managing the largest health care

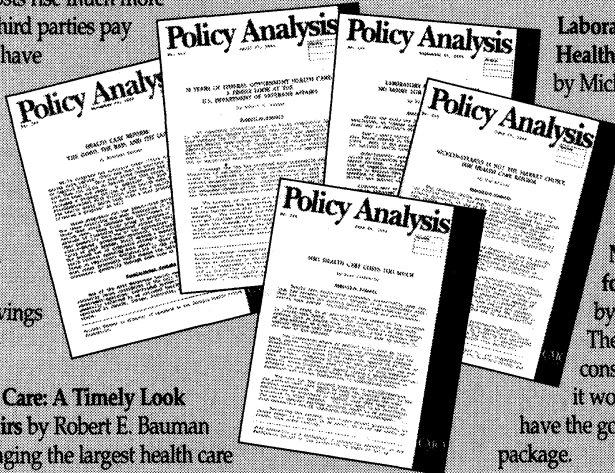
system in the nation should caution us about the dangers of turning more health care over to government management.

### **Laboratory Failure: States Are No Model for Health Care Reform by Michael Tanner**

The reforms implemented by Hawaii, Oregon, New York, and other states should not be a model for national health care reform.

### **Nickles-Stearns Is Not the Market Choice for Health Care Reform by Tom Miller**

The Nickles-Stearns bill supported by many conservatives is not a free-market reform: it would mandate insurance purchases and have the government define a standard benefits package.



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