

# Liberty

April 2003

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Why Tax  
Reform

Never Works

## I Want My SUV!

*by Karen De Coster*

## U.S. Terror Tactics in WWII

*by Bruce Ramsey*

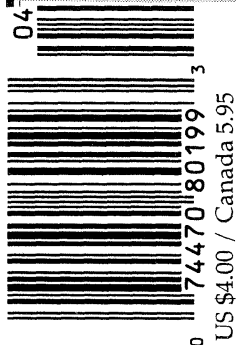
## How Bush Exploits Martin Luther King

*by Jeff Nall*

## From Nation State to Stateless Nation

*by Michael van Notten*

Also: *Joseph Sobran* denounces Honest Abe, *Ralph Slovenko* explains why Death Row is misnamed, *Jane Shaw* discovers how trade helps — and hurts — culture, *Garrett Brown* reads Dinesh D'Souza's letters to a young conservative... plus other articles, reviews & humor.



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- Creating jobs in corrupt dictatorships — than preserving jobs in America.
- The security of the Middle East — than the security of the U.S.
- Protecting "alternative families" — than supporting bedrock American families.
- The preservation of value-free multicultural hash — than the achievements of American culture.

And on and on.

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# Inside Liberty

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**7 Reflections** We fire a few final shots at the head of the Axis of Stupid before he orders shots fired at the Axis of Evil, mourn the loss of Marines in the War on Drugs, celebrate the good ol' days of Silent Cal, ride our BMWs out of Mother Russia, and discover that we aren't "family."

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## Letters

### Database Roulette

Chip Pitts is right on about TIA ("Totalitarian Information Awareness," March). Dabbling sometimes in mathematics (I am a trained chemist), I did a little spreadsheet doodling to demonstrate just how absurd the data-mining intended by TIA really is, and projected the incidence of "false positives" likely to be generated.

I will spare you the calculations and just lay out the results, based on simple assumptions. Obviously, the more terrorists there are in the U.S., and the more accurate the system is in correctly identifying the innocent and guilty, the fewer false positives there will be. Unfortunately, the number of terrorists is so small as to produce absurd results.

Assume, e.g., a whopping 10,000 terrorists in a population of 100 million (excluding children and the old, that's a rough figure.) If the data mine is 99.9% accurate (!) there will be 9,990 correctly nailed terrorists (10 will slip through) and 100,000 incorrectly nailed innocents, a false-positive rate of 91%!

More reasonable numbers, like 1,000 terrorists and 90% accuracy give a false positive rate of 99.99%!

Play with the numbers all you like; it doesn't get any better. Pitts called this a "feel-good" measure; in one sense it is, but, well . . . I don't feel so good.

Albert Kirsch  
Bal Harbor, Fla.

### Just How Many People Will You Kill to Make Men Free a Little Bit Sooner?

The U.S. was not the only place where slavery was abolished during the 1800s. It was also abolished in Argentina, Bolivia, Brazil, Colombia, Cuba, Ecuador, and Venezuela, plus the vast British Empire, and the nearly as vast French Empire. But only the United States resorted to war to abolish slavery.

Timothy Sandefur's defense of

President Lincoln ("Freedom and the Wolves," March) rests heavily — one might say entirely — on the notion that Lincoln's war was justified because it ended slavery in the U.S. Sandefur should explain why we suffered Lincoln's war — which killed 620,000 Americans and destroyed billions of dollars worth of property — while many other countries rid themselves of slavery without a Great Emancipator and a bloody war.

Jack Dennon  
Warrenton, Ore.

### FEE Is Alive and Well . . .

In regard to former Foundation for Economic Education (FEE) president Mark Skousen's article ("A Year at FEE," February), I should like to point out that, contrary to his implication, FEE is not resting in obscurity but rather aggressively expanding.

We have, for example, just formed an alliance with the National Schools Committee, an organization which has been providing materials on economics and the free enterprise system to children in first through eighth grades for more than 50 years. When combined with our already very successful outreach program for high school and college students, this means that we have the potential to reach any student, regardless of grade level, with our educational materials.

Our weekend seminars, which were a hallmark of Leonard Read's years as FEE's president, are coming back with a bang. Israel Kirzner and other intellectual leaders of the free market movement will be participating in these. *Ideas on Liberty*, our magazine, is reaching more and more readers. And our December contributions campaign achieved levels not seen in several years.

The other free-market think tanks that Skousen wrote about should not be compared to FEE because we have different missions. Their mission is to

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influence public policy. Therefore, they must seek publicity. FEE, on the other hand, does not require publicity on such a scale because our very different mission focuses on the effective education of individuals.

FEE remains alive and well, continuing to honor that mission of being the entry point for educating students and the business community about individual rights, free enterprise, and private property.

J. Brooks Colburn  
Irvington-on-Hudson, N.Y.

### ... Or, at Least, Not Quite Dead Yet!

I have mixed feelings about Mark Skousen's article about his experience with FEE. On the one hand, I agree with Skousen that FEE has "fallen into obscurity" and needs serious revamping. Most libertarians that I know think of FEE as a creaking dinosaur.

Many of Skousen's ideas were worthwhile. I was skeptical at first of his proposal for the FEE National Convention but I had to admit that the convention was well-organized and successful. Not only did it draw attention to libertarians, it brought many people and organizations together who had had little contact for many years in ways that could spark new interest and new networking. I regret that FEE has no plans to continue it.

On the other hand, there's more to this story. I was not privy to FEE's reasons for letting Skousen go, so can in no way speak for them. However, as co-founder and former co-proprietor of Laissez Faire Books, I figure I'm entitled to an opinion about how he ran that enterprise. Based on what I saw and heard, his management of LFB left a lot to be desired. Running a bookstore is a specialized skill; just because someone has been successful in another area doesn't necessarily mean they are skilled in all areas. Just one example among others that came to my attention: Wasting the front page of the Laissez Faire Catalog on a book entitled *The Dogs of Capitalism*. Offer it to our customers? Maybe. Devote the front page to it? No way. Not good marketing; it's too trivial a book. If LFB ever sells all the 500 or so copies Skousen bought, I'll take this back!!

There was also the lurking fear among many of us that Skousen would

water down the book listings to reflect his own socially conservative approach. Goodbye, George H. Smith and books on victimless crimes such as drugs and prostitution. This would gut LFB of its radical nature and its willingness to tackle issues the mainstream won't. Perhaps we were wrong; we'll never know.

I can only hope that Skousen's dismissal does not mark a return of FEE to obscurity, comfy sleepiness, and

preaching to the choir. I hope FEE will learn from the good that Skousen did and jump forward to the 21st century, not fall back to the 19th.

Sharon Presley  
Oakland, Calif.

### Difference Principle Revisited

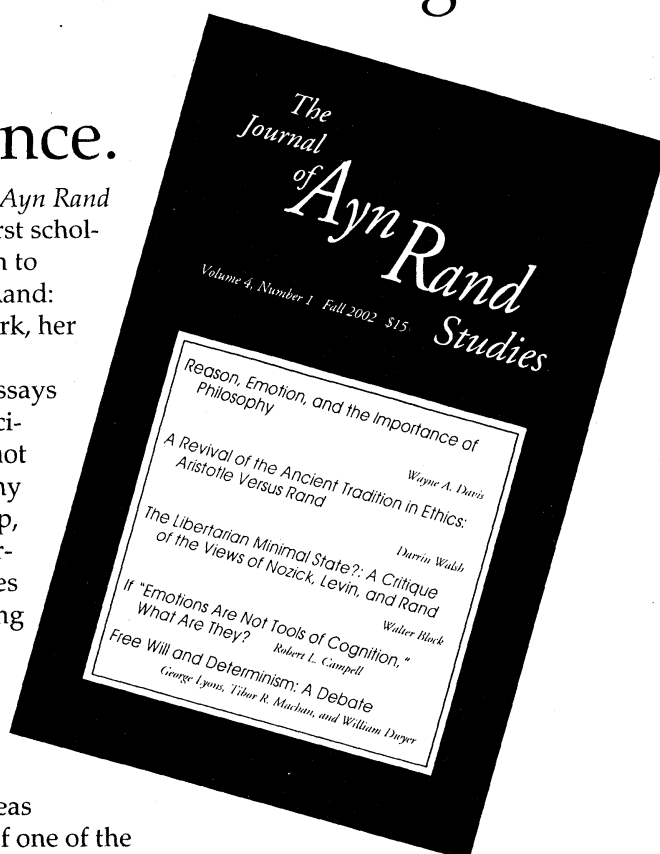
Perhaps I owe Professor Narveson an apology for assuming that there was any passion in his Rawls "Autopsy" (February), however, he does confess to feeling some irritation over the topic in

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his reply to my letter (March). Without, I hope, becoming passionate myself, I, too, would like to express some irritation. First, in that *Liberty* allowed Professor Narveson a good deal more space for his reply to me than I required in my intentionally brief original remarks. I was, after all, not writing a book or even a journal article, but rather, as *Liberty* aptly noted in its caption over my letter, just giving a single cheer for John Rawls. Second, in that Professor Narveson uses this generous space to claim that I did not "attend" to his argument, while pointing us to various works in which he said a good deal more. It is true that I "attended" only to the argument that Professor Narveson put in his "Autopsy." I can only assume, on present evidence, that had he wished to say more, *Liberty* would have been happy to grant him the space.

Further, I will assume that *Liberty's* editor does not plan to give *Liberty* over to restating the entire literature on Rawls, so I will make this reply quite brief, even at the risk of possibly failing to address some other crucial point in Professor Narveson's reply. The argument that the Difference Principle does not call for strict equality assumes only that some persons of ability will not put forth their full efforts if they will receive only an equal share. (I strongly doubt that many libertarians find this assumption controversial, but perhaps Professor Narveson has a conclusive attack on it that I have missed.) Thus, the total wealth to be distributed under the Principle will be larger than it otherwise would be, if the more able persons are given a larger share. In turn, this increase in total wealth makes possible to the least advantaged a share absolutely larger than an equal share would have been, though it is relatively smaller than the share received by the more able.

Professor Narveson seems to be looking at the matter in a purely static fashion. It is true that at each point in time an equal share based on the current total wealth would provide more than the least advantaged are receiving — that, he says, is "elementary mathematics." Unfortunately, it is a mathematics too elementary to capture the dynamics of the situation over time. Focusing only within each time slice on what could have been done will result

in a smaller absolute share for the least advantaged, and so is incorrect under the Principle itself.

As I said in my first letter, the Difference Principle is wrong in several ways, but, whatever its faults, it does not call for strict equality.

Gordon G. Sollars  
Kinnelon, N.J.

## George and Adolf

I did not vote for George W. and I am not about to defend all the actions he has taken under the umbrella of the "War on Terror." Nevertheless, R. W. Bradford's comparison of Bush to Hitler ("From the Editor . . ." March) must be challenged.

To say that "ordinary people in Germany reacted to Hitler" the same way that Americans are reacting to Bush is not only an insult to ordinary American people and the president but a tremendous devaluation of Hitler's evil and the German people's guilt. What indication do you have to think that Bush ever hopes to slaughter men, women and children in death factories because of their religion or their cultural background?

Before Hitler even became "president" (and absolute dictator) of Germany, he had already committed the gravest attacks on liberty. To name a few examples, he:

- \* banned all political parties other than the National Socialists;
- \* attempted to ban all Jewish-owned businesses;
- \* kicked Jews out of the government and made it clear to them that they were not welcome in the country;
- \* suspended the constitution;
- \* enacted complete governmental control of the media;
- \* opened numerous concentration camps, where political prisoners were held, tortured and killed without trial;
- \* carried out the "Night of the Long Knives," in which members of his own government along with hundreds of other citizens were shot in a single weekend.

To think the Bush administration — which is openly attacked in the press and in the streets, which is facing a new election next year without complaint, which has never denounced a class of innocent people — is close to a Hitlerian regime would be laughable if

*continued on page 18*

# Reflections

**Imposing democracy** — In his second debate with Al Gore, George W. Bush denounced “nation-building,” by which he meant intervening in other countries to try to impose democratic and free-market institutions on them whether they wanted them or not. He also criticized the previous administration for being too dependent on support from alliances like NATO and international organizations like the United Nations. He favored a more independent foreign policy.

Since NATO and the U.N. had ensnared the U.S. into dubious foreign military activity (in Haiti, Somalia and Yugoslavia), activity that involved nation-building, it seemed pretty certain that Bush was advocating a much less activist foreign policy than President Clinton’s. Indeed, it looked as if the U.S. under Bush might very well adopt the traditional, classical liberal foreign policy: free trade and friendship with all nations, and a military kept for defensive purposes only.

Bush kept half of his foreign policy promises: he has gleefully ignored the U.N. and NATO, proceeding with plans to invade Iraq, occupy

it, and set up a puppet government, all in the name of nation-building.

The hubris of the Bush policy knows no limits. The administration has already set up a task force to determine what sort of taxes the new, democratic, free-market Iraq will impose on its citizens. Right now, the Iraqi government is funded mostly by oil revenues; its only taxes are modest levies on real estate and inheritance. Plainly, according to the Bush administration task force, it needs more taxes, though not at first. Initially, to build popular support, there will be no taxes at all. But once a popular government has been established, Iraqis will get a progressive income tax.

—R. W. Bradford

**What goes around comes around** — The CIA is now reporting that North Korea has the technology to hit targets on the west coast of America. It just occurred to

me that these targets include large clusters of people who supported Clinton throughout the ‘90s, whilst he was selling missile technology to the Chinese in return for campaign contributions. It’s nice to know that since so many west coast residents subscribe to Eastern religions, the concept of “Karmic Justice” is not foreign to them.

— Tim Slagle

**Revenge of the New Dealers** — The Department of Homeland Security is a Republican version of New Deal public works programs.

— Richard Kostelanetz

**Taxing for terror** — The FBI says that Hezbollah, an Islamic terrorist group, has been partially financing itself

buying cigarettes in North Carolina (where cigarette taxes are low) and reselling them in Michigan (where cigarette taxes are high). The lesson for state legislators? If you impose high taxes, you are supporting terrorism.

— Randal O’Toole

**Hubris alert!**—

Americans who wonder why people in the rest of the world regard the U.S. as, well, bossy, might do well to reflect upon this, from an editorial in *The Wall St. Journal*: “Multilateral groups have their uses, as



NATO has proven over the decades, and as even the U.N. has shown when it has followed American leadership (Korea, the Gulf War)."

— R. W. Bradford

**We're all Clintonites now** — Clinton Lite. Is that what American conservatism has come to in the 21st century? It's a complex story, as there are many competing strands in President Bush's agenda.

Bush will never match the ambitious view of government of his predecessor, who managed to propose 104 new federal initiatives in 89 minutes in his last State of the Union speech. Still, in his State of the Union address, Bush did manage to recommend that the federal government spend taxpayers' money on such Clintonesque programs as a new hydrogen-powered automobile, drug treatment, mentors for disadvantaged children, AIDS treatment in Africa, and a massive new prescription drug entitlement for the elderly.

It's a far cry from the individualist, free-market, less-government conservatism of Barry Goldwater and Ronald Reagan. Conservatives used to believe that the U.S. Constitution set up a government of strictly limited powers. It was supposed to protect us from foreign threats and deliver the mail, leaving other matters to the several states or to the private sector — individuals, families, churches, charities, and businesses.

Bush has rejected the clarity of that vision, seeking a sort of Third Way between Reagan and Clinton. He campaigned across the country telling voters, "My opponent trusts government, I trust you." But in speeches to more liberal audiences, he ridiculed "the destructive mindset . . . that if government would only get out of the way, all our problems would be solved" and declared that "Government must be carefully limited — but strong and active and respected within those bounds."

His State of the Union agenda can only make us ask, Where are those bounds? If the federal government should build cars, train mentors for kids, and treat AIDS in Africa, what are the limits of its responsibilities? Traditional conservatism recognizes limits to government's wisdom and abilities.

Washington's new big-government conservatism is a product of several factors. First, Republicans spent so many years complaining about the budget deficit that they got out of the habit of arguing that some programs just weren't the business of the federal government; the deficit was an all-purpose reason to oppose new programs, but when the deficit (temporarily) disappeared the spending spigots opened. Second, Republicans feared offending any group by denying its claims on the federal purse, so they conceded the moral high ground to the big government crowd. Third, the limited-government conservatives and libertarians were joined by the neoconservatives, who brought with them both a keen understanding of the threat of communism and an expansive view of the role of government. As Bush adviser Stephen Goldsmith put it in *The Wall Street Journal*, "compassionate conservatism does accept continued state action, but advocates altering that action to fit common conservative principles." Today's neocons call for "national greatness," not for limited government, and look to Theodore Roosevelt and Harry Truman, not James Madison and Barry Goldwater, as their models.

The same shift is visible in foreign policy. In his campaign Bush talked about restraint and humility. "If we don't

stop extending our troops all around the world in nation-building missions, then we're going to have a serious problem coming down the road," he said in his debate with Al Gore. Obviously the terrorist attacks of September 11 (though indeed they demonstrated the risks of foreign interventionism) changed the focus of U.S. foreign policy; but the shift in Bush's agenda goes far beyond tracking down the al Qaeda network that attacked America. Now the United States is undertaking "nation-building" missions in Afghanistan and soon in Iraq, challenges that will be far more difficult than Clinton's mission in the Balkans. Worldwide interventionism is risky business. It is no easier to run the world than to run a national economy, and the costs may be even greater.

When they're given a chance to vote, Americans don't like big government. Last November 45% of the voters in the most liberal state in the Union, Ted Kennedy's Massachusetts, voted to abolish the state income tax, despite dire warnings from even conservative pundits that the measure would wreck vital services. On the day that President Bush spoke to the nation, Oregon's liberal electorate voted

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*Bush's program is a far cry from the individualist, free-market, less-government conservatism of Barry Goldwater and Ronald Reagan.*

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55-45 to reject a proposed tax increase, thereby instructing the legislature to implement substantial spending cuts.

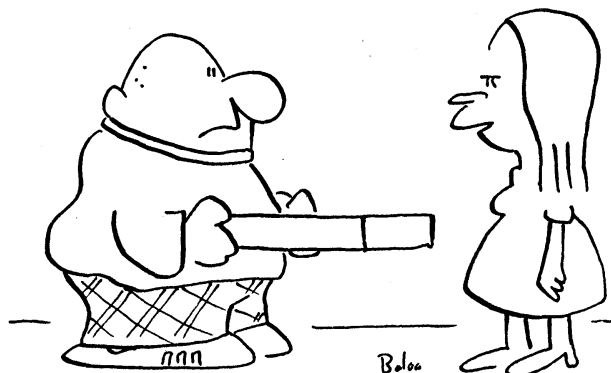
Given that our election laws have made incumbents virtually impregnable, and campaign finance restrictions make it hard to fund outsider candidates, it is hard to produce political leaders who will challenge the status quo.

For now, our best hope is the schizophrenia in Bush's agenda. Inspired by the worldwide trend toward markets and the rise of the investor class in America, Bush combines his little bits of big government with a promise to cut taxes at the margin and to bring choice, competition, and individual control to two of the linchpins of the welfare state: education and Social Security. If he succeeds in those endeavors, we may yet see a new birth of freedom in America, in spite of the Citizen Service Act, the mentoring initiative, and the hydrogen-powered car.

— David Boaz

**Four Marines fall in War on Drugs** — Lt. Col. Robert J. "Ramrod" Theilmann, 47, a Camp Pendleton flight instructor and commander of a 300-member flight squadron dubbed the Coyotes. Maj. Steven G. Palombo, 36, whose wife just gave birth to a baby daughter. Capt. David C. Cross, 34, who just rejoined the Marines after picking the wrong time to try to get a job as a commercial airline pilot. Maj. John Walsh, 36.

All were well-trained, brave Marines dedicated to serving this country in war and peace. All lived in San Diego County near Camp Pendleton. All left behind grieving families, friends, and colleagues who will never get to see how they would have fulfilled their great potential in life.



"Marijuana, maybe, but pizza can't be for medicinal purposes!"



And all of them, although there is not the slightest evidence that any of them had anything to do personally with illicit drugs, have to be added to the ever-expanding roster of casualties of the drug war.

The four Marine reserve pilots, based at Camp Pendleton but operating during the last week of January in Falcon Heights, Texas, near Harlingen, were part of a drug-law enforcement operation totaling six helicopters and 53 Marines, deployed along the Mexican border. When their helicopters collided in the dead of night all four were killed.

Sadly, the cause they died for was not a cause of which America can be proud.

The War on Drugs has not stopped Americans from using drugs the government has deemed illicit. What it has done is increased violent crime, led to the deaths of innocents, tempted authorities to blur distinctions that have traditionally protected American liberties, wasted billions of dollars of the taxpayers' money, and promoted corruption and dishonesty.

And in January it took the lives of four brave Marines.

Using the military to enforce domestic laws is a bad idea. The missions of the military and of law enforcement are different, so their training is different. Whatever one believes about the drug war in general, it should be clear now — especially in these times of rumors of war — that the use of U.S. military forces in drug enforcement should be ended immediately. We had been told that such use was being reduced in light of the struggle against terrorists, but this tragedy in Texas shows it hasn't stopped.

The temptation to skirt law and tradition and enlist the military in a crusade that civilian law enforcement seemed to be losing is understandable. But it hasn't worked. Illicit drugs are still widely available on the black market; supplies are, if anything, more bountiful than a few years ago. And the military has more important missions.

It is time to open a serious debate on drug laws. The War on Drugs has undermined our liberties and helped to subsidize terrorism and violence. I personally challenge "drug czar" John Walters to an open and honest debate where all sides are represented and given a fair hearing, before the drug war claims more casualties. Will he have to courage to accept?

— Alan W. Bock

**Reefer Madness, part LXXXVII** — A recent anti-drug campaign warns that marijuana is more dangerous than people think. They show either a car crash, or somebody putting flowers on a memorial for a friend lost in an accident. The voice-over repeats what sounds like an incriminating statistic: "One out of three people, stopped for reckless driving, and tested for drugs, tests positive for marijuana." Let's look at that statistic another way. It indicates that a full two-thirds of persons forced to submit to a drug test, after a reckless driving pullover, test negative for marijuana. All it proves is that the majority of reckless drivers who look like drug users are not pot heads. (It isn't mentioned how many of those pulled over pot heads are also legally drunk; I would guess all of them.) It's also worth mentioning that tests for marijuana, unlike those for alcohol, detect whether the subject has smoked dope during the previous few weeks, not whether they are under its influence at

the time of the test.

The accident footage in the commercial is nothing more than a red herring. There is no logical connection between the accident footage and the statistic, as they are talking about pullovers rather than fatal accidents. That would indicate to me that the ads were written before they did their research, that they wanted to show a link between automobile casualties and marijuana, and the "one in three" statistic was the most incriminating one they could find. I don't want to suggest that it is safe for people to drive under the influence of marijuana, but you have to wonder whether driving while stoned is as dangerous as the ad suggests if this was the most devastating statistic they could come up with.

— Tim Slagle

**An opportunity for Libertarians** — The theory, first proposed by *Liberty's* editor, that the Libertarian Party's need for a new approach and the nation's need of drug reform might both be filled by the LP's nominating for president a candidate who would make ending the War on Drugs the centerpiece of his campaign is about to be tested.

Judge Jim Gray, author of *Why Our Drug Laws Have Failed and What We Can Do About It*, is seeking the LP presidential nomination on just that theory. Gray is an articulate advocate of ending the War on Drugs, well-known and well-connected in the drug reform movement. His book was endorsed by everyone from Milton Friedman to Walter Cronkite to Baltimore mayor Kurt Schmolke to former Secretary of State George Schultz.

If he wins the LP's nomination, voters will be given their first opportunity ever to make an unequivocal anti-drug war

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*Jim Gray offers Libertarians something they badly need: a credible candidate who can plausibly capture 10% of the presidential vote. And he offers the nation something it needs: a way to call a truce in the War on Drugs.*

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statement and the LP will get its first real chance to rise above the sad 0.5% vote share that has been its chronic fate. In fact, there is good reason to believe that he might win as much as 10% or even more of the vote.

Medical marijuana initiatives have been enacted by voters of several states and nearly a third of all Americans tell pollsters that they favor drug legalization. The families of victims and potential victims of the drug war include an awful lot of people who might be motivated to vote for a third-party candidate like Gray as a way to make an unequivocal statement against the War on Drugs.

— Chester Alan Arthur

**Your litmus test is back from the lab** — Last issue, Brink Lindsey treated us to a taxonomy of libertarians, radical and reformist ("Am I a Libertarian," March). The occasion for this was his attempted excommunication by libertarians he deems radicals and utopians. The sole charge against Lindsey, for all I can work out, is his support for

some kind of military action against Iraq.

I find the link between Lindsey's "excommunication" and his analysis of it rather tenuous. The issue isn't tension between any two factions in the movement. Sure, all of us can point to a libertarian who is more "radical," or more irascible, or just plain ruder, than ourselves. And there are plenty of us who are too busy applying litmus tests to each other's Internet postings to get out in the real world and actually protect or promote freedom.

But all that seems to separate Lindsey from his accusers is the issue of launching a war against a state which, it is argued, is both too dysfunctional to tolerate, and just functional enough to threaten America with nuclear and/or biological annihilation.

Lindsey's justification for military action against that state, published elsewhere, just didn't work. In fact, it read like the rote pronouncements of Ari Fleischer. This is not to say that I think Lindsey simply takes the administration's press releases for reality, but the fact is no argument for war can go very far on the existing evidence of the Iraqi threat.

Brink, I'm glad you're in the movement. But as far as Iraq, what the hell are you thinking? — Brien Bartels

**Feeding their habit** — In his State of the Union address on January 28, President Bush asserted that "Too many Americans in search of treatment [for addiction] cannot get it. So tonight I propose a new \$600 million program to help an additional 300,000 Americans receive treatment over the next three years."

Bamboozled again! That money will help addiction treatment providers, not "addicts." The most popular programs available to help people control their addictions are self-help ones such as Alcoholics Anonymous, SMART Recovery, and their various offshoots. These programs are free. They "work" as well as anything else pushed by addiction quacks — which is to say they work as well as leaving people to their own "devices." Self-help programs are created, organized, and managed by people who want to help themselves. The people who run and participate in them don't need any money from the federal government. Whatever expenses they incur are paid for by program participants, as well they should be. The only people who stand to benefit from Bush's \$600 million handout are addiction treatment providers.

— Jeffrey A. Schaler

**Millions for bounty, but not one damn cent for invasion** — If Saddam is as crazy as our government says he is, and if he possesses "weapons of mass destruction," as is also said, then the last thing we should do is declare war on Iraq. Don't the Bushies believe what they say? Don't they imagine that a crazy man might do something previously unimaginable with those weapons?

Sooner put out a bounty on taking him out, even as high as 50 million bucks, or wait for him to die, as he surely will.

— Richard Kostelanetz

**Cold War souvenirs** — I remember reading about a town in the former Soviet Union where the main industry was old side-car motorcycles that looked like vintage BMWs. This town couldn't get goods from anywhere else in the country because of the inefficiencies of communism, but it

had overruns of these motorcycles. Hence everybody owned at least one. Farmers plowed their fields with motorcycles because they were easier to obtain than tractors.

Well, apparently an American entrepreneur, touring on a motorcycle, rolled into this town and thought he had died and gone to heaven. He quickly arranged to get exclusive license to bring these bikes into the U.S., where they are sold today as the cheapest and least reliable sidecar-equipped bike you can get.

I recently received a catalog of military surplus. Even though I abhor everything about the U.S.S.R., for some reason I delight in owning old Soviet military items. You can actually get old KGB watches with rotating bezels. Usually these bezels are used for divers to estimate how much air is left in tanks, though I imagine the KGB used them to insure that the prisoner they were torturing didn't get more than ten minutes of sleep. Mercifully, these watches are also unreliable.

Originally I thought my fascination was based solely on their antique quality. Because Soviet manufacturing was based on technology from the West, and the last time they had good access to Western products was during WWII, these things have a vintage look to them. They got their BMW (er, Ural) motorcycle plant by the simple means of stealing it from conquered Germany.

It just occurred to me why I really love this Soviet stuff: like the GIs who used to take things off of dead Nazis to bring home and flaunt, I am a victorious combatant in the Cold War. No, I never knew the horrors of actual battle, and I do not demean the courage of those who did, but the Cold War was different. Rather than sending soldiers into battle, Ronald Reagan got into a game of chicken with Mother Russia over which government could raise more tax revenue from its population. In essence, as a taxpayer throughout the '80s, I was drafted into that war. Some bonds written to cover the deficits acquired from that conflict won't be paid for 15 more years. So, as a victorious soldier in the only war I'll ever fight in, I have a right to flaunt my war souvenirs taken from a dead social engineering experiment. You should see my new fur hat.

— Tim Slagle

**Punish us, please!** — London's *Observer* reports the United States is punishing Germany for opposing an invasion of Iraq by removing "all its troops and bases" from Germany "and end[ing] military and industrial co-operation between the two countries." Rumor has it that, upon learning of the intended pull-out of U.S. troops, several nations — including South Korea, the Philippines and Saudi Arabia — requested punishment as well.

At least the U.S. is not using the same accusation against Germany that it hurls at France — namely, "Don't you remember what we did for you in World War II?!"

— Wendy McElroy

**A fishy idea** — Politicians who oppose Social Security choice like to use the term "lockbox" — a concept, like the Internet, invented by ex-Vice President Gore. And a word well chosen since it implies that your funds are stuffed in a dark, clammy, enclosed space far from the bright blessings of compound interest.

The conundrum — worthy of exegetical study to wor-

shippers of big government — is how the administrators of our funds avoided the blessing of growth. The lockbox contents, if converted to ownership in safe U.S. Treasuries, would accumulate like snow in a blizzard instead of mold on moist tennis shoes.

When our ex-vice president first used this lockbox expression, some hearing-impaired retirees in New York City were shocked — pacemakers beeped like microwave ovens. Loxbox?? Oh my God — he's bought smoked salmon with my money. Wonder if it was Nova or the cheap stuff? Don't laugh. Nova Scotia lox would have been a great investment. Much better than the dark recesses of that government vault.

The greatest casualty in the government's critical care

unit of stillborn, crippled, and deformed programs is Social Security. Not that they won't pony up the benefits on the red letter day. Oh, they may finagle the date or toughen the qualifications or even print up a stack of money to cheapen your payoffs, but no political party — including the National Socialist German Workers Party, if they win in 2004 — is going to renege on the money. If you believe it will come

to that, you should strongly suggest to your wife that she sew her wedding ring into her undies, safe from the confiscatory arm of the state.

The consoling thought, say the fans of the status quo, is that Social Security was intended as a supplementary retirement system with a significant charitable component. It's those last three words, not often headlined, that frustrate the investor-saver. And that's why examining your Return on Investment and bleating about lack of growth are pointless exercises. Before you talk about ROI, slowly and thoughtfully pronounce the phrase, "Social . . . Security." What can it mean except that it's clearly a triumph of government nomenclature? Taste each word. Notice that the program is not titled "Financial Security." Notice it is not called "Your Payoff for a Lifetime of Contributions and Compound Interest." Literally, it would seem to mean that your beneficent government, when you get old and cranky, shall provide you a warm bevy of friends and relatives so you would *never* feel socially insecure. Hopefully the system will soon change into a private investment account. — Ted Roberts

**A lot on their plates** — Occasionally, I stumble across an article that reminds me why our founding fathers

fought the British. I just read that, in London, there is now an \$8 per day charge to bring a traditionally fueled vehicle into the central part of the city. I know that places like San Francisco always have charged tolls on the inbound sides of bridges, and I have no qualms with a town charging a cover. In London however, their enforcement technique is straight out of the film *Brazil*, and right in line with supporting BBC by selling television licenses.

Rather than set up tollgates (which would be a logistical nightmare on the maze of roads that lead into London, and would probably only exacerbate the congestion) they have decided to set up a network of 800 video cameras around the central city which focus on license plates, record them all, and check the numbers of everyone driving in that part of

town against a database of people that had paid the daily fee.

— Tim Slagle

### Political note

— I have it on good authority that, by the time this magazine hits the newsstands, Congressman Pat Toomey of Pennsylvania will announce his challenge of incumbent Senator Arlen Specter in the May 2004 primary.

Forty years old, and one of the brighter and harder-working Congresscritters, Toomey is a possible early contender for the Repub-

lican presidential nomination in 2008 or 2012. While he's no libertarian, he was a Cato Sponsor in the early 1990s; and in 2001, an advocate of increasing George W. Bush's proposed \$1.6 trillion tax cut to \$2 trillion. By those measures alone, he would be vastly preferable from the point of view of most libertarians and conservatives to Senator Specter, who is generally perceived as a Democrat sitting on the Republican side of the aisle, though those with long memories will remember his admirable exposé of the ATF's entrapment of Randy Weaver and the FBI's murder of Vicki Weaver.

— Chester A. Arthur

**Lies, damned lies, and the dodo** — We all "know" that plant and animal species are constantly "going extinct," and that they are "going extinct" at a "rapidly increasing rate." But some of the things that we supposedly know aren't really true.

Ask yourself, What's the most recent species to go extinct?

Huh? You don't remember? No, it's not a trick question. And yes, you should have heard about it, if the environmental organizations are doing their job. That's one of the things they're for, isn't it — to let us know when species go extinct?



Unless species go extinct so rarely that the environmentalists don't want to bring it up . . .

And please, don't go on and on about the extinction of the passenger pigeon, or the dodo — or the Neanderthal, which one environmental website lists along with the passenger pigeon and the dodo as an example that we should all be mindful of. Those extinctions happened a long, long time ago.

I recently asked myself this question about the last extinction. The stimulus was one of those articles that the local paper runs on a slow news day. It was the ordinary, desperate report on the state of the world's flora and fauna, as viewed by environmental experts and a newspaper reporter whose job is to swallow everything that such people have to say. Amid all the dire forebodings and authoritative predictions, a stray fact stood out: "Of 20,000 species of plants native [to the United States], more than 200 have gone extinct." You can see the dimensions of the problem! And they're not very large.

But the story got me curious. How rapidly *are* extinctions taking place? To simplify matters, I decided to confine myself to mammalian species, the only kind of species that people generally care about, and the kind of species that are, generally speaking, most vulnerable to extinction, being so large and all.

To find the answer, I went to the Web. I figured that if the environmental activists are doing anything to inform the public, they're doing it over the Web. And there are, in fact, so many environmental websites that I expected the crucial

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*This appears to mean that when I'm off in the desert by myself, and thereby constitute an isolated vertebrate population, I become a new species, California desert man.*

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information to leap into view very rapidly. It didn't. Virtually all the sites that concern themselves with extinction turn out to be more concerned with scaring you than with providing detailed, factual reasons for you to be scared. They simply lament the loss of a few sample species, without ever mentioning how long ago those species were lost. It takes you a while, but eventually you realize that you can dry your tears for the eastern woodland bison. It perished in 1825.

The sites also have strange practices with lists and statistics. They say that so many species are "threatened" or "endangered" or "qualify" to be considered as such, but the closer they get to the current die-off rate, the fuzzier their data become. Also, they commonly inflate the notion of "species," a word that means, according to one of them (a site more candid than most), "species, subspecies, varieties [!], and vertebrate populations." This appears to mean that when I'm off in the desert by myself, and thereby constitute an isolated vertebrate population, I become a new species, California desert man, a mammal that is severely endangered and in need of protection. After all, it's down to only one animal. I think this may be why the lists of extinct animals include so many wolves and bison and foxes with geographical adjectives attached: "Great Plains wolf," "Southern

Rocky Mountains wolf," etc.

But I'll give the list-makers the benefit of the doubt and include all the "species" they mention. Assiduous searches and comparisons of purportedly authoritative sites indicate that environmentalists believe that since 1492, 25 species, quasi-species, or pseudo-species of mammals have gone into extinction in the continental United States. And during the past 25 years, it seems that there have been only two real or supposed extinctions: the extinctions of the hot springs cotton rat and the Penasco chipmunk.

The cotton rat is listed as having gone extinct in 1996, but the last specimen was collected in 1909, so who knows when it happened? The chipmunk is said to have died out in 1980, but there's a problem with that, too. The New Mexico Department of Game and Fish — which, by the way, considers the Penasco chipmunk "a subspecies of the least chipmunk" — appears to be of two minds on the question of whether the little guys are gone. It talks about them as if they were still alive, but notes that the last, unconfirmed, sighting happened in 1993.

Speaking of confirmation, I have so far failed to confirm the extinction of the big thickset hog-nosed skunk, which according to some lists became extinct in the mid-1990s. I hope that it didn't. Anything with a name like that should live forever. Other sources proclaim the end of the Mexican gray wolf and the black-footed ferret, two mammals that are not only alive but the object of programs designed to repopulate the wild with them.

Environmentalists helped to save those critters. If that's what environmentalists do, it's fine with me. But I've stopped worrying about their comments on the dizzy pace of animal extinction.

— Stephen Cox

**My dad's free lunch** — TV hosts with remodeled faces, economists who believe in interest rate manipulation, corporate execs who cook the books for lunch, even CEOs who eat free at the executive buffet — they all use the expression, "there's no such thing as a free lunch." But not many pundits know its ancient origins. No, I didn't discover it in an earthenware jar in the caves of Qumrum. I learned it at the knee of my father, whose life span embraced the terrible teens and roaring twenties, plus six duller decades.

His tales were full of woe, of stock market collapses, unemployment, wars. All of which resulted in brisk, low-calorie suppers and lots of exercise sprinting out the back door when the landlord, looking for rent, banged on the front door. Nobody was fat. The typical American wage earner was a lean, low-cholesterol, dead-broke machine.

But occasionally in the midst of a tale of midnight flight from raging landlords, my father's face would brighten at the happy thought of the "free lunch." Remember these were hard times and only "rich folks" dined out. You paid your three nickels — if you had three nickels — for maybe a slice of meat, two vegetables, and a wedge of pie. A request for more brought a stony stare, as in Dickens' *David Copperfield*. Life was more like a soup kitchen than a buffet.

"But, ah, that free lunch," grinned my old man as he patted his stomach. "All you wanted. Cheese, bologna, pickles, lunch meat. All you wanted," he repeated. And you only had to buy a 7-cent beer. The cold cuts were free!

Well, even a 1930s economist — not exactly a golden age



for economics — knew that “there ain’t no such thing as a free lunch.” Saloon No. 1 had beer for 7 cents and a table full of cold cuts. Help yourself. Saloon No. 2 had no buffet, but the beer was a nickel. Saloon Number 3 charged the 7 cent price for a mug of beer sans bologna and pickles, but it was higher quality brew. That “free lunch” wasn’t free by anybody’s definition. Somehow it was reflected in the price and quality of the beer. Or even subtler — its saltiness victimized the diner with thirst. Another beer, another 7 cents.

— Ted Roberts

**An offensive request** — Turkey has requested that NATO provide military equipment to help defend Turkey against military action expected from Iraq once the U.S. invades that Arab nation from its bases in Turkey. It all

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*Turkey’s request was defensive only in an Alice-in-Wonderland sort of way — but a way that was accepted enthusiastically by U.S. diplomats and the war-panting media.*

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might be resolved by the time this sees print, but most observers think this is the most internally destabilizing event NATO has yet experienced.

France, Germany and Belgium raised objections to Turkey’s request. Numerous American commentators tut-tutted that the action by the three European countries was a callow abandonment of the basic NATO principle that an attack on one is an attack on all, and will break up, or at least harm, the alliance that has so successfully kept the peace on the Continent and deterred aggression since World War II, blah-blah-blah.

It’s not quite so simple.

The request from Turkey was, as Cato Institute defense policy analyst Charles Pena put it to me, “a perversion of Article 5 [of the NATO charter].” It was not a request for help in the face of an unprovoked attack, but a request for help in anticipation of retaliation by Iraq in the wake of a possible offensive military action against Iraq led by the United States.

Turkey’s request was defensive only in an Alice-in-Wonderland sort of way — but one that was accepted enthusiastically (and with a small orgy of France bashing) by U.S. diplomats and the war-panting media. It is really a request to facilitate an attack by the United States about which many European countries have serious reservations.

Steven Everts, a defense expert at the Center for European Reform in London, came closest to the heart of the issue, when he told the *International Herald Tribune* that “what Europe is quarreling about is not so much how you deal with Iraq, but how you deal with the United States.”

NATO was formed as a defensive alliance against the Soviet empire. In essence, it assured Europeans that the United States would come to their side if the Soviets invaded Europe. With the collapse of the Soviet Union, that rationale disappeared. NATO was kept in existence essentially by inertia. Nobody wanted to take the initiative to disassemble

it, and the emerging post-communist East European countries viewed membership as an affirmation of their acceptance as Europeans.

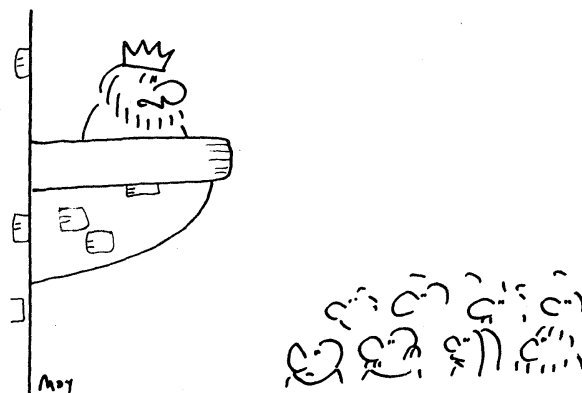
Through all this post-Soviet muddling, NATO’s charter has never fundamentally changed. It is still a defensive alliance designed to respond to unprovoked attacks on member nations.

— Alan W. Bock

**Word watch** — One of the hit songs of the disco era (the most regrettable moment in American musical history) was “We Are Family,” recorded in 1979 by a group called Sister Sledge. The four singers in that group were actually sisters, so they can’t really be blamed for what happened next, which was that all sorts of people who were *not* related to one another, who were not “family” in any plausible sense of that word, began using the “family” phrase (and its numerous, equally uninspired variations) to insist on the idea that they were *too* related. Feminist activists. Gay and lesbian support groups. Celebrities involved in charity fundraising schemes. Italian restaurant chains. And the beat goes on. We are all “family” now.

That’s one dreadful thing that happened. Here’s another. At about the same time, churches all over the United States stopped worshipping God and Christ and started worshipping “family,” using the noun in that kitschy, de-articled way, or turning it into an adjective, as in “family values.” This was, of course, a big step down, theologically. The Bible may be about a lot of things, but it is not about the values of families — at least if the values one has in mind are lofty values. There are families in the Bible, and a lot of them, but . . . Let me put it to you this way. It’s been said that there’s one really happy marriage in the Bible, and that’s the marriage of Ahab and Jezebel.

But whatever you think about the effect of “family” on religion, there is clearly a breakdown in diction here. Before the 1970s, “family” was “Mrs. Henderson’s family,” or “my family,” or “the family”; it wasn’t stripped of its adjectives and absolutized as a single, invariable, abstract entity like the “trust,” “love,” or “loyalty” that families are often said to embody. To say, “I’m concerned with family” or “I believe in family” in the same way as one says, “I’m concerned with loyalty” or “I believe in Christianity” — this is new, and ominous. It means that people want to exchange their assessments of actual families for the abstract admiration of “family” per se.



“Sorry about that war — it was a mid-reign crisis.”

Let's consider the function of "family" as an adjective preceding "values." "Family" has long been in common use as a descriptive adjective: "We have an unhappy family life"; "We went on one of those dull family outings"; "I really made a fool of myself at the family Christmas party." Now it is being used as a qualitative adjective, equivalent to "good" or "godly" or "healthy" or some such thing. No one knows exactly what such thing, since "family" currently covers so much ground. Presumably, "family trip" can now apply equally to the Sledge sisters' annual vacation and to a parade for world peace populated exclusively by the inmates of an orphans' home. Yet "family values" seldom appears without the implication that it denotes something as well-determined as a branch of higher education: "political science," "military history" ... "family values."

Away with "family"! But it will probably remain with us for a good long time. Indeed, it is tightening its grip on us. A recent, and disturbing, indication is the prominence it achieved in the aftermath of the space shuttle disaster. This time we can't blame the churches or the celebrities, much less Sister Sledge. The responsibility rests, as it so often does in cases of linguistic catastrophe, on government and media.

AP story, February 5: "NASA Family Struggles Through Grief." The story was about NASA employees who feel "guilty" because they think they might have been able to do something to prevent the disaster. Why, then, shouldn't the title read, "NASA Employees Struggle with Guilt"? No, that would too clearly identify an important issue, the issue of whether someone might actually be responsible for the event, and whether that someone might be a paid official of the government, rather than a member of some loving family group. In short, the correctly titled article would point beyond emotions ("grief") to the assessment of fact ("guilt").

I am not saying that I know there was guilt. No one yet knows why Columbia fell from the sky. But it is obviously quite possible that NASA officials somehow caused the accident. That possibility has been apparent from the first. So strong is NASA's claque in the media, however, that what one heard on radio and television was not, "How terrible NASA executives must feel, knowing that they might have caused the disaster," but "How terrible NASA executives must feel, concerned as they are with 'family.'"

Seven hours after the disaster, NASA leaders held a press conference. They talked for almost an hour about their feelings; then they provided approximately two minutes of information about the sequence of events that took place over Texas. This brief, but not especially lucid, interval culminated in an admission that one of the speakers didn't have

his "cheat sheet" with him, so he couldn't say exactly when the spacecraft broke apart. The attitude was, we're too upset to convey any facts.

No doubt they were. Then why call a press conference? To express their feelings about the "NASA family," of course. And that was apparently fine with most of the media representatives. The first questioner asked the executives to talk some more about the "NASA family." They did so, at enormous and, by now, very redundant length. When a few questions were finally put about the issue at hand, which was the destruction of the taxpayers' (no, not "NASA's") spacecraft and the lives of its crew members (no, not "NASA family"), the nation learned such interesting things as the fact that in seven — no, by now eight — hours, NASA executives had not listened to the tapes of Columbia's last moments, and could therefore not say exactly what remarks were made during that time. None of the honchos could adequately explain the technical terminology that they used during their one brief flirtation with fact.

But all of them seemed confident that they knew what had *not* caused the disaster. It was not terrorism. It was not the impact of any of those things that somehow keep breaking off the world's most expensive machine. It wasn't this; it probably wasn't that. But whatever it was, it made no difference: *we* are family, and *we* are resolved to keep the shuttles flying, no matter what.

I'm sorry. I don't want to be crude, but I'm not the one who started this. There ought to be grief in the face of death, but there ought also to be dignity and responsibility. Please, when I die, if there's reason to believe that you might accidentally have caused my death, don't come to the funeral and talk about your "family" feelings. Talk about what happened to me. And if you don't know what happened, shut up.

— Stephen Cox

**One-trick donkey** — Abortion sure brings out the libertarian rhetoric in Democrats. The six Democratic presidential candidates shared a stage for the first time at a gala dinner put on by NARAL Pro-Choice America, the new name of the National Abortion Rights Action League. The candidates fell over themselves to make the most ringing defense of abortion rights and the sharpest criticism of President Bush and the Republican Congress.

Howard Dean, former governor of Vermont, proclaimed, "This government is so impressed with itself in promoting individual freedom they can't wait to get into your bedroom and tell you how to behave." Of course, abortions don't usually take place in the bedroom but rather in a doctor's office. And Governor Dean wants to nationalize doctor's offices and take away medical freedom with his "universal health care" program. He doesn't even believe that a terminally ill woman should have the right to choose medical marijuana to ease her pain.

Sen. John F. Kerry (D-Mass.) promised to bring up the abortion issue if he finds himself debating President Bush next year: "I'll tell him, 'There's a fundamental difference between he and I (sic; it's been a long time since Kerry's prep school grammar classes): I trust women to make their own decisions. You don't.'" Fine words. But it looks like the *only* decision John Kerry trusts women to make is the decision to



"Nice invention, but you left the lid up."

have an abortion. He doesn't trust a woman to make the decision to invest her Social Security taxes in private accounts that would provide her a more comfortable retirement. He doesn't trust a woman to own a gun. He doesn't trust a woman to make her own decision on where her children will go to school.

Former House Democratic leader Richard A. Gephardt acknowledged a change of heart on the abortion issue: "I came to realize that the question of choice is to be answered not by the state but by the individual." With language like that, Gephardt could run for the Libertarian Party nomination. But what question of choice — other than abortion — does Gephardt think should be answered "not by the state but by the individual"? Like Kerry, he opposes Social Security choice, school choice, and the right of individuals to choose what drugs they will use, either for medical or recreational purposes. He voted to deny gays and lesbians the right to marry the person they choose.

Too many people these days think "choice" only refers to abortion. I'd like to hear a presidential candidate say, "I believe in a woman's right to choose. I believe in a woman's right to choose whether to have a child. I believe in a woman's right to choose any job someone will hire her for. I believe in a woman's right to choose to own a gun. I believe in a woman's right to choose the school she thinks is best for her child, public or private. I believe in a woman's right to choose what kinds of art she will spend her money on, even if she prefers Madonna or Randy Travis and Congress wants to give her money to Robert Mapplethorpe or Luciano Pavarotti. I believe in a woman's right to choose to drive a cab, even if she doesn't have a license. I believe in a woman's right to choose the employees she wants for her business, even if they don't fit some government quota. I believe in a woman's right to choose the drugs she prefers for recreation, whether she chooses Coors or cocaine. I believe in a woman's right to choose how to spend all of her hard-earned money, without giving half of it to the government."

Whatever one's decision on the right to choose abortion, surely that is a more difficult issue, involving more lives and more complexities, than the right to choose a school for your child, to use marijuana, or to own a gun. And yet many of the supporters of "a woman's right to choose" don't support a woman's right to make those choices.

When a Republican president is holding U.S. citizens without a court hearing, implementing a Total Information Awareness program to compile information on all citizens, and spending more taxpayers' money on every nook and cranny of the federal government, it's great to hear leading Democrats talk about freedom, trusting people to make their own decisions, and limiting the power of the state. It would be even better if they applied those noble principles to more than one issue.

— David Boaz

**See José work** — "They're taking our jobs. Their newborn babies are automatic U.S. citizens. They crowd our hospitals and fill our prisons." You've heard it all on talk radio and in conversations with friends. When the discussions get around to the illegal immigration question, the overwhelming sentiment is to send them all back and seal the borders.

Most Americans believe the flood of immigrants is destroying the nation's economy, as well as corrupting our institutions and culture.

It just isn't so. Rather than being a drag on the economy, the burgeoning population of working immigrants provides a steady, positive thrust to business activity. These people quickly fill low-level jobs and have a work ethic that impresses most employers. They do their jobs, pay income and FICA taxes, save a little, and buy goods and services.

The major political parties stealthily support what is happening for reasons which are patriotic, political, and selfish. To be sure, Democrats like the flood of immigrants because newcomers tend to vote for Democrats. Republicans — entrepreneurs and CEO types — favor it because of the cheap labor. The politicians are thinking of what's best for their country too — it's a fiscal thing.

The new immigrants have positive effects. They find employment and enroll in the Social Security system. Without this influx of new blood, the system would collapse because it is top heavy in the ratio of retirees to those working. Our nation's birth rate is declining — high divorce rates, abortions, working wives — so the burden is mounting on the working contributors in the system. We need a constantly growing work force.

Moreover, the nation's economy is driven by demand for consumer goods and services. If some 20 million illegal immigrants went back home *mañana*, we would have a depression in a Tijuana minute. Their significant production would be lost as would rent payments, furniture sales, food purchases, car payments, and all the rest. We would have to coax them back to save the economy.

Our elected leaders are mum about it, but there is little doubt that those with power and influence in Washington understand the hard truth.

See José sneak across the border. See José work. See José pay into the Social Security fund. He's an outlaw, but a useful one. José is important on the home front too. A family man, and more religious than most of us, he is more like we used to be than we are. He may vote liberal, but he thinks conservative.

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The law allows 900,000 legal immigrants into the country annually. That equals a new major city each year, and it doesn't count the illegals. With our pillaged and upside-down Social Security program, plus our debt-based monetary system as carried on by the Federal Reserve, our nation needs a steady growth of capital and labor just to maintain the status quo. Heavy immigration is the answer.

Take an immigrant to lunch, and give a wink and a nod to your elected representatives. — Jerry Askeroth

### *Plumbing the depths of stupidity* —

There's a lot of controversy over just how stupid, George W. Bush actually is. I'm convinced he's actually a person of marginal intelligence, fortified by little experience, and very little general knowledge. My friend Victor Niederhoffer, who has a genius level IQ, disagrees. He thinks that the fact that Bush has a Harvard MBA and graduated in the top half of his class is de facto evidence of an IQ north of 130. I would counter that Harvard is notorious for graduating people once they gain admission, and admission can be a highly political process. Entirely apart from the possibilities presented by cheating, grades in school don't necessarily indicate either high or low IQ. Look at Teddy Kennedy, another Harvard man.

The Baby Bush would have taken batteries of intelligence tests throughout his school career, and the results are still in existence, unless his father, exercising foresight, arranged for them all to be "misplaced." If he wanted to end the controversy, he could release them. Then the argument could be productively refocused on more important things, like his lack of wisdom, or the shallowness of his character, or his phony moral veneer.

Recently a high-ranking Canadian federal official characterized Bush as "a moron" for his hard-line stance on Iraq at the NATO meeting in Prague. Canadian stupidity experts now say that may be a correct assessment.

"Technically, a moron is someone who is stupid but looks normal," said Albert Nerenberg, the film director who is completing a documentary titled *Stupidity*. "Much has been said recently about Bush arriving at a point where he looks presidential. What's intriguing about morons is that they can pass as just about anyone, but inside they're still morons." The film is being commissioned by the Documentary Channel and the CBC, and features interviews with Noam Chomsky, John Cleese, Bill Maher and former Bush speech writer David Frum. A trailer for *Stupidity* can be found at [www.trailervision.com](http://www.trailervision.com). I certainly plan to see the film when it comes out, and I expect the president to play a prominent role.

Bush is characterized as being stupid mostly by those who don't like his politics, so their motives may have colored their judgment. When in doubt about the meaning of a word, I've always found it helpful to check a dictionary. Mine says "stupid" means "slow of mind, given to unintelligent decisions or acts; acting in an unintelligent or careless manner; lacking intelligence or reason." By that definition, almost anyone would have to agree that Bush is stupid.

Stupid comes in three flavors: moron, imbecile, and idiot. I suspect that Bush is actually a moron, which my dictionary defines as "a mentally retarded person who has a potential mental age of between 8 and 12 years and is capable of doing

routine work under supervision." Bush is clearly capable of doing work under the supervision of his Axis of Evil advisors.

I think it's going too far to refer to him as an imbecile, which is "a feeble-minded person having a mental age of 3 to 7 years and requiring supervision in the performance of routine daily tasks of self-care." But, by the time The Forever War is truly underway, I have no question *boobus americanus* will be referring to Bush as an "idiot," which, my dictionary reminds us, is "a feeble-minded person having a mental age not exceeding 3 years and requiring complete custodial care."

— Douglas Casey

*The ultimate gift* — The war party argues that Saddam Hussein might develop a nuclear bomb and give one to the al Qaeda network, which would detonate it on us. Therefore, we should take out Saddam now, before he has his bomb.

There are two weak links in this argument. Attention has been focused on the first, which is whether Iraq could develop a bomb, given that its economy was substantially wrecked in the 1991 war, imports blocked, and industry subject to inspection.

The second is the assumption that if his scientists could make a nuclear bomb, Saddam would give one away. People slide over this one without examining it. It *could* happen — sure. But what country has ever given away a nuclear weapon? The Russians bankrolled numerous communist insurgencies, but they were careful about what they gave away. No nuclear weapons. No missiles. No strategic weap-

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*If Saddam had a nuclear weapon, he would test it, so he could be sure he really had it and not just a scientist's promise — and because we would stop talking about invasion, as we have with Kim Jong Il.*

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ons of any kind. (The ones in Cuba were under Russian control.) The Soviet Union never allowed its satellites to have control of nuclear weapons, either. China did not give them away. And this includes the time of Stalin and Mao.

Nor is that an odd thing. It is a normal thing. The value of powerful weapons shrinks as more people have them.

Saddam Hussein has had poison gas for years, and has not given it away. He has had various biological weapons over the years, and he has not given them away.

Could his scientists make him a nuclear weapon? I doubt it, but maybe they could.

If he had it, he would test it, so he could be sure he really had it and not just a scientist's promise. A man like Saddam would have to have it tested. Also, he would want to show off to the world that he had it. Because we would stop talking about invasion, as we have with Kim Jong Il.

Judging from history, that is *all* Saddam Hussein would do with his nuclear weapon. Why? Because that is how nuclear weapons have been used for the past 55 years. They



are not battlefield weapons. They are tickets to the don't-mess-with-me club.

— Bruce Ramsey

**A toast to Silent Cal** — “Politicians,” says my good friend, Herb, “are the only burglars who can steal a wage earner’s money without a gun or a knife. And no danger of apprehension because the guy with his hand in your pocket is supported by the police, the FBI, the National Guard, the U.S. Marines, and the Supreme Court.” Herb hates taxes like a midnight toothache. “The last truly great U.S. president was Calvin Coolidge, who could easily have been a silent film star making a lot more money than hanging around the White House.” So says Herbie. “And the last great piece of legislation was the Magna Carta,” he adds just to show the depth of his research.

“But Herb — Coolidge played poker and drank bourbon with his pals in the White House bar for four years — that’s all he did. And Mrs. Coolidge, as hyperactive as a sloth with mono, hung new curtains in the White House master bedroom. That’s about the extent of the Coolidge agenda.”

“You make my point,” said my historical friend as he poured down a beer that should have had my name on it since I paid for it. “Calvin Coolidge,” continued Herb, “passed about as much legislation as an oak tree in the White House lawn — my kinda prez. Laws and traffic lights; they both cause gridlock. And once they’re up . . . well, when’s the last time you saw the city engineer admit he was wrong, pull down a light, and run a public announcement in the local paper: ‘Folks, that light on Raceway Blvd. and Lazy Lane was a terrible mistake. Only a cat and two chickens penetrated that rural intersection last month. We’ll be taking it down next week. Components will be awarded to spectators as souvenirs to municipal inefficiency.’”

“And note that it took Congress a hundred and two years to dismantle a three percent tax on your telephone — instituted to finance the Spanish American war of 1898. Tax law is harder to change than those ten rules carved in the granite tablets of Mount Sinai!”

Then Herb watered his roots again with my Budweiser.

— Ted Roberts

## Remembering Lou Harrison and Leslie Fiedler

— When the composer Lou Harrison and the essayist Leslie A. Fiedler died within days of one another at the beginning of February, I realized not only that I was fortunate enough to know them both, albeit in different ways, and at different times of my life, but that they resembled one another in details and ways I’d not noticed before. Each was born in 1917; each wore a beard for most of his life; each carried his robust head on a portly body. Each did a degree of accomplished work in other arts; in Fiedler’s case, fiction; in Harrison’s, calligraphy and poetry. I doubt if they ever met each other.

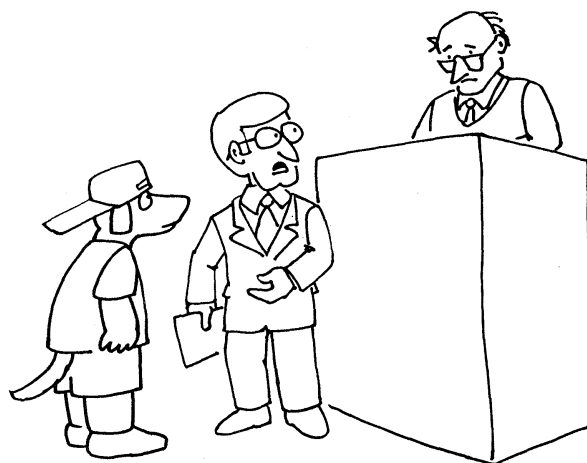
Similarly cultivating reputations as incorrigible radicals, both Fiedler and Harrison were professional outsiders whom insiders eventually, if reluctantly, accepted. Both were thought to be Westerners, to epitomize an extravagant western American sensibility that was unavailable to effete Easterners, even though Fiedler was born in Newark, took his B.A. at New York University, and taught and lived in

Buffalo for more than three of the last decades of his life. And Harrison spent some of his 30s in New York City, incidentally working as a reviewer for a local daily newspaper. I knew Fiedler first as a teacher of a summer-time writing course at Columbia University in 1961, just after I turned 21; and I recall that he encouraged me to publish my writing, which I started to do soon afterwards. For a while, I tried to emulate the ironic complexity of his prose.

Fiedler didn’t keep in contact with prominent former students, for reasons unknown to me. Maybe he didn’t care. Perhaps he lacked respect for himself as a teacher. Nonetheless, he affected the lives of younger colleagues. The writer Samuel R. Delany tells me that Fiedler made his academic career possible, in spite of the absence of even an undergraduate degree, by inviting him to a certain academic conference in the mid-1970s.

Lou Harrison I got to know in 1990, when I asked a magazine to let me do a profile of him. He and his life partner Bill Colvig picked me up at the train station in San Jose, impressed that I had taken the train from Seattle, rather than a plane, as they, too, preferred to travel around the country by train. I stayed at their house for several days, where I had my own room (most recently occupied by the composer Alan Hovhaness and his wife Hinako) and could raid the refrigerator at night. The house was actually just one element in a compound that included a trailer that was Lou’s preferred composing studio, a platform that could become a stage for performances, a garden, and much else, all behind walls that insured privacy. Given that Aptos was near the chilly Pacific Ocean on the Santa Cruz peninsula that is the apex of a desert, most every day in Aptos was sunny and in the 70s. From that visit came several appreciations, even one about his writing, as well as a long interview.

Both men regarded themselves as belonging to a beleaguered minority: Fiedler as a Jew, Harrison as a homosexual, and each made this affiliation a principal subject of their work. Just as the titles of Fiedler’s books included *The Last Jew in America* (1966) and *Fiedler on the Roof* (1991), so Harrison wrote operas that had not only homosexual implications for the cognoscenti but explicitly gay titles and subjects: *King David’s Lament for Jonathan* (1941) and *Young Caesar*



SHCHAMBERS

“But your honor, the defendant is nearly 50 in dog years — clearly an adult.”

(sic) (2001). I wrote about both of them in *Liberty*.

Lou and I shared the same birthday, May 14 (he was 23 years older than I), and for many years we tried to telephone one another around that date. Though I don't subscribe to astrology, there were aspects of Lou's Taurean personality that looked very, if not embarrassingly, familiar. A few years ago, I received three calls within a few days of each other, perhaps indicating that Lou's memory was slipping; but he never failed to tell me about the opera he was planning for

Dennis Russel Davies to conduct at Lincoln Center.

I forgot to call this past May, as did he; and so I planned to telephone him after a series of concerts devoted to his influence at Juilliard this past January. That weekend he boarded a train that should have taken him to Columbus, Ohio. When the train stopped at Lafayette, Indiana, Lou went with friends to a fast food place where he had a heart attack, dying with the pleasures not of art or sex but, like all big boys should, of food.

— Richard Kostelanetz

## Letters, from page 6

it were not coming from such an intelligent man as Mr. Bradford. War certainly does strange things to people. It causes government officials to over-react and the general population to passively accept, to some degree. Worst of all, it causes freedom-loving people to imagine that the removal of a tyrant is somehow unjust.

The only person comparable to Hitler in our present situation is Saddam, and even that would be more accurately expressed by a comparison to Stalin.

Jamie Lambert  
Denton, Tex.

*Bradford responds:* Contrary to Mr. Lambert's charges, I neither compared Bush to Hitler nor suggested that the Bush administration is "close to a Hitlerian regime." All I suggested was that ordinary Americans were reacting to their loss of liberty under Bush in a way similar to the way ordinary Germans reacted to their loss of liberty under Hitler.

If the thrust of Mr. Lambert's letter is that it is a mistake to suggest a moral equivalency between Hitler and Bush, I applaud him. Libertarians have too often suggested such an equivalency between American leaders and dictators. This reveals a very serious failure to recognize that there are serious differences of degree between, say, the depredations of Stalin (who killed 30 million innocent people) and Franklin Roosevelt (who imposed price controls on Americans).

Having said this, I do not think there should be a complete moratorium on comparisons between American leaders and such monsters. For American leaders sometimes do monstrous things, and even monsters do not always act monstrously. For example, as I understand it, Hitler's "concentration camps" of the 1930s

were modeled on American Indian reservations and were not much different from America's "detention camps" for Americans of Japanese ancestry of the 1940s. Observing similarities of that sort ought not bring approbation. (Of course, Hitler comparisons are sometimes overused, becoming clichés, and under such circumstances should be avoided as a matter of literary judgment.)

## Stupid and Evil

As a new reader of your magazine, I was taken aback at Stephen Cox's confirmation of the old saw that America has two parties: the Evil party (Dems) and the Stupid party (GOP) (Reflections, February). From what I've observed, it's obvious that the GOP has led the assault on civil liberties during the past two years. Republicans are also lead promoters of a belligerent nationalism and its favored bedmate, aggressive militarism.

Need I mention the ever-more-regressive tax code, welfare programs for big oil/auto/pharmaceuticals, pouring weapons into the Third World (Colombia, Kurdistan), etc., etc.?

What to conclude about the tug of war between our duopoly political parties? Evil is as Stupid does.

Paul Trombley  
Chicago, Ill.

## Minority Report

In his review of Teachout's biography of Mencken ("A Politically Correct H.L. Mencken," February), R.W. Bradford confesses an inability to account for Teachout's unfounded accusation that Mencken was an anti-Semite. Perhaps the best explanation is the current, self-serving, oversensitivity of all "minority" groups to any negative statements about themselves. Since most generalizations, positive or negative, about whole groups of

people admit of exceptions and are, therefore, more or less inaccurate, the only way to avoid charges of "anti-Semitism" or "racism" is to avoid making any negative generalizations at all. Although Mencken made some negative statements about Jews, which were not true of all Jews, the grave charge of "anti-semitism" in any serious sense of that studiously undefined term, is misapplied. In exoneration of Mencken, one very strong piece of evidence was his advocacy of making an exception to U.S. law to admit hundreds of thousands of persecuted Jews to the U.S.

Barry Freedman  
Los Angeles, Calif.

## Persona Non Grata

Having been thrown out of The Mises Institute, I must certainly agree with R.W. Bradford's observation that it's much more about Rothbard than Mises ("Just Whose Institute Is It, Anyway?" March).

As I said in *The Amateur Science of Economics*, "Mises has as much chance in The Mises Institute as Christ in Christianity."

D.G. Lesvic  
Pacoima, Calif.

## General Welfare, Phooey!

In your March issue (Letters), John Engelman writes, "I did find Article I, Section 8 [which reads] 'The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and *general Welfare* of the United States' (emphasis added). That rather clearly reads like the authorization of the welfare state." Wrong.

Why is the phrase "general welfare of the United States" so confusing? The Constitution clearly states "general welfare of the United States," not "the specific welfare of certain people in the

*continued on page 32*

# Why Tax Reforms Don't Reform

*by David A. Welber, C.P.A.*

Many people think a national sales tax or a flat tax would lighten the burden of government and quash the hated IRS. Fat chance.

Our current system is an abomination. It consists of zillions of pages of legislation, kazillions of pages of regulations, revenue rulings, and court decisions. At the federal level, taxes are extracted by the IRS, which has broad powers, acts arbitrarily, and consists of a bureaucracy that combines heavy-handedness and bureaucratic ineptitude (don't they all?), against which most of us have no recourse because most administrative agencies often ignore courts. Everybody loves to hate the IRS, and with good reason.

But in spite of occasional caterwauling by grandstanding congressmen and senators, the IRS does exactly what it has been assigned to do by Congress — collect taxes. It is what columnist Joseph Sobran has called “the business end of government largess.” If you get a check from the federal government, it has most likely been collected by the IRS.

The reason our system is such an abomination is that it combines revenue collection with social engineering, wealth redistribution, and mean-spirited revenge against those who have done well. Any tax code that raises huge amounts of money while also redistributing the wealth and punishing the wealthy and providing a mass of incentives, often at cross-purposes, is inevitably byzantine in its complexity.

Not surprisingly, an awful lot of people would like to replace the complicated and arbitrary tax code with one that is simpler and fairer. But simplifying the code is no simple matter. For one thing, the same people who have legislated our current tax system will have to enact any replacements for it, and they will be influenced by the same special interest groups and voters supporting them.

Two major alternatives have been proposed: a flat-rate income tax and a national sales tax. These sound quite sim-

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ple in theory, but in practice they are anything but simple. And if they were enacted and implemented, the resulting system might very well be more complex and more arbitrary than the current system.

Let's look at these proposals.

## **Flat Income Tax**

At current levels of federal expenditure, proponents say, any flat-rate tax would have to be somewhere between 17 and 21%. But, its advocates say, it would simplify taxes. Hah! With Congress generating the legislation? The idea that Congress can pass anything that is simple is pure fantasy. We've already had a flat-rate income tax, and recently. It was anything but simple.

In his 1985 State of the Union message, President Ronald Reagan proposed such a flat-rate tax. He proposed increasing exemptions to take millions of low income people off the tax rolls, while simplifying the tax code so that most people could file their income tax using a postcard-sized form. I began to fear for my livelihood as a CPA. Well, I had nothing to worry about. What happened? Congress got hold of it.

The theory was sound. Apply a flat rate of taxation to all income, disallowing as deductions and credits those items that are essentially used to shelter income from taxation. But,

oh the practice. What Congress enacted was a tax law that contained more text than the previous three tax laws combined. Yes, we got a flat rate of taxation, but, because Congress refused to change its profligate spending habits, they had to pass a bill that was "revenue neutral." After debating these problems for almost two years, they arrived at a rate that had to be so high, 28%, that a lower rate, 15%, was applied to lower levels of income, in effect, creating a graduated flat tax. And, in order to prevent higher income taxpayers from benefiting from the lower levels of taxation for the lower levels of their income, a so-called bubble rate of

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*The "flat tax" of '86 so complicated tax return preparation that I have prepared every tax return by computer since it went into effect.*

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31% was inserted to phase out the benefit of the 15% bracket for higher income taxpayers. The intention was to have a flat rate of 28% for higher income taxpayers. As complicated as that sounds, it really could have worked, had the rest of the tax law not been written.

The act got rid of a lot of tax deductions, credits, and other tax benefits that we CPAs used to reduce our clients' taxes. But most tax benefits were not simply done away with. Only a few were repealed, such as the investment tax credit, or the General Utilities provision, which had protected corporations and their shareholders from double taxation upon liquidation. Most, however, were limited, reduced, or had conditions placed on them, requiring that these limitations, reductions, and conditions be computed after computing the tentative benefit. This so complicated tax return preparation that I have prepared every tax return by computer since this law went into effect. Because it takes more time to prepare these computer-generated tax returns than it took to manually prepare returns before tax reform, the fees that I have had to charge my clients have increased dramatically.

As most of us in the tax preparation business had become cynical about tax legislation — and tax legislators — our predictions were that, with the tax benefits eliminated or reduced, the rates would soon start drifting higher. We did not have long to wait. The law had so many flaws in it that Congress passed two laws in quick succession to attempt to

correct them — the Revenue Act of 1987 and the Technical and Miscellaneous Revenue Act of 1988 (TAMRA), which were essentially what we have come to call "technical corrections" acts. While they did correct some of the errors, and some of the injustices, in the '86 act, they began the process of increasing the marginal tax rates, destroying the flat tax aspect.

The "bubble" rate, as we had predicted, became the top marginal rate. Then, in the Bush and Clinton tax increases of 1991 and 1993, the top rate was raised to 39.6%, purportedly to decrease the deficit, but actually to cover for the profligate spending ways of Congress. But the 39.6% rate does not tell it all. The real marginal rate is actually higher. Because of phase-outs of itemized deductions and personal exemptions for taxpayers with higher incomes, these deductions being reduced as income increases, the real top marginal rate may actually be as much as 3% higher. Even if one does not account for these hidden or marginal rates, the top rate is only 10% lower than it was before the flat tax was tried.

This illustrates the critical weakness in any flat tax — politicians write and pass the legislation, and they have powerful reasons to tinker with it constantly. Not only do they inevitably want to get more money from taxpayers, they also find tax-code tinkering to be a powerful incentive when it comes to fund-raising.

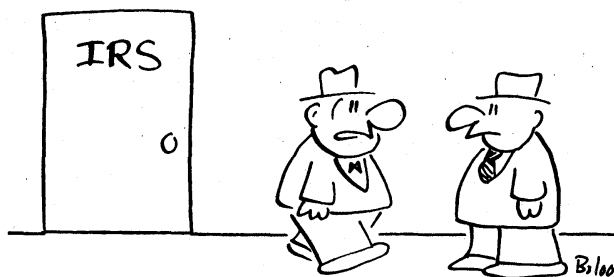
Don't get me wrong, I favor a tax rate that is the same for all taxpayers. I find no moral or constitutional justification for discrimination in taxation. No matter what its base — income, consumption, or sales — I think our tax rate should be flat.

So let's suppose Congress has the will, once again, to pass a flat-rate income tax. (I know, that's a very large supposition, but bear with me.) How do you define "income?" Income is easily defined, isn't it? Ask Enron about that. Whole forests have been leveled to provide paper for the text that defines income for tax purposes, and an equal number of trees have given their all to provide the Financial Accounting Standards Board (FASB) with enough paper to define income for accounting purposes, and both definitions are still works in progress, and, as Enron has shown, both definitions are easily manipulated.

Well, then, as some have demanded, why don't we just simply tax everything, all income, no deductions? Since a number of people actually believe that it can be done, I'll even dignify it with an answer — actually, with a question. What is income? Stupid question?

You work, you get paid. That's easy. Your pay is income. You get a W-2 form and report it as income. What about gifts? Are they income? Your father pays your college tuition. Is that income? "Only money you receive is income," you might reply. What if your parents give you money to help you buy a house? Is that income? If it is going to be treated as income, what happens if they buy the house and give it to you? Is that income? If so, what about that ugly tie your kids give you on Father's Day?

What if your boss provides you with lunch instead of making you pay for it with your taxed income. It's not money. But, shouldn't it be considered income? If not, your boss could help you avoid paying taxes entirely by paying you in kind, i.e., with the goods and services that you need.



"If I didn't know those guys were public servants, I could swear it was the other way around."



If only cash receipts were income, you could avoid taxes by bartering your goods and services for those of others.

What about the grocer down the street? He receives payment for his goods in cash. Is that all income? Should his tax be paid on his gross sales, while yours is paid on your wages? What about what he must pay the wholesaler for the groceries that he sells? Shouldn't his tax be figured on his gross margin? What assumptions should he use in determining his cost in his beginning and ending inventories so that he accurately deducts his cost of goods sold? What about those expenses that he must incur to operate his store, such as electricity, heat, water, trash disposal?

So, you still think a flat tax would be simple? I hope you see, now, that the graduated rates of taxation, while perhaps the most unfair part of the tax law, are, by no means, what complicates it. It is the definition of income that is the most complicated part of our income tax system. That will not change with a flat tax, and in fact did not change, except for the worse, when we actually tried a flat tax in 1986. And there will always need to be an agency — even if you scrap the IRS and call it the Federal Revenue Collection Agency (FRCA) — to enforce the tax law, collect the taxes, and to audit taxpayers to see if they have accurately reported their income and paid their tax.

### National Sales Tax

Okay, let's forget the flat tax. Let's consider a national sales tax, to be collected by retailers and forwarded to the appropriate government taxing agency, after withholding a

percentage as compensation for the retailer's efforts. With a national sales tax, assuming that it replaces our income tax system rather than merely supplementing it, you would never again be required to fill out one of those hated income tax returns. Right?

Not so fast!

Most states still have an income tax, many requiring the completion of a tax return. My state, Pennsylvania, even authorizes municipalities and school districts to collect taxes based on earned income and net profits. Some states base their taxes on federal taxable income, while others collect taxes that are a defined percentage of the federal income tax. Pennsylvania creates its own definitions of income, requiring the filing of a state tax return that starts from scratch and adds up income as defined by Pennsylvania personal income tax laws. In all of these cases, any abolition of federal income taxes would not completely abolish the need to file annual income tax returns, unless . . .

The federal sales tax legislation could force or entice the states to abolish their income taxes and to replace them with a sales tax that integrates with the federal sales tax system. One proposal even has the states being forced or enticed into collecting and enforcing the national sales tax, with the state tax piggybacked onto the federal tax. I see a real Tenth Amendment problem with that, but what the heck? What's a constitutional right when we're talking about taxes? If the states don't comply, proponents propose to authorize a neighboring state to go in and collect the tax. I can envision

**Tax it all**— One law of politics is that every level of government always wants more money. Ever since the 1930s, when the sales tax was invented to replace property taxes — which people simply could not afford to pay — as the basic way of funding state government, the states have sought to extend the tax as far as possible. They have succeeded in extending it in many ways, but one kind of transaction has remained exempt: the purchase of goods by the citizen of one state from a citizen (or business) of another state. That's why, for example, unless you live in Maine, you don't have to pay sales tax when you buy stuff from L.L. Bean.

Tax raisers have run into a brick wall in the form of Article 1, Section 8 of the U.S. Constitution, which grants to Congress the power "to regulate commerce. . . among the several states." The Supreme Court has repeatedly ruled that unless Congress gives the states the right to tax interstate transactions, the states cannot tax them. And Congress has never done so.

The states have cleverly worked around this by enacting "use" taxes, taxes on goods or services purchased in interstate commerce. Unlike the sales tax, it is not exacted of merchants, but of consumers themselves. If, for example, you buy a new down jacket from L.L. Bean and you live in California, you are supposed to obtain a "use tax return" from the state, fill in the details of your purchase, and remit the use tax to the state.

Of course, virtually no one does this, and enforcing the law against individuals is too complicated and would yield

too little revenue to make it worthwhile. (A state sales and use tax enforcer once told me that the law is only really enforced against businesses and, occasionally, against people the state "wants to get.")

Part of the reason why Congress has been unwilling to enact a law authorizing state taxation of interstate commerce is that many very small mail-order concerns would, in effect, be put out of business by it. The reason is that figuring out the rate to charge is very complicated. Sales taxes are authorized by 45 of the 50 states and the District of Columbia. But don't get the idea that there are just 46 sets of rules and regulations a mail order merchant would have to learn. Many states have authorized cities, counties, school districts and even transit districts to enact their own sales taxes. There are about 7,600 different sales tax jurisdictions in the U.S., and they frequently change their tax rates and rules about what is exempt. It would be a huge burden on a large business like L.L. Bean to keep track of all the different rates and the boundaries of different taxing authorities — and an impossible burden on smaller merchants.

Recently, however, several state governors have organized the Streamline Sales Tax Project. The idea is to reduce the overwhelming complexity of the tax, so that they will have better luck lobbying Congress to authorize taxation of interstate sales.

Here's the lesson of all this: the only way to get politicians to simplify taxes, is to convince them that simplification will enable them to raise the things. — R. W. Bradford

national guard troops and state police of non-complying states clashing with those of tax-collecting states to protect their citizens from foreign tax collectors.

Then there is Social Security. Revenue for Social Security and Medicare benefits, at least on paper, is provided by a tax

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*It is the definition of income that is the most complicated part of our income tax system. That will not change with a flat tax, and in fact did not change, except for the worse, when we actually tried a flat tax in 1986.*

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collected from employers, and a self-employment tax collected from self-employed taxpayers when they pay their income tax. Half of the tax collected from employers is withheld from employees, half is paid by the employers. Then the U.S. Treasury gives the Social Security Administration bonds in the amount of any current surplus so that the general fund can continue to spend more than it takes in. One of the bene-

fits claimed by the proponents of a national sales tax is that it would abolish employer withholding of taxes, which effectively hides the magnitude of the taxation from the taxpayers. That won't happen, unless Social Security is abolished (my choice!) or financed by some other method.

National sales tax proponents propose to replace the revenue from Social Security and Medicare taxes with revenue from the sales tax. But, how much should be credited to Social Security and Medicare? There's the rub. Social Security taxes, and accrued benefits, are based on income as defined by Social Security — mostly personal service income. How would Social Security and Medicare know the benefits to accrue, and how much to claim from general revenues? It's simple. You would have to report to them manually. I don't know about you, but to me this smells suspiciously like a tax return.

It gets worse. The hated IRS, and its audits, would be abolished, or so crow the proponents of the national sales tax. But, if you are required to file an annual report to the Social Security Administration, who is to verify the accuracy of those reports? As benefits are based on lifetime income, participants will have strong motivations to show as much income as possible. Those among us of deficient character will even find it in their hearts to cheat — to overstate

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### ***The Death Tax for the Other 98 Percent —***

A new study from the Federal Reserve says that the wealth gap between rich and poor grew wider as the stock market boomed in the late 1990s. The most obvious reason is that more than half of all American families now own stocks either directly or indirectly — but almost half don't.

That means that when the stock market rises, the gap between the stock owning half and the non-investing half grows. How to close the wealth gap? Bring more Americans into the investor class. President Bush's plan to let younger workers invest their Social Security taxes in stocks, bonds, or other private assets would do that.

Social Security modernization would not just help all working Americans become investors, it would help end the Social Security death tax.

Pollsters are often mystified by the unpopularity of the estate tax — lately renamed the "death tax." How, they ask, can so many people object to a tax that falls on only a few rich people? They have a point.

What everyone seems to have missed, though, is that there is a death tax that affects every working American. It's called Social Security.

Every year, every American worker pays 12.4% of his income to the Social Security system. Workers may not realize this, since the money is taken out of their paychecks in advance. (That's what FICA means on your paycheck.) And half the tax is concealed by pretending that the employer pays it — but economists agree that a tax on wages ultimately comes out of the worker's pocket.

When a worker retires after paying 12.4% of wages for years, he or she gets a monthly Social Security check. The return isn't very good, but at least there's a check (so far).

But look what happens when the worker dies: after paying in for all those years, the worker owns nothing. He can't leave anything to his children.

In short, Social Security imposes a 100% death tax on every working American. The money he "saved" all those years disappears.

And there's considerable money involved. Take a thirty-something couple earning \$54,000 a year. Social Security promises to pay them about \$27,000 a year (in today's dollars) when they retire — if Social Security still has any money. But when they die, that income stops, and there's no estate to leave to their children. (Of course they may have saved other assets, but the Social Security assets would not survive them.) On the other hand, if they had been putting those Social Security taxes into a retirement fund divided between stocks and bonds, they could expect to have nearly \$1 million in their personal retirement account at retirement. That fund would pay them an annual income more than double what Social Security promises, and they would still have \$1 million to leave to their children — or their church or favorite charity — at their deaths.

If that couple invested solely in stocks, though exposed to greater short-term risk, they could expect to have even more money — \$1.6 million. That's what the Social Security death tax costs a working couple. If they were allowed to put 12.4% of their income into real investments, they could accumulate as much as \$1 million or more — and the Social Security death tax takes it all.

Reform that would allow younger workers to put their Social Security taxes into personal retirement accounts would end the Social Security death tax — the tax that hits every working American — and dramatically narrow the wealth gap.

— David Boaz

income, understate expenses, and report non-reportable income, such as rent, interest, or dividends. Someone will have to check the accuracy of the annual reports, correct errors, and punish deliberate offenders. This smells to me like (choke, gasp) an audit.

Furthermore, no matter what the rate of taxation, there will be those who will cheat. Merchants will try to get a leg up on the competition by not collecting the tax from some of their cash customers, or by not remitting all that they have collected, or by interpreting the law in such a way as to make their business tax-free. There will be customers who will try to get out of paying the tax, and there will be a black market, a thriving underground economy dealing in all commodities at the retail level to avoid the paying of the sales tax. How do I know this would happen? Because it already exists in states and nations that tax transfers of ownership of personal property. Businesses try to be classified as wholesale, purchasers try to convince retailers that they are also retailers or manufacturers, cash transactions take place, buyers purchase from out of state, cigarettes are smuggled from North Carolina to New York, booze is smuggled from Maryland into Pennsylvania, buyers and sellers wink and exchange goods for cash, or goods for goods, all to avoid the tax. With the addition of a national retail sales tax, there will be an even greater incentive, on a greater array of products, for all sorts of tax avoidance schemes. No matter what other taxes are eliminated, no matter how low the rate, there will always be people who will try to avoid paying. For lower income people, it may become a matter of survival to avoid paying the sales tax on such necessities as milk and bread.

The point here is that, even if this sort of thing does not happen very frequently, the government tax collectors will want to root it out. This will motivate them to (choke, gasp) audit. They will audit sellers of merchandise to make sure that all retail sales are taxed, that wholesale transactions are not retail, that all taxes collected are remitted. But, as there are ways of beating auditors, such as cash transactions, they

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*With a national sales tax, assuming that it replaces our income tax system rather than merely supplementing it, you would never again be required to fill out one of those hated income tax returns. Right? Not so fast!*

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will need to go further into the records of the businesses, and the lifestyles of the owners, to make sure that they are not hiding untaxed transactions. At some point, they will be invading private homes, perhaps at random, demanding to see the receipts for all purchases made to see if people have paid the tax on all purchases. We may find ourselves getting nostalgic for the good old days of IRS audits.

Then there is the claim that a national sales tax would be simpler. There are two problems with this. First, any tax system that has been around a long time will get complicated.

There will be legislative revisions, regulations, and court decisions, none of which is ever simple. This is what has happened to the Internal Revenue Code.

Second, sales tax laws are not particularly simple. I have extensive experience with the sales tax enforced by Pennsylvania, my home state. Let me assure you, it is far from simple.

People will try to avoid paying the tax. Some will cheat as I have described above. Still others will try to get their particular transactions legislated, regulated, or adjudicated to be tax free. In Pennsylvania, taxable commodities are taxed only

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*Until the government substantially reduces its levels of expenditure, there will not ever be an acceptable tax rate, or tax collection system.*

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if sold to the ultimate user, and whole forests have been leveled in describing who is and who is not the ultimate user. In any retail tax system, as many people as possible will want their transactions to be classified as wholesale.

Then there are specific use and organizational exemptions. Machinery used in manufacturing is exempted from Pennsylvania sales tax. Government agencies and jurisdictions are exempt, as well as religious institutions and charities. Therefore, there is a whole body of legislation, regulation, and adjudication defining what constitutes manufacturing and what does not, what constitutes government, what constitutes charity. And there are audits to make sure that the rules are being followed.

Pennsylvania does not tax all retail transactions. Goods that are classified as necessities are not taxed. Food and clothing are exempt, but not all food and not all clothing. Groceries are exempt, but not all groceries. There is a category of groceries that is not exempt, while food that is sold by an eating establishment is taxable, unless it is a grocery type of item that is sold in a separate grocery department. Clothing is tax exempt, but there are categories of clothing that are taxed.

Originally, services were exempt. In 1991, facing a huge budget deficit, Pennsylvania added some services to the list of taxable retail transactions, but not all services. Accounting and legal services were exempted at the last minute as a result of intense lobbying by the accountants and attorneys. However, data processing services were included, and accounting firms had to keep their billings for such services separate from their accounting, consulting, and tax services so that they could collect and pay taxes on the taxable services. Temp agencies found their services taxed in the new law, but were later able to have that reduced to include only their profit above and beyond the part paid to employees and payroll taxes.

This is only a cursory explanation of parts of Pennsylvania's sales and use tax, but it makes my point. No matter what the rate of taxation, no matter how much it

reduces price levels or creates general prosperity, there will be people who do not want to pay it, or consider themselves too poor to be able to afford it. There will always be people who will arrange their affairs so as to reduce their level of taxation.

And so long as the tax code is written by politicians, some people will band together into special interest groups to reduce or eliminate the taxes they pay. There will always be people who think they are paying too much, and there will always be politicians who see political advantages in

paying attention to them. As a result, there will be exempt transactions and exempt items, and whole volumes of text describing the exempt transactions and commodities.

First to be exempted will be government agencies. Then religious institutions will claim a First Amendment exemption. Then poverty pimps, aided by the food industry, will get certain categories of groceries exempted as "necessities." And there goes your simplicity. I predict that every year,

*continued on page 32*

**Death and taxes** — Elsewhere in this issue, David Boaz wonders why "so many people object to a tax that falls on only a few rich people." He's talking about the tax on property that a person attempts to leave to his heirs. I think part of the reason is the manifest unfairness of it all.

Here is how the system works: a person works his entire life and, thanks to some combination of his own perspicacity, hard work, prudence, and good fortune, he saves a substantial amount of money. Along the way, he pays income tax on every dime he earns. This is a not inconsiderable sum: depending upon the jurisdiction in which he lives, such a person may pay income taxes totalling more than 50% of his income. Some people who are middle aged today have paid as much as 90% of their income in taxes.

Well, this exemplary person dies, and if, thanks to his thrift or good fortune, he has retained a substantial amount of his earnings and wants to leave it to his family, the taxman thereupon demands that his estate turn over to the government as much as 55% of the savings upon which he has already paid income taxes of as much as 90%.

This is, I believe, patently and obviously unfair. I suspect that's why the arguments to keep the death tax are almost always nothing more than blatant "screw-the-rich" rhetoric. Envy may be widespread, but most people do not regard it as a virtue, despite the efforts of the political class.

I am also a bit surprised that opponents of the death tax seldom use arguments based on fairness. Bush and his allies have framed the current debate on elimination of taxation on dividends primarily on the theory that doing away with the tax would stimulate the economy. This is a dubious argument at best. An appeal to fairness would be much more persuasive: after a corporation pays income tax on its earnings, why should its stockholders (the owners of the corporation) have to pay income tax on the same earnings when they are distributed to them?

There is another aspect of death taxes that I've never heard discussed: ultimately, they are a tax on productive capital. Consider how one can avoid these taxes. There are only two ways: you can give your money to a government-certified, government-regulated charity or you can spend it on consumer goods for yourself.

You cannot give it (or at least very much of it) to your children without paying a "gift tax," a tax that was established for the explicit purpose of keeping people from avoiding death taxes. Indeed, Uncle Sam is so worried that he won't be able to confiscate most of your estate that he piles on extra taxes if you try to leave it to your grandkids.

Think about that. Suppose you are 90 years old and have managed to save \$900,000. Your only son is 68 years old and has terminal cancer. If you revise your will to leave your estate to your grandchildren, Uncle Sam deems this an attempt to reduce your tax by "generation skipping" — that is, denying him a chance to take a bite out of it when you die and another bite out of it when your son succumbs to cancer. (Leaving property to a grandkid is considered a "loophole," you know, and is therefore evil.)

That leaves the other way in which the elderly can dispose of their money without incurring taxes or turning it over to a government-certified and government-regulated "charity." They can spend it on themselves. Not that they can do anything lasting with it — if they buy real estate or art or a new car or securities or any kind of property, this property becomes part of their estate and is subject to the same tax.

What they can do is spend it on services and products that they consume immediately. If you've ever wondered why luxury cruise ships are so full of old people, you might want to remember this.

So one effect of this manifestly unfair tax is to encourage people to remove their assets from the world's stock of working capital and spend it on extravagant personal indulgences. This makes the world a substantially less prosperous place.

The death tax also has a powerful effect toward centralizing the economy into the hands of major corporations. If a family-owned small business is successful at all, it quickly becomes valuable enough to incur substantial death duties when its owner dies. The only way they can be paid is if the business, or part of it, is sold to raise cash.

The newspaper in the small town where I grew up, for example, is now part of a national chain owned by an international media corporation. So is the radio station. Many of the farms in the surrounding area that were family-owned when I was a kid are now owned by so-called "agri-businesses." The timberlands that surround the town where I now live are mostly owned by huge lumber companies.

Most people think that the corporatization and centralization of ownership is not a good thing. Yet the single biggest reason why it happens is the death tax. Most of the people I know of who have sold out their successful small business to some major national company did so either because a death tax was due or was inevitably coming due.

I suspect that most people who decry economic centralization and control and big business haven't figured out that death taxes inexorably lead to control by big corporations.

This is another of the prices we pay for screwing the rich.

— R. W. Bradford

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## Rejoinder

# Liberty & Disunion, Now & Forever

*by Joseph Sobran*

Last issue, Timothy Sandefur argued that the Civil War was constitutional as well as just. But he has understood the issue in terms inherited directly from Lincoln's rhetoric. That simply won't do.

Mr. Sandefur seems, to me, confused on a basic point, addressed at length by Jefferson Davis in his memoirs. "We the people" were "we the people of the United States"; that is, the people as members of *states*; that is, of the "free and independent states." I don't, by the way, see how it is "ironic" that I quote the very phrase on which my argument depends and Mr. Sandefur's argument founders.

"We the people" weren't a simple numerical majority, whose membership in states was submerged in membership in a "nation." This conception of "the people" as mere mass belongs to a later era, the era of democracy and nationalism. "We the people of the United States" ratified the Constitution as members of distinct states, not en masse by national referendum. That is why we can say both that "the people" *and* "the states" ratified the Constitution.

This articulation of the people into states is, after all, the reason we have the Electoral College, which is now generally regarded as an anachronism, but which reflects the original primacy of the states; it is why senators were originally chosen by state legislatures, not by popular vote; it is why there was a Senate, where even the smallest state was equal to the largest, in the first place. From the standpoint of mass democracy, the Senate is an irrational institution, in which people are unequally represented. It remains as a mere relic of state sovereignty.

This sovereignty is also why the Federal powers were spoken of as "delegated." Powers are delegated by a superior authority to a lesser one, and they may be revoked at the pleasure of the superior authority. An authority whose powers are merely contingent, or "delegated," can't be the ulti-

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mate ruler. That role belonged decisively to "the people" — the people of the states. "States' rights" is merely shorthand for the sovereignty of the people. (This is a dubious idea in itself, but we are discussing the original, common understanding of the confederated republic.)

The identification of "the states" with "the people" also resolves what has become the riddle of the Second Amendment. Does it protect a right of states or of individuals? The answer is both. It forbids the Federal Government to disarm the people of "a free state," whose "security" (against federal invasion itself, if it comes to that) depends on their "right to keep and bear arms." If they should choose to secede, they are assured of the means to do so. Like the rest of the Bill of Rights, the amendment is a safeguard against federal power. It is meant to put teeth in the people's — and the states' — freedom. (See *The Federalist*, 28, 29, 46.)

To miss all this is to be blind to the design of the Constitution. It speaks constantly of the "states," often in the plural, never of the "nation" or "Union" as later nationalists and consolidationists would have it. And it is chiefly because of the Civil War that the political idiom of the older America is now almost foreign to us. We may easily suppose that we are speaking the same language which that America spoke when we clearly aren't. Many key terms of the old vocabu-



lary have lost their old force: among them, *sovereignty, delegate, usurp, confederation*, and (I must say again) even *state*.

We must not skate over the many documents in which the “sovereignty, freedom, and independence” of the states — that is, of the people of the “several states” — were emphatically claimed and reaffirmed. Mr. Sandefur tells us that these documents (Federalist and anti-Federalist alike!) *deny* these attributes of the states. I must have missed something.

The Declaration doesn’t announce a “Union,” let alone an indissoluble one or what Mr. Sandefur oddly calls a “single political unit.” It announces 13 distinct political units in firm alliance, “free and independent” not only of Britain, but of all other states, including each other. They weren’t vassal states announcing their fealty to a new master.

The Articles of Confederation repeat the point: each state “retains” — keeps — the sovereignty it already has. Why say this, if the states weren’t independent of each other? They needed each other as allies against a powerful enemy (the Articles were adopted, after all, during the Revolutionary War); yet they pointedly refused, even then, to surrender any of their sovereignty to the Union. The people of the states feared a “consolidated” central government, foreign or home-grown, and we can hardly doubt that if they had understood the Constitution to deny state sovereignty, they would simply have refused to ratify it. Is it even conceivable that they would have consented to submit to an irrevocable contract to obey a new government, no matter how many powers it might usurp?

“Divided sovereignty” is a terribly refined idea, but it is evasive nonsense. At some point, push comes to shove, and we must face the raw question of power: who is boss? Mr. Sandefur also seems to confuse nullification and secession; nullification was a novelty, all right, but it was actually a compromise designed to *avert* the necessity of secession.

The Civil War was fought over secession, not slavery. Lincoln himself was quite clear, even vehement, about this central issue; the northern cause acquired its anti-slavery nobility much later. And several slave-holding states seceded only when Lincoln made war on the states that had already seceded.

My remarks on Lincoln’s conduct of the war weren’t meant as moral criticism (though he was brutal enough); I was calling attention to the impossible position he had put

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*The president is sworn to uphold the Constitution, not to “save the Union” at all costs to the Constitution; and if he has to choose between the Constitution and the Union, well, he must keep his oath. Lincoln didn’t.*

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himself in. He couldn’t keep his oath to uphold the Constitution while denying the right of the states (again, the people of the states) to secede. He was forced to usurp powers unconstitutionally in order to “save the Constitution” on his peculiar terms. There was no way to do it constitutionally. Lincoln’s conception of the Union entailed mass arrests

of dissenters and even elected officials, the suppression and destruction of newspapers, arbitrary military courts, and the installation of puppet governments. I repeat: so much for self-government.

The president is sworn to uphold the Constitution, not to “save the Union” at all costs to the Constitution; and if he has to choose between the Constitution and the Union, well, he must keep his oath. Lincoln didn’t. On his premises, he couldn’t. The Union — or rather, a compulsory Union — was his golden calf.

As Harry Jaffa puts it, Lincoln “discovered” a “reservoir of constitutional power” that (conveniently) authorized him to take measures that had never before been regarded as presidential prerogatives, such as arresting state legislators, as well as citizens who expressed opinions contrary to his. Presidents, especially in wartime, have been “discovering”

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*If chattel slavery had been a thousand times worse than it was, it wouldn’t affect the constitutional issue a whit. That issue must be settled by logic, not pathos and hyperbole.*

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unsuspected presidential powers ever since. Today the incumbent continues this baneful tradition. We might wish that such constitutional discoveries had been made by impartial legal scholars rather than interested parties.

I might add that Lincoln seems almost totally ignorant of the ratification debate. As far as I can tell, he never even read *The Federalist*. Jefferson Davis knew that debate thoroughly.

As a northerner, I would have opposed war to prevent secession, not out of any special sympathy for the South, but because the rights of my own state, and therefore my own rights, were also at stake. Mr. Sandefur (he is far from alone in this) seems to confuse secession and chattel slavery, and like Lincoln, he begs the question by equating secession with “revolt,” “rebellion,” and even “treason”; but we are discussing whether secession violates the U.S. Constitution, not whether slavery was either the chief motive or a sufficient reason for secession. Many abolitionists had urged their own states to secede; so had various New Englanders; and before Andrew Jackson, nobody seems to have denied that a state might peacefully withdraw from the Union.

On the other hand, wise southern leaders like Davis and Alexander Stephens warned the South against seceding. It would mean removing most Democrats from Congress and giving the Republicans majorities in both houses. There would then be nothing to stop Lincoln from waging an unconstitutional war, which the North would surely win. And so it proved. But these men questioned only the prudence, not the right, of secession.

Faced with an earlier secession threat, Thomas Jefferson replied: “If any state in the Union will declare that it prefers separation . . . to continuance in union . . . I have no hesitation in saying, ‘Let us separate.’” Apparently Jefferson was unaware that his Declaration of Independence had created

*continued on page 32*

# From Nation-State to Stateless Nation

*by Michael van Notten*

Where anarchy exists, chaos is sure to follow. Or so most people believe. Somalia has been defying this supposition longer than a decade.

The Somali nation abolished its central government ten years ago and became a stateless nation. During that time, the fears expressed by many international observers that Somalia would fall into chaos have not only not been realized, but many Somalis are finding statelessness an agreeable condition. Somalia is more peaceful, and the people are becoming more prosperous. Boosaaso, located at the tip of the Horn on the Gulf of Aden, is a case in point. When Somalia had a central government, Boosaaso was a small village. Into its port a few small fishing boats came each day to offload fish. Occasionally, a cargo vessel came in as well. Officials of the Republic crawled over these boats collecting taxes and demanding payment for every kind of service, real or imagined.

With the demise of the Republic, control passed to the local community and the port began to be managed on a commercial basis. A lively import/export trade developed and soon reached an estimated value of U.S. \$15 million per year. Private enterprise provided essential public services such as trash collection and telecommunications. In eight years, the population grew from 5,000 to 150,000. Parents and teachers put up schools for their children and even built a university. In the absence of a government-run court system, the heads of the extended families of contentious parties settled disputes on the basis of customary law.

While Boosaaso is a dramatic example, its experience is more the rule than the exception throughout Somalia. Somalis are surviving and prospering without a central government. Exports in 1998 were estimated to be five

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times greater than they had been under the Republic.

This remarkable change in Somalia's political structure shows that there exists a viable alternative to democracy — indeed to legislative government in any of its forms. That is welcome news to many in Africa who have become frustrated and disillusioned with the results of endless attempts to institute democratic government. Democracy became popular in 19th-century Europe because it promised less taxation and more freedom than under monarchy. But it failed to deliver on its promise. European governments on average now take half of everyone's wealth while giving only meager returns in service and grievously hampering freedom and productivity. Economists have estimated that without such burdensome regimentation, each individual would create four to eight times more wealth than now.

If democracy has failed in practice in Europe while still being defended in theory, it cannot be defended even in theory in a clan society such as Somalia. Democracy presupposes independent political parties and an electorate willing to debate issues and vote accordingly. In a society composed of close-knit kinship, ethnic, or religious divisions whose members would find it unthinkable to vote otherwise than by group affiliation, the group with the largest number ends up controlling the truly awesome powers

of government. Its own ethic then dictates that it direct those powers to the benefit of its own members. In self-defense, other groups must then either vie with one another to capture the power by coup or revolution or else attempt to secede. The turmoil in Somalia following the demise of the central government consisted of groups attempting to position themselves to control the government they assumed would soon be re-established. In this case the mere expectation of a centralized power structure was sufficient cause for conflict. The United Nations interventions aggravated the situation by keeping alive that expectation. The conflict has only abated as the probability of a central government being established has receded.

### The Somali Alternative

While it might seem that the Somalis are pioneering a new political path, in reality they have only returned to their traditional, pre-colonial system of clan government. A clan is a kin-based association of a large number of extended families. Before examining that kind of government, however, a few general observations will make us better acquainted with Somalia.

The Somalis are a central East African nation of some 15 million people inhabiting the Horn of Africa, a part of the continent about twice the size of France that juts out into the Indian Ocean. Soon after the Suez Canal opened in 1869, four colonial powers — Britain, Italy, France, and Ethiopia — occupied the territory and continued to occupy it for nearly a century. In 1960, as the colonial period drew to a close, two of the former colonies, Italian Somaliland and British Somaliland, were combined to form the Republic of Somalia. Thirty years later, in January 1991, that government collapsed and was dismantled. Each of the 60 Somali clans within the former territory of the Republic reaffirmed its sovereignty, and clan leaders undertook

needed to prevent or manage disputes. The opportunity to return to clan government arose in 1991 when, after a protracted civil war, the people succeeded in ridding themselves of the dictator, Siad Barre. By a stroke of luck, neither of the candidates to succeed him was willing to concede to the other, creating a deadlock similar to the one that arose that same year in Moscow between Boris Yeltsin and Mikhail Gorbachev. With the government in limbo, the Somali civil and military servants were no longer paid, and since each community regarded them essentially as intruders in any case, they fled to their own clans. Thereupon, the people dismantled all government property. This was partly opportunism, but it was also in part a conscious effort to prevent the re-establishment of a central government.

The transition to a wholly different political system was not easy. As in the Soviet Union, bandits took advantage of the temporary lack of authority to commit crimes with impunity. Some former generals and colonels lined up with former politicians and soldiers in an effort to establish central governments on a town-by-town basis. They imposed taxes, and some even established quasi-diplomatic relations with foreign governments.

The clans faced many problems during this difficult time. In the urban areas, where most modern business is conducted, statutory law had superseded the customary law. Consequently, the traditional law of the land had not continued developing to meet the requirements of a global market economy. The clans, moreover, which until the end of the colonial period had served mainly to uphold the customary law, had now become somewhat transformed into political pressure groups. Many Somalis who had opted out of the customary law system during the heyday of the Republic were unwilling to submit themselves again to the traditional ways. In many places, moreover, politicians had confiscated land from the clans and given it to others. When the clans began to repossess those lands, foreign reporters and Somali intellectuals alike reacted by filling the newspapers with horror stories to support their view that without a central government the nation was doomed. These stories discouraged many people from investing their time, knowledge, money, and skills in Somali enterprises. As if this were not enough, Muslim fundamentalists, hoping to replace the clan system with a theocracy, waged intermittent small wars to remove what they perceived to be obstacles to their cause. The United Nations dealt the final insult by invading Somalia with an international army of 38,000 troops, the first of more than a dozen unsuccessful attempts it would make over the next decade to re-establish the central government.

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*Many Somalis are finding statelessness an agreeable condition. Somalia is more peaceful, and the people are more prosperous.*

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responsibility for maintaining law and order. Today private individuals assure order by participating in what amounts to a free market for security services. Several questions arise. How was this market-based political system brought about, what problems arose, what solutions exist, and what has been achieved thus far?

### Problems and Solutions

The Republic of Somalia's central government was not abolished by legislative act or referendum. It just happened. It could happen because a popular consensus had formed. The consensus began forming in 1978 when the central government lost its war with neighboring Ethiopia. From the time of that defeat, the people were ready to return to their traditional form of clan governance, under which the clans themselves provide whatever laws, judges, and police are

### The Need for Freeports

Ten years have gone by since the Somalis reverted to their traditional political system, and many problems have been resolved. The United Nations and former Somali politicians have failed in their attempts to reimpose a central government. When necessary, the Somalis expelled them by force. The overwhelming need now is to attract investment capital, and for this to happen, the Somalis must create freeports. In the opinion of Peter Drucker, one of the

most prominent economists of the 20th century, "To create wealth, jobs and incomes in desperately poor countries, the freeport is the only program that works."

Freeports are industrial estates that are largely exempt from the laws of their host country. Given this freedom, they can create a legal environment that is protective of property rights and freedom of contract. Without such protection, most investors and business people will not risk

*Today it is fair to say that private individuals participating in a free market for security services assure order in Somalia.*

their time and money in developing countries, where many aspects of the business environment are sub-optimal. In the present political constellation that is the Somali nation, authority to grant development rights for a freeport vests in the councils of elders of the clan or sub-clan owning the land where the freeport would be established. The law under which the freeport would be established would be a combination of the laws of the host clan and those of the freeport itself. Where inconsistencies arose between the two bodies of law, the courts would have to find a compromise. Hence it is crucial to understand clan law.

### Somali Clan Law

The laws of the Somalis are based on custom. That means that a rule becomes enforceable only after the great majority of the people are already abiding by it. The basic rule most Somalis customarily respect is the right of each individual to his or her life, liberty, and property. Although Somali law in general prohibits any violation of this right, there are nevertheless flaws, weaknesses, and lacunae in the Somali legal order. No legal system is without imperfections. Consequently, there is room for improving and strengthening the Somali law. This is happening even now in the hustle-bustle of Somali daily life. The more people engage in business, the more quickly new rules emerge and the law adapts itself to the requirements of a modern free-market society. Clan law has a built-in method for adapting to changing circumstances. Each court discovers the law. A court is entitled to declare that a particular custom has become law when it finds the great preponderance of the people observing that custom.

Not only will the law grow as more Somalis engage in business, but practitioners of the law can accelerate that growth by publishing their jurisprudence and facilitating access to it and scholars and teachers of the law can contribute by commenting on it. In these, the laws of the 60 Somali clans will gradually evolve into a common law, a single body of law for all Somalis. The process will accelerate with increased interaction with foreign business people, causing a cross-fertilization among the various ethical concepts, business methods, and laws in the marketplace. Creating freeports will stimulate that interaction. Several clans along

the Somali coast are already considering embarking on a freeport policy.

Somali law differs from the prevailing legal systems of the Western world in some fundamental ways.

- Criminals are not imprisoned but only made to compensate their victims.
- Crimes against society do not exist, which obviates the need for public prosecutors.
- Fines must be paid to the victim or to his family, not to the court or clan.
- Everyone must be insured against any and all liabilities he or she might incur under the law.
- Judges are appointed by the litigants, not by the clan.
- Courts of justice are paid for by the litigants, not out of taxes.

The following may help clarify these points:

*No imprisonment.* In a democracy, criminals are imprisoned and may be forced to pay heavy fines. Somalis, on the other hand, have no use for prisons and severely limit the amount of fines. They focus on the victim rather than the criminal. Their law requires people who violate the rights of others to compensate their victims. Somalis realize that a prison term cannot offset the violence perpetrated against the victim but only compounds the violence in society. They also recognize that prisons are costly to build and operate (and when funded by taxes bring about a further violation of property rights), and that imprisonment does little to deter crime but, in fact, frequently affords criminals opportunity to improve their criminal skills.

*Defining crime.* In a democracy, almost any conduct can be declared a crime, including smoking marijuana, reading pornography, using a monetary unit of one's choosing, or criticizing a government. Also it is commonplace for democratic governments to fail to prosecute many real crimes such as police detainment and torture of innocent people or extorting money. Such abominations become possible when the law originates in parliaments. In the Somali nation, as noted, the law is not promulgated by politicians but is rather discovered by judges. Only the victim or his family

*Somalia's transition to a wholly different political system was not easy. Bandits took advantage of the temporary lack of authority to commit crimes with impunity.*

can start a criminal proceeding in a Somali court of justice. A natural right of a natural person must have been violated before there can be a crime. Only an independent and impartial court of justice can establish whether such a right exists and has been violated.

*Fines to the victim.* In a democracy, the government can impose almost any type and level of fines, and it usually stipulates that these be paid to the government. Such a practice provides an incentive to invent more crimes and to increase the level of the fines. Under Somali law, on the

other hand, fines imposed for willful violation of the law rarely exceed the value of that which has been alienated or destroyed. Fines are always due to the victim and his family, rather than to the court of law or the clan as a whole.

*Insurance.* In a democracy, except in rare cases like driving a vehicle, no one is obliged to insure himself against possible future liabilities under the law. Thus, large numbers of destitute people risk nothing but their freedom when committing a crime. This surely provides an incentive to criminal behavior. In Somalia, on the other hand, every person must be insured under the customary law. A Somali must also retain a legal representative, i.e., someone who will act on his behalf should he commit a crime or become a victim of one. Should he commit a second or a third crime, he will lose his insurance and be expelled from his clan, his country.

*Judges.* In a democracy, the central government runs the court system. This enables it to organize the courts in such a way that it will not be condemned when it or those whom it favors violate true property rights. Because Somali law consists only of those rules the community customarily abides by, so long as the Somalis continue to respect property rights, government officials will not be allowed to "pass a law" abridging those rights. As a further safeguard, Somalis have the right to ignore any court of justice whose judges have not been freely chosen by the contending parties. This rule gives judges an incentive to render a just verdict. Even one unjust verdict might result in a judge not being asked ever again to provide judicial services.

*No taxation.* In a democracy, rendering justice is a costly process, and raising revenue from taxation to pay for it makes it even more so. Many economists agree that taxation destroys more wealth, or prevents it from being created, than the money it collects in that manner. Rendering justice under the Somali law, on the other hand, is done without taxation and at almost no cost to the nation as a whole. Somali judges and policemen perform their services on a part-time basis, and often without asking any reward. In Somalia, it is considered a great honor to be asked to serve as a judge. The Somali system has a further virtue. Being

ing, inalienability of land except to a clansman, and others. Elsewhere I have discussed these and other weaknesses and how they can be expected to be resolved in the further development of the law. The main subject before us, however, is not the law but how the Somalis managed to bring about, in a relatively short time, a complete change in their system of governance. They succeeded because their new system was in fact the system they had always had. Indeed, in rural Somalia, which comprises probably 90% of the country, the customary law continued to operate. The custo-

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*Because Somali law consists only of those rules the community customarily abides by, so long as the Somalis continue to respect property rights, government officials will not be allowed to "pass a law" abridging those rights.*

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mary courts continued there. This situation resembles that of North America in 1776, when the Americans waged war against the British government in order to preserve the freedom they had enjoyed during the preceding 150 years. In like manner, the chief concern of the Somalis after removing their dictator was not to innovate a new kind of politics, but to preserve the indigenous system of governance.

The British author Robert Southy more than a century ago coined a word, "kritarchy," to describe the Jewish political and legal system during the period of the Judges before Israel had a king. It was an arrangement broadly like that of the Somalis. The period ended, according to the Book of Samuel, when the Jews, impressed by the pomp and pageantry of neighboring kingdoms, wanted a king of their own. "We will have a king over us, that we also may be like all the nations" (1 Samuel 5:19). Samuel talked with Yahweh, who catalogued the dire consequences that would follow, ending on the note, strange to moderns accustomed to government claiming fully half of the GNP, "He will take your manservants and maidservants, and the best of your cattle and your asses . . . He will take the tenth of your flocks, and you shall be his slaves." The word *kritarchy*, a composite of the Greek words *kriteis* or *krito* (judge, to judge) and *archeh* (principle), is an apt choice to describe the system of the Jews since not only among the ancient Jews but in many clan societies that respect property rights, including the Somalis, justice is the ruling principle and judges are among the most respected individuals.

It would seem a most useful addition to the language to generalize this little-used term beyond its biblical and its ethnic or clan context to mean any political system based on equal justice for all, in other words, any political system that respects the rules of society inherent in human nature. Because most of its customary rules are compatible with property rights, the Somali political system could be characterized as a near-kritarchy.

The opponents of Somalia's near-kritarchy are those who

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*In the Somali nation, the law is not promulgated by politicians but is rather discovered by judges. Only the victim or his family can start a criminal proceeding in a Somali court of justice.*

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largely immune to political manipulation, no laws come into being that serve primarily the interest of a particular political pressure group.

### **Kritarchy**

It must be recognized that some features of the Somali traditional law as it now stands are not in harmony with property rights. Among these are inadequate protection of the natural rights of women, deterrents to saving and invest-



champion democracy. It came as a surprise to the Somalis that so many foreign governments should be so eager to establish a democracy in Somalia. This eagerness originated partly in the fact that several governments had lent money to Somalia's dictator and wanted to recover their money. These creditor governments don't care whether a government they lend money to is a criminal government or a just one; their only concern is that the borrower practice taxation. Even more to the point, these champions of democracy have invested so much in convincing the world that the only political options are a tax-levying democracy on the one hand or a tax-levying dictatorship on the other, that they can't allow a third, taxless alternative to emerge. It never bothers them that a democracy is prone to collapse, bringing dictatorship in its wake, because eventually the citizens will call again for democracy. But woe to the nation that would opt for kritarchy. The recent experience of Somalia shows that when it comes to restoring a government with the power to tax, almost no cost is too great for the United Nations and its supporters. Nevertheless, for ten years Somalia has withstood such pressures and is prospering, demonstrating to the world that there is a viable alternative.

### Visualizing a Pure Kritarchy

Although a pure kritarchy exists only as a theoretical possibility in today's world, the concept alone fulfills a vital need. It gives us an ideal toward which to aspire. It serves as a direction marker, enabling us to keep on course throughout the complexity and distractions of our daily lives. Holding an ideal concept of a truly free society is as essential as the North Star to the mariner. Though the mariner may not reach the Star, it guides him to the country and port where he wants to go. Let us visualize as clearly as possible, therefore, the ways in which a pure kritarchy might function in the future.

An important enabling principle of a pure kritarchy is that its "operatives" include not only private judges, police, and soldiers but also, and even primarily, insurance companies. In a pure kritarchy, as Somali practice suggests, everyone would be insured against legal liabilities he or she might incur under the law. In clan-based society, kin groups perform this function. As in Somalia today, the uninsured would be regarded as irresponsible and reckless and would be handicapped in doing business or finding employment. Insured persons, on the other hand, should they be caught transgressing the law, would incur higher premiums, giving them added incentive to respect the natural rights of others. Finally, in contrast to a democratic government which frequently benefits from crime, insurance companies in a kritarchy would thrive only by preventing it. The fewer crimes and torts, the less they would have to pay out to their customers.

Besides judges, policemen, soldiers, and insurance companies helping to maintain the peace, a viable kritarchy would require suppliers of infrastructure such as electric power and water utilities, roads, sewerage, telecommunications, education. Such suppliers can be found in droves in the many companies and educational institutions already offering these services on a free-market basis. The more such provider organizations grow and prosper under economic

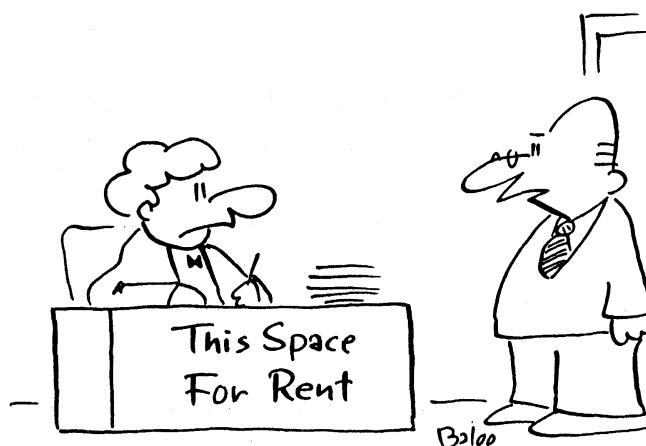
freedom, the easier will be the transition to kritarchy.

Many would like to stop the seemingly endless seesaw between democracy and dictatorship but see no way to do it. In Somalia, the obvious way was to return to clan government. But the people needed a catalyzing situation to put them on that road. The situation, when it came, had two critical elements. One was that the dictator had lost a war and with it, his already precarious popular support. The other was that Somali opinion makers knew enough of the strengths of kritarchy and the weaknesses of democracy to swing the popular consensus in favour of the former. These opinion makers were the heads of the extended families, known as elders, and the religious figures. They were not the Somali intellectuals, who were mostly trained in government-run universities and naturally, therefore, championed democracy.

The Somali experience shows that there exists a political system superior to legislative government in any of its forms. Kritarchy has increasingly demonstrated its viability during the past ten years in Somalia and has the potential for a broader application in the rest of Africa. Somalis succeeded in making their transition to kritarchy despite domestic turmoil exacerbated by repeated interventions by the United Nations.

The Somalis have succeeded in fending off those who would impose democracy because they already had in place the necessary operatives for maintaining a kritarchy. Had their traditional institutions of law and order failed to do the job, the Somali nation might have fallen into chaos. And had the people not been prepared to fight to defend the traditional clan system to which they had returned, the United Nations might indeed have succeeded in re-imposing a central government in Somalia.

Increasing numbers of private business firms and associations now routinely offer the kinds of infrastructure services needed to support Somalia's near-kritarchy. Given the failure of democracy in other African nations, the growing numbers of these free-market providers, and the many indications of the Somali clans' growing resolve to continue fending off a central government, could one be far wrong in predicting a new political trend over the whole of Africa? □



"Normally, Schowalter, I applaud initiative, but . . ."

## Why Tax Reform Doesn't Reform, from page 24

new categories will be made exempt. Soon, the national sales tax will be every bit as complicated as the current income tax is.

One claim by the proponents of this tax is that it will be more visible than the current system, in which taxes are withheld at the source, and are never seen by the taxpayers, who see net pay, rather than gross pay as their real income, and what they don't see they don't miss. As a result of this new visibility, proponents claim, people will begin demanding lower levels of government expenditure so that their taxes will be lower, and I cannot deny that some will do that. But in the 2000 election, half of the voters cast their ballots for Gore for president because he promised to steal from the other half. We can never discount the kleptomaniac vote. People will simply not give up their government check in exchange for lower taxes. Rather they will vote for politicians who promise to shift the burden to others.

As with the flat-rate income tax, I cannot outright condemn a flat-rate retail sales tax as a viable replacement for our current abomination. But I want people to realize that it will not, as promised by its proponents, eliminate most of the problems inherent in our current system: we will still have an intrusive enforcement and collection agency and extensive audits by that agency; we will still have most of the complexity; and we will still have high taxes.

Until the government substantially reduces its levels of expenditure, there will not ever be an acceptable tax rate or collection system.

As Milton Friedman has observed, because government

has no resources of its own, produces nothing, and creates no wealth, every expenditure it makes is, by its nature, a tax. It can be paid by taxes that are collected directly from taxpayers. Or by borrowing money, thereby taxing future taxpayers. Or by inflation, by creating new money to fund a deficit, which reduces the value of the currency held by everyone.

The only tax reform that will genuinely address the problems that proponents of the flat tax and of a national sales tax seek is to reduce taxes substantially, which requires reducing government spending substantially.

Politicians and bureaucrats, who have a taste for controlling the behavior of others, who maintain their power by lassoing ever more people into dependency on government expenditures, and who are able to convince large constituencies that they cannot live without government subsidies, or that nothing good ever happens without the government forcing it, will never approve any meaningful tax reform. As long as voters are willing to demand government subsidies for themselves, while demanding that someone else be made to pay for it, as long as people demand that the government expend resources to control the behavior of others, as long as voters do not consistently, and persistently, vote for politicians who return the government to its constitutional boundaries, not very much will change in tax collections. In fact, until government is returned to its constitutional boundaries, there will be no tax system that will satisfy anybody. Given recent performances by politicians, bureaucrats, and, especially, voters, I'm not optimistic. □

## Liberty & Disunion, Now & Forever, from page 26

an indissoluble Union. Nor did he suppose that the Constitution had repealed the "unalienable rights" of the people of the states.

But what about slavery? Constitutionally speaking, it is irrelevant. The validity of a legal right doesn't depend on the purpose for which it is exercised; it may be claimed even by "wolves," to use Mr. Sandefur's terms. If we have a legal right to free speech, we don't have to justify the specific content of our speech in order to exercise that right. If the people of a state have a legal right to secede, they possess it regardless of why they choose to do so.

If, in other words, chattel slavery had been a thousand

times worse than it was, it wouldn't affect the *constitutional* issue a whit. That issue must be settled by logic, not pathos and hyperbole. Mr. Sandefur says even 600,000,000 deaths would have been a "cheap" price to free the slaves. I'll raise him: I'll stipulate that 600,000,000,000 deaths would have been a cheap price to free a *single* slave. But what has this to do with whether the Constitution forbids secession?

Lincoln's war made subsequent federal tyranny possible. Not that he intended results he couldn't foresee; but we should remember that the federal income tax was one of his many innovations. Under the guise of midwifing "a new birth of freedom," he begot the Servile State in America. □

## Letters, from page 18

United States." Is this distinction too difficult to understand?

Engelman thinks the Framers authorized a welfare state in Section 8? Note well: back in Jefferson's day he was taken to task for stretching the general welfare clause by making the Louisiana Purchase.

Kevin Ralston  
Bellevue, Wash.

## Pragmatism for Progress

Brink Lindsey has tapped into the potentially biggest problem facing the libertarian movement: the glut of people who would rather die with their principles intact but unreal-

ized in society than win small victories when and where they can, en route to a slow but cumulative victory. The current welfare-police state behemoth wasn't built overnight, and it won't be dismantled overnight either. To have libertarian candidates running on a platform of riding into town and wielding a big axe to chop everything down may sound great to our ears, but it's unrealistic and hopelessly naïve.

Lots of (if not most) libertarians don't want to admit it, but the people of this country are so far away from being able to handle a libertarian form of government

*continued on page 42*

# The Call of Christ to Freedom

*by Stephen Legate*

Do not accuse a man for no reason, when he has done you no harm.  
— Proverbs 3:30

Christians often conflate libertarianism with libertinism. We generally assume that not forcing others to behave virtuously is the same as countenancing vice. I believe, to the diametric contrary, that Christian virtue is imperiled by the coercive nature of politics and that Christians must adopt political principles of libertarianism as the best way to love our neighbors and lead them toward the light of Christ. On its face, this claim may seem implausible, so let me begin by examining what Jesus himself might have to say on the matter.

Jesus of Nazareth was a revolutionary. His radical pronouncements still have the power to astonish. "Love your enemies and pray for those who persecute you," is a command directly contradictory to all our instincts and our sense of justice. "Anyone who looks at a woman lustfully has already committed adultery with her in his heart." As a young man reading this wisdom, I clearly remember thinking, "Well, what the heck kind of chance does that give me?" Perhaps Jesus' most supremely radical words were these, which concisely express the reason the Jews demanded His death: "Before Abraham was, *I am*."

I believe the most amazing aspect of Christ's ministry is a matter of first principle, one taken for granted so much throughout His message that it never specifically is stated. It is best evidenced in the story of the rich young man in Matthew 19. The man comes to Jesus asking what is required for eternal life. After assuring Jesus that he has kept all the commandments, he asks what he still lacks. Jesus says this: "If you want to be perfect, go, sell your possessions and give

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to the poor, and you will have treasure in heaven. Then come, follow me."

Most of the time, when we examine this scripture, we focus on the high cost of discipleship. Sell all your possessions, and follow me. That's quite a tall order. But we gloss over the first phrase, the phrase that begins with the conditional. "If you want to be perfect . . ." The implicit message of that phrase is this: not only did Christ die for us, not only did God become man and love us enough to endure the cross for our sins, but He did so and now *demands* nothing in return.

He *asks*. He asks for our faith, love, and worship. He asks us to heed His call, and accept His grace. He asks us to practice temperance, charity, humility, and chastity, and to seek His strength in those moments when we falter. But He only asks. He only tries to persuade, He never forces. As C.S. Lewis put it: "He cannot ravish, He can only woo." He wants us to love Him and, by definition, love must be chosen. It cannot be forced or it is no longer love.

It is an incredible thing, that the All-in-All, the Alpha and Omega, would dress down into a frail human shell and die in agony to save me, only to give me the option of ignoring His effort. Here in this choice, left open for us, is an essential principle of Christianity that is too often forgotten: human

free will, specifically the freedom of each person to choose his or her path, is at the center of God's plan. We are free, and God wants us to choose Him, but our choice only has meaning if it is *our* choice.

## Laws of Vice and Virtue

Robert Heinlein observed that humans divide politically into two groups: those who want people to be controlled and those who do not. The former and larger division of humanity supports what I call Laws of Vice and Virtue. These laws are not enacted to protect individual rights, defend victims

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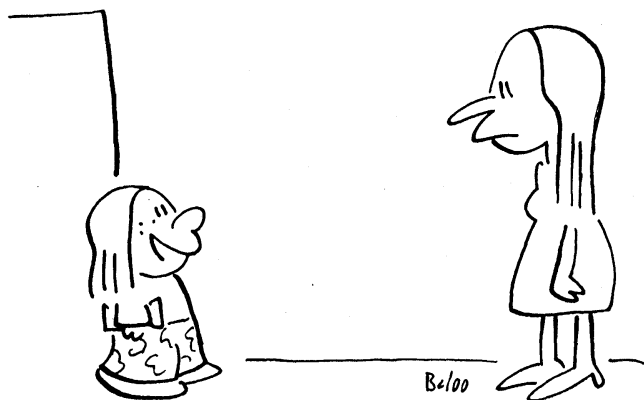
*We are free, and God wants us to choose Him, but our choice only has meaning if it is our choice.*

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from criminal aggression, or settle civil disputes between parties. Rather, they are enacted in order to coerce individuals into adopting or abstaining from certain behaviors.

Vice laws prohibit "unwanted" behaviors, such as selling your body for money; selling, buying, or using drugs; and playing games of chance (unless, of course, these activities are run or regulated by the state). Laws of virtue amount to various forms of forced charity. They require us, through taxation, to fund social services, art museums, and medical research, whether or not we agree with these uses of our money. Together, Laws of Vice and Virtue peer into personal behaviors: sexual activity, substance use and abuse, the sharing, hoarding, or squandering of wealth, etc., and wherever these behaviors are deemed unacceptable or inadequate, the Laws of Vice and Virtue bring the full coercive power of government to bear.

Conservatives tend to favor and support vice laws; leftist liberals, conversely, tend to favor and support laws of virtue. Christians from both ends of this political spectrum tend to uncritically assume that those laws they favor are Christian in spirit and intent. Yet, neither Christian conservatives nor Christian liberals seem to give much thought to what Jesus might have to say on the topic.



"We learned in school today that a million years ago, *everybody* was homeless."

They ought to. Put bluntly, the principle of God-given free will is not reconcilable with Laws of Vice and Virtue.

If Christ gives a man the freedom to choose the destiny of his very soul, does that not imply he is free to choose whether to inject his body with heroin? And if he chooses the needle, do we have the right to take it from him by force, saying, "Christ gave you this choice, but frankly we think that was a bad idea"? If Christ calls a woman to chastity and humility, but she chooses promiscuity, and then pornography and prostitution, are we to step in with the authority of government and say, "You've chosen poorly, please re-read 1 Corinthians 6 during your stay in jail"?

The Lord Himself let the rich young man choose to walk away, rather than surrender his wealth to charity and live a life of service to God incarnate. Are we to accost him on the other side of the hill with two armed agents of the Internal Revenue Service and say, "The Lord let you keep 100% but the poor people around you really deserve about 30% of that"?

I don't believe so. If we seek Christ, if we seek to follow His model and let Him mold us into His image over the course of a lifetime, one of the things we must surrender is our desire to police the vices and virtues of others.

## Grace, Freedom, and Government

Two arguments spring immediately to mind against this assertion, one theological and one political.

As with all things, we should search God's will first. Some Christians might argue that, in the Old Testament, we see a series of laws that are far more invasive, proscriptive, and coercive than our modern Laws of Vice and Virtue. Leviticus, for example, recommended banishment of any Israelite who ate the fat of a cow, sheep, or goat, and the death penalty for anyone who cursed his father or mother. God handed down these harsh laws and they seem to indicate His support for the unrestrained use of state power to modify personal behavior.

But let's not forget that Christ has taken the burden of the law from our shoulders and left it at the Cross.

As Paul made clear throughout his epistles, this should not invalidate the concept of law so much as change our attitude toward it. The law is no longer a hard line that we must either toe or face judgment, because Christ extends His grace to us. He is pleased with our best efforts to shun vice and embrace virtue, even though we stumble and never reach perfection. As the writer of Hebrews put it: "The former regulation is set aside because it was weak and useless (for the law made nothing perfect), and a better hope is introduced, by which we draw near to God."

The story of the Pharisees and the adulteress in John 8 provides a concrete example of Jesus' approach to the law as it was applied to vices and virtues. The Pharisees wanted to stone the woman to death, as commanded by Mosaic Law. Jesus' renowned reply was: "If any one of you is without sin, let him be the first to throw a stone at her." So, looking at our modern Laws of Vice and Virtue, do they track more closely to Old Testament legalism, or the grace of Christ? If we are to emulate Him, should we not offer those around us our own pale shadow of that flawless grace?

## The Lever of Hell

Looking more deeply into Christian theology, we find further emphasis placed on the importance of free will. It is true that Christ only asks us to follow Him, recognize His sacrifice, and receive His grace. He makes clear it is our choice. But it is also true that our choice can have dire consequences.

To paraphrase Jonathan Edwards: choose wrong and you burn. If you choose to reject God, God will honor your choice, for all eternity. Whether Hell is an "outer darkness," or a "lake of burning sulfur," it is a fearful threat. Christians might wonder why, if God uses the threat of hell to coerce us to salvation, shouldn't we use prison to coerce others to virtue? I'll answer Jonathan Edwards with his postmodern counter-equivalent, Mojo Nixon:

You only live once  
So off with them pants,  
Hell ain't for sure,  
It's only a chance.

There is something of a "reality gap" between the threat of imprisonment on Earth and the threat of eternal punishment after death. Even the most seasoned, spirit-filled Christian will acknowledge a difference between his fear of God's judgment and his fear of an IRS audit. If we reject God's grace, it is an article of faith that the consequences are dire. If the police catch us breaking the law, the consequences are tangible and they come whether or not we believe in them.

In addition, it is worth noting that as Christians we believe that God's judgment of our vices and virtues is perfect in every way: perfectly just, perfectly comprehensive,

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*If Christ gives a man the freedom to choose the destiny of his very soul, does that not imply he is free to choose whether to inject his body with heroin?*

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and without flaw in knowledge of fact or motive. Can anyone, Christian or otherwise, seriously claim that the government's judgment approaches that standard?

## Vengeance Is Mine

Let's ask another question. Can the government's penalties really add much weight to the punishments ready-built by God into the vices themselves?

Who has woe? Who has sorrow? Who has strife? Who has complaints? Who has needless bruises? Who has bloodshot eyes? Those who linger over wine . . . — Proverbs 23:29-30

Anyone who has escaped the clutches of a drug addiction will be able to tell you a great deal about the consequences of exceeding the design specifications of the human body. The short-term physical pain suffered by a heroin addict in withdrawal, the long-term negative health effects of alcoholism, the tendency of 20-something-year-old crack smokers to up and die right in mid-puff are all taps from God's clue-by-

four and would seem to deliver much nastier lumps than the negative experience of jail time.

Whoever loves money never has money enough; whoever loves wealth is never satisfied with his income.

— Ecclesiastes 5:10

Greed and charity are two sides of the same coin. Will you love people and use money, or love money and use people? Those who choose the latter path find that as time

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*Looking at our modern Laws of Vice and Virtue, do they track more closely to Old Testament legalism, or the grace of Christ?*

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passes their money loses its luster and truly honest connections with the people around them get harder and harder to come by. Does taxing the miser's income and giving it to the poor add much to his burden of isolation, or create virtue where none before existed?

For the lips of an adulteress drip honey, and her speech is smoother than oil; but in the end she is bitter as gall, sharp as a double-edged sword. — Proverbs 5:3-4

Tales of the happy hooker are legendary. Precisely that — legendary. A minority of workers in the sex industry truly love their work, while in their 20s. By their mid-30s, their numbers are decimated. By their mid-40s, they've all but disappeared. God designed sex to be His most beautiful biological gift, a way for two to become one in flesh and spirit. Those who nightly throw that pearl before swine become so empty and jaded that incarceration becomes just a minor annoyance, a cost of doing business.

To be sure, the book of Job makes clear that God does not always punish vice and reward virtue, and certainly not to equal degrees. But, with occasional exceptions, a life of charity, chastity, and temperance is longer, healthier, and happier than a life dominated by greed, debauchery, and addiction. God has ensured that the very design of our bodies and psyches repays us — with interest — for our abuses, usually before prison enters the picture. Is God's price not enough? Can human laws and punishments have much effect on a person who clings to vice in spite of God's design?

## Jesus Christ, Anarchist?

In response to the theological possibility that Christ would rather we not legislate vice and virtue, many Christians turn to the notion that these laws aren't really about individual choices, but about the sum-total social effects of such choices. In doing so, they depart from the realm of theology and approach the happy demesne of politics.

The assertions run thus: we need social programs that redistribute wealth because, sum-total, people aren't charitable enough to care for all the poor, so the government must fill in the gap. We need laws against drug abuse because, sum-total, people aren't temperate enough, and without gov-



ernment force backing up the taboo, everybody would end up an addict.

Lather, rinse, repeat.

Libertarians have already published volumes of counter-argument to these assertions, challenging them on factual, empirical, theoretical, logical, and ethical grounds. My interest here is in the fundamentally anti-Christian presupposition made by the partisans of government coercion: that if the government doesn't do a thing, it won't be done.

## The Idolatry of Statism

Most Christians would assume the dominant religion in the United States in the 20th century was Christianity. Certainly, if you measure dominance by church attendance figures, that would seem to be the case. On Sunday morning we Christians, by and large, put our butts in the pews.

But where did we put our faith?

Beginning with the dawn of "progressive" politics at the turn of the century, moving through alcohol prohibition, FDR's New Deal, LBJ's Great Society, then Reagan's escalation of the War on Drugs, and culminating in Clinton's efforts to socialize health care and criminalize sexual misbehavior in the workplace, through all of this, our faith was growing. But not our faith in God. We gave lip service to God. We put our faith in government.

If a man were a drunkard, the government would make him sober. If a family were poor, the government would take care of them. If a man didn't save enough for retirement, the government would garnish the wages of all workers to provide his pension. If a child didn't have enough money for a hot lunch, the government would fire up the oven in the school cafeteria. If a man didn't have a job, the government would make one for him. If people sold drugs to our children, the government would put a stop to it. If health care were too expensive, the government would foot the bill. If a person felt any degree of sexual tension in the workplace, the government would allow him or her to take action in court to rectify the situation.

In America today, though a majority of us call Christ our savior, a much larger majority of us hold to this creed: if something is wrong with the world, the government can and must fix it. If something is right with the world, the government can and must encourage (or even require) it. And if the government removes its influence from a particular area of society, the result will be chaos. This doctrine smacks of idolatry of a particularly futile nature.

Prohibition was an abysmal failure. Most of the New Deal was declared unconstitutional in 1935, and by 1938 it was clear the rest of the New Deal hadn't provided any measurable improvement of economic conditions. LBJ's Great Society did not end poverty in his lifetime, and the program's remaining vestiges won't end poverty in ours. Nixon was the first president to use the phrase "War on Drugs" and, by any quantifiable measure, the government has lost that "war." Clinton signed an expanded sexual harassment bill and, before he left office, he was in court defending himself against sexual harassment charges.

Never has faith been more misplaced. The golden calf was better to its worshipers than statism has been to its adherents. Every attempt to use the coercive powers of government to end poverty, indulgence, and debauchery has

failed in the long run, most often spectacularly. But if government fails us, how should we, as Christians, attempt to deal with these problems? The answer comes, as it so often does, in seeking to emulate Christ.

## Christ's Personal Nature

Christ is God: omnipresent and eternal. He doesn't need to speak to us in a group with a loudspeaker and a microphone. He is with each one of us every moment of our lives. His is that still, small voice that speaks to us at just the right time and in just the right way. He knows each of us better than we ever can know ourselves, and the degree to which He tailors His call to us is nothing less than, well, God-like. Christ's nature is ultimately personal and persuasive. Although we do not share His power and perspective, we ought to try to emulate His example when considering how to deal with the vices and virtues of others. So, getting personal here, it doesn't begin with "us." It begins with "you."

If Christ has pierced your heart with charitable desires, then, by all means, be charitable. Give your time, expertise, love, and money to those needy to whom Christ leads you.

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*Christ's nature is personal and persuasive.  
Government's nature is general and coercive.  
When it comes to issues of vice and virtue, you  
cannot logically serve both.*

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Speak to others about that need, urging them to join you in doing the Lord's work. If they do not share your calling, if you do not persuade them, let them be. It flies in the face of Christ's example to force charitable behavior from others.

If the Lord has inflamed your spirit against the vice you see all around you, then, by all means, speak out against it. Picket, boycott, publish, preach! Plead with anyone (and everyone!) who will listen. Persuade them to turn away from depravity toward the only true source of life and love. But if they will not listen and you call on government to force them to virtue, then that virtue ceases to have meaning, because it ceases to be a choice.

The question here is not what the Lord would have you do about your own vices and virtues. That's obvious. Nor is the question what the Lord would have you say to others about their vices and virtues. That also is obvious. The question is: When it comes to vice and virtue, what would the Lord have you *force* others to do?

I'll say it again. Christ's nature is personal and persuasive. Government's nature is general and coercive. When it comes to issues of vice and virtue, you cannot logically serve both. You must choose where to put your faith, and how your faith should translate into action.

## A Call to Action and Witness

When we insert government into issues of vice and virtue, we deny others' God-given freedom. Worse, we attempt

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# The Poverty of Samuelson's Economics

by Alan Ebenstein

One of the things that economics lost when it became a mathematical discipline was the ability to meet its own standards as a science.

There is in academic economic theory a growing unease, an unease that the entire approach of the field may be in error. This unease is reflected in the growing criticism of the prevailing method of "doing" academic economics — the great emphasis placed on complex and difficult mathematical formulas to express economic activity.

Paul Samuelson is still perhaps the preeminent representative of the contemporary approach in academic economic theory. Is Samuelson's mathematical method of presenting economic theory of value, or should it be placed on the trash heap of history?

Samuelson is a brilliant mathematician, and his intellectual power (and good sense of humor) is not in dispute. The question is, has he added anything of value to the understanding of economic activity? History abounds with brilliant scholars whose work was considered significant and lasting during their time, but whom later generations consider to have employed fatally flawed methods of reasoning.

There is a difference between intelligence and relevance of intellectual or academic output. The most brilliant individuals — individuals whose intelligence far outstrips the rest of us — can be completely wrong in their factual appraisals of the world. The attempt will be made here to argue that this is the case with the complex and difficult mathematical methodology Samuelson uses to present the simple truths of economics. In short, Samuelson is a great mathematician, but he knows little about economic activity. He does not understand how the market works.

In his primary work in economic theory, the 1948

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*Foundations of Economic Analysis*, Samuelson writes that a "meaningful theorem" is a "hypothesis about empirical data which could conceivably be refuted, if only under ideal conditions."<sup>1</sup> Fortunately, Samuelson has made many economic predictions over his career that are capable of refutation. With respect to larger, macroeconomic issues, his predictions have invariably been wrong. A few examples over the decades will suffice to demonstrate this proposition.

Early in his career, Samuelson predicted that after World War II, there would be a worldwide depression, contrary to what actually happened. In the 1973 edition of his famous textbook, *Economics*, he predicted that though the Soviet Union then had a per capita income roughly half that of the United States, it would catch up to the United States in per capita income by 1990, and almost certainly would by 2015, because of its superior economic system. In 1981, he wrote in opposition to President-elect Ronald Reagan's proposals: "Swift decontrol of energy prices . . . will certainly add to the inflation rates consumers will endure from 1981 to 1983,"<sup>2</sup> again the opposite of what occurred.

Arnold Beichman, a research fellow at the Hoover Institution, and Austrian economist Mark Skousen have collected many examples of Samuelson's miscomprehension of global macroeconomic activity, and moral obtuseness with

respect to Communism, from *Economics*. In the 1976 10th edition of this work — which is perhaps the best-selling economics text of all time — Samuelson wrote that it was a “vulgar mistake to think that most people in Eastern Europe are miserable,”<sup>3</sup> a shockingly naive or callous statement. In the 11th edition, four years later, he removed “vulgar.”<sup>4</sup>

As Beichman goes on to note, in the 1985 edition of *Economics*, “that entire passage had disappeared. Instead, he . . . substituted a sentence asking whether Soviet political repression was ‘worth the economic gains.’ This non-question Samuelson . . . identified as ‘one of the most pro-

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*Samuelson predicted that, after World War II, there would be a worldwide depression, contrary to what actually happened.*

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found dilemmas of human society.’ In the face of looming Soviet economic disaster, the 1985 Samuelson text offered these paragraphs: ‘But it would be misleading to dwell on the shortcomings. Every economy has its contradictions. . . . What counts is results, and there can be no doubt that the Soviet planning system has been a powerful engine for economic growth.’”<sup>5</sup>

In the 1989 13th edition of *Economics* — as Soviet-style socialist command economies were in collapse around the globe, and as eastern Europe was aflame in revolution that would spread to the Soviet Union two years later — Samuelson opined that “contrary to what many skeptics had earlier believed”: “The Soviet economy is proof that . . . a socialist command economy can function and even thrive.”<sup>6</sup> Skeptics, indeed — in 1989!

Skousen observes that while Samuelson:

overplayed the economy of the Soviet Union, he underplayed the successful postwar economies of Germany and Japan, and the newly developing countries in Europe, Asia and Latin America. From the 2nd to the 14th edition, Samuelson briefly mentioned the dramatic story of West Germany’s postwar recovery to elucidate the benefits of currency reform and price freedom. . . . The same could be said of Japan’s postwar economic miracle. . . . Samuelson barely mentioned Japan. . . . In the 1980s and 1990s, . . . Samuelson and [later editions’ coauthor William] Nordhaus still practically ignored Japan. In the 12th edition, they asked, “For example, many people have wondered why countries like Japan or the Soviet Union have grown so much more rapidly than the United States over recent decades.” They spent many pages discussing the Soviet Union, but except for a brief reference to “rapid technical change,” they were silent on Japan.<sup>7</sup>

Economic events require explanation. They can be described in words that portray the physical world of sensory data. The fundamental problem in Samuelson’s approach — and that of 20th century academic economic theory generally — is that it assumes economic activity is susceptible to the sort of precision that exists in the physical

sciences. But economics is not (or at least is not yet) a physical science. It relies heavily on what people think, both factually and normatively. What people think is, moreover, liable to change.

Paul Samuelson’s mathematical economic theory has not proved reliable in predicting economic activity either at a point in time or over time. Rather, he superimposes a mathematical superstructure, which is indeed necessarily correct, over human behavior to which it is not, or is not much, applicable.

The attempt to apply complex and difficult mathematical methodology to economic activity was and is a mistake. Notwithstanding the prominence he achieved during the 20th century, the view here is that Paul Samuelson, and the mode of economic theory he represents, will hardly be remembered at all by future generations of economists, other than from a historical perspective. The mathematization of economic theory was a step in the wrong direction.

From a libertarian perspective, it is essential that the propositions of economics be presented in a manner in which they can be understood. If prices are decontrolled, will they then tend to rise or fall? If interest rates are lowered, will this increase or decrease economic activity? If the federal government runs a budget deficit, will this stimulate or retard economic activity? Is central planning effective or ineffective? Samuelson, and perhaps most contemporary economic theoreticians, have typically misunderstood the practical relations between cause and effect with respect to questions such as these.

The presentation of economic activity in complex and difficult mathematical form has been misconceived. This presentation obscures economic questions and allows economists

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*The fundamental problem in Samuelson’s approach is that it assumes economic activity is susceptible to the sort of precision that exists in the physical sciences.*

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to hide behind blackboards of equations that, because no one (or almost no one) understands them, including often many economists, say little. Irrelevance is the poverty of Paul Samuelson’s economics. □

### Notes

1. Paul Samuelson, *Foundations of Economic Analysis* (Harvard University Press, 1948), 4.
2. Paul Samuelson, *Newsweek* (1/5/81), 52.
3. In Arnold Beichman, *The Wall Street Journal* (11/17/94), A-21.
4. Ibid.
5. Ibid.
6. Paul Samuelson and William Nordhaus, *Economics*, 13th ed. (McGraw Hill, 1989), 837.
7. Mark Skousen, “The Perseverance of Paul Samuelson’s Economics,” *Journal of Economic Perspectives* (Spring 1997), 148–9.

# I Want My SUV!

*by Karen De Coster*

Are Sport Utility Vehicles murderous gas-hogs that support terrorism? Or simply another option for American drivers?

In the February 2003 issue of *Liberty*, Jeff Riggensbach presents what he argues is a libertarian case for bashing SUVs. I couldn't disagree more. I find it peculiar that someone can back into libertarian reasoning from what appear to be personal conclusions about the lifestyles and preferences of the masses.

To begin, Riggensbach scoffs at Jacob Sullum's claim that consumers think SUVs are "roomier, more comfortable, and safer than lighter, smaller cars." To Riggensbach, "comfort is a matter of opinion." Indeed it is! Riggensbach then proceeds to tell us how he finds Audis more comfortable than SUVs, as if his opinion is some defining statement of authority.

Then Riggensbach trots out the rollover argument. The contention that SUVs are more likely to roll over is a pointless comparison. Certainly the bigger and taller vehicle will be more prone to rollovers in the case of careless driving. So are delivery trucks, step-vans, commercial trucks, and even consumer vans.

Any number of comparisons can be made between vehicles to show that one vehicle will be "less safe" than the others in some way. One could take this argument to absurdity and prove nearly every vehicle on the road to be a hazard as compared with something else.

The "safety" arguments, however, emerge from a totalitarian impulse in which folks feel compelled to control the choices of others. All of the little tyrants in the anti-SUV crusade look for something, anything, to make their argument look like the moral one, or in this case, the "libertarian" one. However, nothing is more un-libertarian than jumping on the authoritarian hysteria-mobile of anti-SUV-ism.

The safety-rollover argument appears to say that one who buys an SUV is inclined to drive like a madman and

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therefore become a statistic. If we use that line of reasoning, what do we deduce about sports car buyers, one who buys a hopped-up-Chrysler muscle car, or a 1000-cc sport bike?

If consumers value protection from rollovers above all other aspects of vehicle ownership, they will make their buying decisions based on that. But in fact, most people do feel it is safer to drive an SUV — rollover statistics aside — because they can sit in a left turn lane and have a better view around the 18-wheeler in front of them. Sitting up higher provides a sense of stability for consumers on a road full of vehicles that dwarf the size of their SUV, let alone a compact car; and they can actually see what is around them when backing out of a driveway.

The anti-SUV movement as a whole also stresses "potential harm." In fact, the short list of potentially harmful vehicles on the road includes commercial trucks, semis, double-trailer monsters, delivery step-vans, all work trucks, car carriers, trucks with trailers, fifth-wheel rigs, campers, RVs, cement rigs, and so on. The term "potential harm," used often by the anti-SUV types, should be a red flag for any libertarian. The notion that we can eliminate, legislate, or regulate any potentially harmful consumer items that aren't "as safe" as other items in their class is a quick road to tyranny.

So why, indeed, do folks single out SUVs for hysterical treatment when there are oceans of other bigger and more dangerous vehicles on the road?

For one thing, egalitarianism is alive and well. The

safety argument is a fundamentally egalitarian argument, and alas, it is being used by libertarians to support their own anti-SUV idiosyncrasies. Going outside of Rigggenbach's analysis, the constant outcries against bigger SUVs bearing down on smaller cars and therefore causing the other guy to get killed — instead of the SUV owner — are entirely egalitarian and ought to be rejected out of hand by any libertarian. Of course there is nothing wrong with putting your survival (and that of your loved ones) before that of the guy who is on the other end of a head-on collision. Since when should we want to drive a smaller car so we can "even up the score" so that our kids, spouse, and grandma have no better chance of survival than the other guy who drove through a red light while talking on his cell phone?

Why does Rigggenbach care what other people "believe" about safety issues, and therefore proceed to tell us that we're all "uninformed?" What anyone "believes," and therefore acts upon, is not up for holier-than-thou judgment by Jeff Rigggenbach or anyone else. That people can claim they have the upper hand in making decisions on safety issues for others is ludicrous.

Rigggenbach goes on to tell us that the Audi Quattro is a significantly better vehicle, and proceeds through a series of personal judgments on the Audi's safety, value, and its propensity to exceed the 4-wheel-drive capabilities of SUVs. Why does he find it necessary to provide 4-wheel-drive devotees with an authoritative, non-SUV option in their lives, which, again, is mere subjective opinion on his part?

First, whatever anyone's argument is for owning 4-wheel-drive SUVs, it is none of anybody else's business. Since when do the offerings in a free market limit them-

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*In a free society, we don't need half of what we've got. The excesses and frills are signs of excess productivity, leisure time, and enjoying the fruits of one's own labors.*

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selves to what is needed? Though Rigggenbach does not bash SUVs on the basis of consumer needs, and thankfully so, the whole "need vs. want" line of reasoning, which is the under-

lying theme of the majority of the anti-SUVers, is suspiciously Marxist. In a free society, we don't *need* half of what we've got. The excesses and frills are signs of excess productivity, leisure time, and enjoying the fruits of one's own labors.

Many SUV haters proceed to say that since they can do without 4-wheel drive in their little corner of the world, then everyone else can, and that's that. Rigggenbach wisely grants that folks may need 4-wheel-drive, but again, he plays the Audi card.

The Audi can be objectively proven to be a better quality vehicle than, say, an Explorer. However, certain consumers

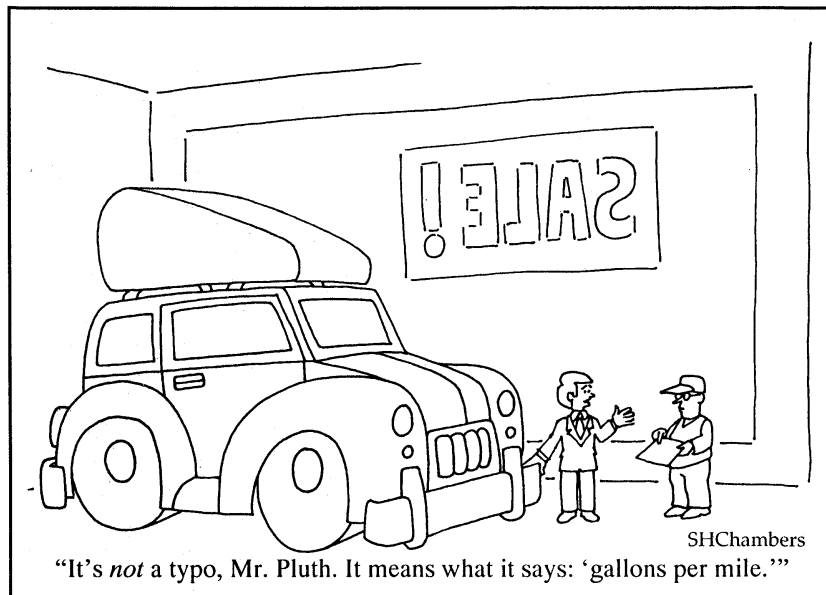
may value much more than outright quality, and that can include such things as size, style, attitude, colors, or even a straight-up preference for American-built cars or a specific manufacturer such as Ford.

Rigggenbach makes the claim that if it weren't for certain government regulations in the auto industry, "it is unlikely the SUV would have come into existence in the first place." The modern SUV was indeed a result of putting a

truck-like body on a car chassis to get around Corporate Average Fuel Economy (CAFE) standards; however, large utility vehicles were around before there were ever CAFE standards or a term such as "SUV." Remember the old Ramchargers, Suburbans, Land Rovers, and International Harvester trucks? Large utility vehicles have long been in demand on the free market.

Let's face it — the arguments against SUVs are a combination of hatred for the hoi polloi and their "commercial" tastes, the impulse to control others, and the appearance of wanting to maximize safety, a wholly utilitarian argument. Defending the collectivist, despotic, foot-stomping anti-SUVers cannot reasonably be done on a libertarian basis because basic libertarian philosophy holds that your freedom ends at my nose.

Finally, Rigggenbach claims that certain libertarians defend SUVs only because the greens oppose it, and he calls that "absurd." Indeed that would be. What is even more absurd is that statement on why SUVs are defended. In fact, it is perplexing to think that he can overlook the totalitarian aspects of claiming to be able to make everyone else's decisions for them, while expecting others to grant his opinion that SUVs — and even Microsoft Windows! — are inferior products, yet a world of ignorant consumers can't quite comprehend this on their own. Nevertheless, this is the type



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# The Death Penalty in America

*by Ralph Slovenko*

For the state to execute a criminal, he must be found competent to be executed. Not surprisingly, a lot of men on death row will put a lot of effort into proving their own incompetence.

If Andrea Yates had been sentenced to death for the drowning of her five children, it would be highly unlikely that the sentence would be carried out. Only a small fraction of the 3,700 inmates who sit on death rows nationwide will ever be executed. Far more death row inmates die of natural causes than of execution of their sentence. The number of people executed in the United States in any given year has yet to exceed the number killed by lightning.

There are several ways executions are delayed or avoided. After the trial stage is completed, the court machinery continues to operate for some time. Appeals can be made at all levels of the state courts as well as in the federal courts. John Wayne Gacy, who confessed to killing 33 young males, filed 523 separate appeals, none of them based on a claim of innocence, and so delayed his execution by 14 years.

When court procedures are finally exhausted, when review is no longer pending, the fate of the prisoner passes into the hands of the executive branch of the government. In many jurisdictions, the governor has to order the execution, and he often avoids the decision as long as possible. Reprieves are commonplace.

Then, too, the condemned prisoner must be competent to be executed. In 1986, in *Ford v. Wainwright*, the U.S. Supreme Court ruled that the Constitution precludes a state from executing those who have temporarily or permanently become incompetent or insane. But even before this decision, the rule was well established in most states, either by statute or common law, although the logic behind the rule is vague. In the words of one jurist, "Whatever the reason of the law is, it is plain the law is so." One justice, dissenting against the rule, said, "Is it not an inverted humanitarianism that deplores as barbarous the capital punishment of those who

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have become insane after trial and conviction but accepts the capital punishment of sane men?"

In the decision, the court did not set forth what standard was applicable in determining whether a person is incompetent or insane. Justice Powell, the swing vote in the opinion, proposed a standard when he stated in his concurrence that, "I would hold that the Eighth Amendment forbids the execution only of those who are unaware of the punishment they are about to suffer and why they are to suffer it." Alvin Ford, the inmate involved in the case, died a natural death in 1991 while on death row.

The execution of the penalty also depends very much on the attitude of the warden toward the penalty and whether he will attest to the incompetency or insanity of the condemned person. The issue of competency to be executed becomes relevant when the date of execution has been set. Needless to say, symptoms of insanity and incompetence become commonplace on death row when a date of execution is set.

The ostensibly ill inmate is transferred to a forensic or criminally insane unit of a state mental hospital, where he lives out his days. The death penalty *does* serve as a deterrent — at least to those already sentenced to death. Time and again I have heard a superintendent tell an inmate, "If

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to abrogate our responsibility to care directly for our fellow sinners.

If snorting cocaine is against the law, the addict becomes a criminal. The law builds a wall between him and law-abiding citizens. He becomes not a brother we pity, love, and witness to, but a miscreant we fine and jail. Following this line, his sin does not call for our compassionate action; it calls for government intervention.

If we pay our tax dollars to provide food stamps and public housing for a single mother of four children, it makes us that much less likely to take time to visit her personally and give direct attention to her family's needs. If it turns out that Chicago's housing project Cabrini Green is not the best environment in which to raise children, it also makes us that much less able to help that family.

We have been statist for so long we have become comfortable with the idea of using government as our proxy in all our best opportunities to care for our fellow human beings. The government can jail sinners. And the government can write checks and build ugly block housing. But the government can't say to the sinner: "I know why you're doing this because I've done it, too, and I'm here to tell you there's a better way." The government can't say to the needy: "Here are some groceries, let me help you cook tonight. How's your son doing on his math homework?" And the government definitely can't say: "You know, I don't do these things of my own strength. The truth is: Christ called me to help you. And I owe Him so much I just had to answer."

What would our society be like if we stopped voting for virtue and against vice, and started acting? If there are 150 million of us who claim Christ as savior, then there are five of us for every person in poverty. There are ten of us for every drug addict. There are dozens of us for every prostitute and porn broker. If we were to dismantle every vice law and state social program tomorrow, and replace them with direct Christian action and involvement, would our country really be worse off? And more importantly, wouldn't Christ's love be more evident in our world? How would that affect the unsaved?

For the Christians who've made it this far and remain unconvinced, I have only one more question:

Do you have any friends or family who do not know Christ? Know any atheists? Muslims? Scientologists? Surely you must, unless you lead an unusually sheltered life. Now, consider your attitude toward their unbelief, and the long-term consequences.

Unless you style yourself a Grand Inquisitor, I imagine you respect their freedom to choose not to believe. I'm sure you worry about them, and use whatever openings the Lord provides to try to witness to them, but when push comes to shove, you know the choice is theirs. I highly doubt you ever would consider trying to get the government to imprison them until they saw the light. You recognize their right to determine the destiny of their immortal souls. They will either choose union with Christ or outer darkness. All you can do is love them, advise them, live your witness, and pray for them.

If you grant them freedom in this most final, most eternal of choices, how is their freedom to abuse their bodies and misuse their money even an issue? How do finite concerns trump the infinite?

### Free by Design

Freedom, paradoxically enough, can be something of a burden. There are times when I wish the world were different. I wish Christ had given us a smaller range of options. I wish the government actually were an effective counter to vice and promoter of virtue.

But God in His wisdom built the world as it is, not as I want it to be. He not only gave freedom to me, but also to Anton LaVey, John Rockefeller, Heidi Fleiss, and Jimi Hendrix. Their choices were perhaps less sound than mine, but no amount of votes, taxes, or jails could have changed them.

Libertarians — Christian, and non-Christian alike — often understand that an uncompromising commitment to Christ and an uncompromising commitment to liberty are not incompatible. Christians — libertarian and non-libertarian alike — should understand the same.

Christians, we are free. Christians, *so are they*. Let's recognize the boundaries, and the opportunities, and act accordingly. □

### Letters, from page 32

that even if it were possible to put one in place right away, it would be doomed to failure. Libertarianism requires self-discipline and personal responsibility, yet even a cursory glance at today's world reveals a grossly undisciplined culture that worships instant gratification — libertinism rather than libertarianism — and expects the government to take care of, if not pay for, its every problem. On the flip side, you have to deal with the folks of conservative Middle America, who aren't going to come rushing to your cause by trumpeting that you're the defender of making cocaine and heroin legal. And then you also have the truly apathetic — the people who right now are freely handing over their liberties to the government in the name of fighting terrorism.

The best approach, then, is to win over people's hearts

and minds, incrementally, in terms they can understand and with causes they can rally around without pause, such as lowering taxes or regaining constitutional liberties. Once you've produced results that they can see and from which they benefit, they'll become more receptive to your harder-to-sell issues, such as the decriminalizing of drugs or the elimination of their favorite government program. And that will happen, as they again come to care about the principles on which this nation was founded. Even then, would we achieve a purely libertarian America? No. That will never happen, simply because you can never expect 260,000,000 people to think exactly alike. But at least by approaching the cause of liberty in a pragmatic fashion, we could get much closer to the ideal than the idealists will ever take us.

Adrian Rush  
South Bend, Ind.

# Perverting a Message of Peace

*by Jeff Nall*

Martin Luther King Jr. fought for justice, equality, and peace. George W. Bush conveniently forgets that last part of King's legacy.

"More and more I have come to the conclusion," said Martin Luther King, "that the potential destructiveness of modern weapons of war totally rules out the possibilities of war ever serving again as a negative good."

When President Bush spoke of the great Martin Luther King in honoring his national holiday for the year of 2003, sentiments like this were not to be heard.

Instead the president choose to quote King in such a way that one might believe King would favor war with Iraq:

"Dr. King wrote that, 'Injustice anywhere is a threat to justice everywhere,'" explained Bush in his proclamation, apparently attempting to paint his White House agenda in a shade of black interest. "As Americans celebrate the 18th national commemoration of the life and legacy of this great leader we recognize the lasting truth of his words and his legacy, and we renew our commitment to the principles of justice, equality, opportunity and optimism that Dr. King espoused and exemplified."

But before Americans are distracted into believing that war with Iraq is righteous or that Dr. King would have thought so, we should look more carefully at his actual beliefs. Because while President Bush made sure to focus on King's devotion to civil liberties for Americans, there was a greater message King stood for, vital to all of humanity: peace amongst all practiced by all, for all.

While giving a cursory nod to King's doctrine of equality, Bush ignored King's all-out opposition to war and his

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support for passive resistance. King's widow, Coretta Scott King, addressed the issue before Senate Majority Leader Bill Frist and Georgia Governor Sonny Perdue in celebration of Martin Luther King day recently. "We commemorate Martin Luther King as a great champion of peace, who warned us that war is a poor chisel for carving out peaceful tomorrows," she said. "May his challenge and his example guide and inspire us to seek peaceful alternatives to a war with Iraq and military conflict in the Middle East."

Though it seems a great double talk to speak about equal rights while stripping the civil rights of suspected terrorists, as the Bush administration has been eager to do, it seems an even greater dishonesty to ignore completely King's championing of non-violent reconciliation, even amongst nations, as his wife poignantly reiterated in her speech. While King's focus was undoubtedly on the struggle of black America, his primary target was injustice and violence, manifested in the mass mistreatment of African Americans and oppressed people everywhere.

Omitting integral viewpoints of a leader like King is a mistake; it is an attempt to cast down those viewpoints contrary to the agenda of those seeking to compel Americans to

go to war. Imagine the shift in public opinion if instead of hearing the White House make daily statements about the necessity of attacking Iraq before the weather becomes unfavorable, the American people were versed in the passive resistance of one of the most respected Americans and his denouncement of war as a civilized resolution.

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*Bush ignored King's all-out opposition to war and his support for passive resistance.*

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Those who look to Martin Luther King for more than a conveniently lifted quote surely recognize that he would fervently protest Bush's doctrine of preemptive war. It was as if King spoke of President Bush and his aspirations in the Middle East when he had this to say: "Many men cry 'Peace! Peace!' but they refuse to do the things that make for peace."

He also said, "The large power blocs talk passionately of pursuing peace while expanding defense budgets that already bulge, enlarging already awesome armies and devising ever more devastating weapons." And, "So when in this day I see the leaders of nations again talking peace while preparing for war, I take fearful pause. . . . Before it is too late, we must narrow the gaping chasm between our proclamations of peace and our lowly deeds which precipitate and perpetuate war."

Bringing King's fears to fruition, Bush has declared America must intervene in Iraq to serve peace throughout the world. "For the sake of peace," Bush said, encouraging the international community to condone military action Iraq, "this issue must be resolved."

In his 2003 State of the Union speech, Bush said, "We seek peace. We strive for peace. And sometimes peace must be defended. A future lived at the mercy of terrible threats is no peace at all. If war is forced upon us, we will fight in a just cause and by just means — sparing, in every way we can, the innocent."

Many member nations of the U.N. have tried to convince the U.S. to hold off action until inspections have run their course, citing the near impossibility of Iraq attacking while

its weapons program is under the microscope. But less than a week after MLK's holiday Bush spoke of King's legacy while calling for the end of diplomacy in favor of war in "weeks, not months."

Expressing his enthusiasm for a get-them-before-they-get-us approach, Bush said this in his State of the Union: "Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike?"

This impetuously bellicose preamble is as old as war itself. King asserted that one must set the example of peace before it will occur and overall denounced this sort of rationalizing of war as necessary to accomplish peace. But the Bush administration is not interested in setting an example for peace. Bush has ignored efforts on the part of Iraq to work with inspectors when they decided to openly receive U.S.-made U-2 surveillance planes used by weapons inspectors, once more beating the war drum. While freedom's ring is sometimes heard from the White House, the cry for peace is stifled.

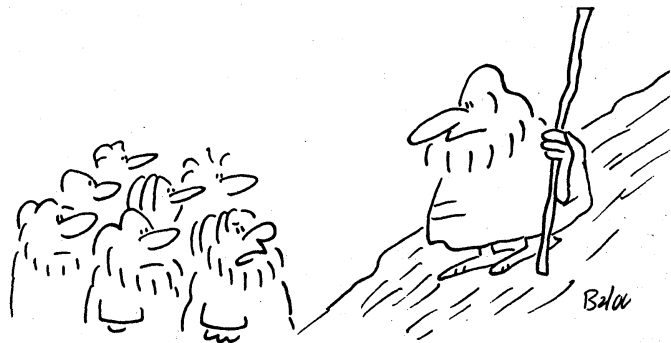
"The bottom line is one of disarmament and the president's interest is in disarmament. This does nothing to change that bottom line," White House spokesman Scott McClellan droned on in response to the developments. Meanwhile President Bush has continued with his usual rhetoric saying, "Saddam Hussein has broken every promise to disarm. He has shown complete contempt for the international community."

It is interesting to note, with so much rhetoric directed toward the United Nations, that King respected dearly the idea behind the organization. "The United Nations is a gesture in the direction of nonviolence on a world scale," he said. "As the United Nations moves ahead with the giant tasks confronting it, I would hope that it would earnestly examine the uses of nonviolent direct action."

One can almost recognize the partial realization of King's hope in the reluctance of the U.N. to endorse an attack on Iraq, and in its dedication to using world-wide sanctioned inspectors to find and, if necessary, disarm any found threat before authorizing military action.

But most important is the view King held about political figures attempting to wage war with words of good intentions and peace, especially when they claim, as Bush does, to be securing peace preemptively. "The heads of all the nations issue clarion calls for peace," King explained, "yet they come to the peace table accompanied by bands of brigands each bearing unsheathed swords. The stages of history are replete with the chants and choruses of the conquerors of old who came killing in pursuit of peace. . . . Each sought a world at peace, which would personify his egotistic dreams."

War in Iraq is apparently so central to Bush's "egotistic dreams" that his purported dedication to peace becomes incoherent. Secretary of State Colin Powell tells the world in the occasional statement that peace is still possible if only Iraq would disarm. Yet at the same time, Secretary of Defense Donald Rumsfeld has balked at Germany and France's devotion to a peaceful alternative and dubbed the two part of "old Europe" in an attempt to demean the spirit



"Forty years wandering in the desert? — Couldn't you find a god who knows a short cut?"

shared by not only many of the governments throughout the world but, more importantly, throngs of protesters for peace from Great Britain to the United States. Along these lines it's interesting to note that we insist that democracy is the only fair form of government, yet when the majority of citizens in Britain oppose the war American administrators care little about the will of the people.

A few lines come to mind in viewing the issue of the popularity of war, and the subjectivity of its righteousness.

"Vanity asks the question 'Is it popular?'" King responded when asked about his dissenting opinion hurting the nation's solidarity over the Vietnam conflict. "Conscience asks the question 'Is it right?'"

Bush, along with his speech writers, has constantly conjured images of a divine battlefield replete with the evil men trying to destroy the world, versus men of God fighting for goodness, even though Bishop Melvin Talbert, chief ecumenical officer of the United Methodist Church, amongst other religious leaders has spoken up to disagree with the morality of this war. In fact Talbert has gone so far to say that if the U.S. were to attack Iraq such an act would violate "God's law." But still Bush has continued with his crusade often projecting the idea that God is sanctioning his preemptive war. This is an old strategy used to promote the wars and crimes committed by nearly every invading force from the Crusades to modern terrorists. Bush has hijacked the language of conscience to serve the warlike purposes of his power lust and vanity.

It was not only those favoring war King admonished. He also admonished those who either condoned or ignored their duty as human beings to protect mankind from the destructive consequences of war. King noted that the role which churches have played in war has often been fallible and regrettable.

"In a world gone mad with arms buildups, chauvinistic passions, and imperialistic exploitation, the church has

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*Those who look to Martin Luther King for more than a conveniently lifted quote surely recognize that he would fervently protest Bush's doctrine of preemptive war.*

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either endorsed these activities or remained appallingly silent. During the last two world wars national churches even functioned as the ready hackneys of the state sprinkling holy water upon the battleships and joining the mighty armies in singing, 'Praise the lord and pass the ammunition.' A weary world, pleading desperately for peace, has often found the churches morally sanctioning war."

King abhorred the power struggles played by governments and suffered by everyday men and women. He loathed the military's courting of the poor and disadvantaged. The class warfare waged by paying men and women with unpromising futures to join in a service of war and murder rather than paving paths toward education would

have evoked King's ringing and tireless denunciation. It would only take him long enough to read through a brochure for the Army promising recruits up to \$85,000.

"We are spending all of this money for death and destruction and not nearly enough money for life and constructive development," said King of the Vietnam War.

There should be no mistake: just because there are two

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*Bush has hijacked the language of conscience to serve the warlike purposes of his power lust and vanity.*

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African Americans in the White House does not mean King's vision is represented. King's legacy goes beyond his service to the cause of equal rights for African Americans. Few of King's views or values are shared by an administration hell bent on war, including Condoleezza Rice and Colin Powell. Though the two have shown some empathy for King's civil rights legacy, peace and cohabitation were King's ultimate end.

"If we assume that mankind has a right to survive then we must find an alternative to war and destruction. In a day when Sputniks dash through outer space and guided ballistic missiles are carving highways of death through the stratosphere, nobody can win a war. The choice today is no longer between violence and non-violence. It is either nonviolence or nonexistence," King said.

King also quoted President Kennedy in saying "Mankind must put an end to war or war will put an end to mankind." It takes no time to realize King stood for peace, love and in strident opposition to war by typing in his name on any Internet search engine. One will be flooded with hundreds of recent articles and postings building towers of peace against military action from the very ashes of his life and spirit of his words.

This is the real Martin Luther King, the greatest philosopher, educated, popular, pragmatic pacifist of our nation. Not just the leader of the civil rights movement, not just a whimsical dreamer, and not just a spiritual leader. He was a strong human being very much aware of our world and the perils surrounding it. "I have tried to embrace a realistic pacifism," he once said. "Moreover, I see the pacifist position not as sinless but as the lesser evil in the circumstances."

King was more than just a civil rights leader, he was attempting to carry an even greater message of hope and charity and love for all of mankind as espoused by his supreme mentor, Christ. King was not a politician but an activist and as a result his words are direct, decisive, honest and unmistakably lucid and at the same time poetic.

Martin Luther King recognized the subterfuge of world leaders from Napoleon to Hitler to Nixon who used peace as an end to justify murderous rampages on innocent citizens of the world. Though King at one time believed in war as deterrent of greater evils, he ultimately recognized such a

malevolent means would never achieve the goal of world peace. King's thinking is reminiscent of that of Christ, and it is strange many Christians favor a war that clearly violates Christ's "love thy neighbor" and "turn the other cheek" view. Like Christ, King observed that suffering the indignity and loss perpetrated by one's enemy is better than becoming like them in spirit. Only by setting an example and enduring peacefully will your enemy be defeated. Besides, violence begets violence, does it not? After all, it's doubtful militant civil rights groups would have been able to make much progress for the freedom of African Americans had the way not been paved by King. So long as men can justify killing other men, war engenders a vicious cycle that only hardens aggressors and brews hatred in the defeated (look no further than the Holy Land for an example).

If King had a few words to say to the president he might have used these words, which he did in fact say when he was still living. "The alternative to strengthening the United Nations and thereby disarming the whole world may well be a civilization plunged into the abyss of annihilation, and our

earthly habitat would be transformed into an inferno even the mind of Dante could not imagine."

It is clear King held dearly the hope of demilitarizing nations such as Israel and the United States with potent arsenals of destruction. However it is also clear that this can only be done through "uniting" nations and seeking peaceful alternatives.

"America," said King "the richest and most powerful nation in the world, can well lead the way in this revolution of values. There is nothing, except a tragic death wish, to prevent us from reordering our priorities, so that the pursuit of peace will take precedence over the pursuit of war."

In reflecting on how King would view the current conundrum in Iraq one might look back on a speech he made in 1964.

"I still believe that one day mankind will bow before the altars of God," said King in his Nobel Prize Acceptance speech, "and be crowned triumphant over war and bloodshed, and nonviolent redemptive goodwill will proclaim the rule of the land." □

### Slovenko, from page 41

you misbehave, you'll be sent back to fry."

Psychiatrists have balked at treating inmates on death row so that they will be "fit to be executed." Psychiatrists are physicians whose training and credo aim to preserve life, not to hasten its ending.

In 1992, the Louisiana Supreme Court ruled it impermissible to medicate forcibly individuals to render them competent to be executed. Since then Maryland, South Carolina, and the U.S. Eighth Circuit Court of Appeals (*Singleton v. Norris*, 267 F.3d 859 [2001]) have called for the commutation of a death sentence to life imprisonment without parole

when the individual is found incompetent to be executed.

In years past, and today, the competency-to-stand-execution procedure, via the executive branch, in many cases has achieved the functional abolition of the death penalty. Under the governorship of Earl Long of Louisiana, no one condemned to death was put to death. He presumed that any one on death row is "not competent to be executed." Though the United States has the death penalty and courts do in fact sentence criminals to death, more often than not, the sentence is not executed. □

### De Coster, from page 40

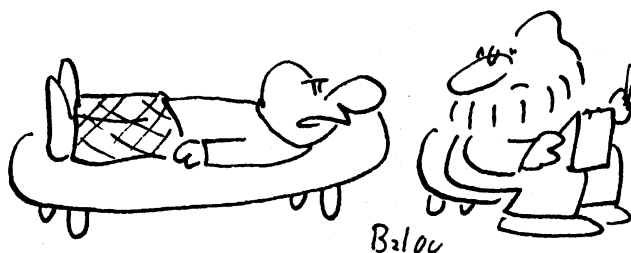
of decision that is best left to the individual consumer, and it is one that is not necessarily based on out-and-out quality, but is established on a consumer's notions of subjective needs, wants, utility, and ultimate satisfaction.

In a world awash in dictatorial proclivities and disdain for commercialism, Cato, the Competitive Enterprise Institute, and yes, some of the folks at *Reason*, have been heroic in stepping up to combat the nonsense spewing forth from the SUV haters. People "defend" the SUV because they defend free markets and free choice. They defend SUVs because they are tired of hearing the self-chosen Gods of What is Good or Bad come between others and their lifestyles.

When all's said and done, what does "bashing" mean anyway? Everybody likes to use the terms "SUV bashing" or "anti-SUV," but what exactly would they like to see happen? Are they hoping the whole world will peacefully boycott SUVs based on their personal anecdotes? Not going to happen. Or are they cheering on the state to take a stand and rid us of that which they don't like? At least the Left makes no bones about it — they want the government to regulate

everything they don't like out of existence. As for all the assorted conservative and libertarian SUV "bashers," well, they remain evasive about how a free market can rid us of SUVs, but they make the argument that government planning created them, and therefore, they hint that, ultimately, government taking them away is not a problem.

Anyway, how can the libertarian who defended "decadence" sensibly make a case against SUVs? □



"Since it's a recurring dream, how about giving me a price break?"

# Reviews

*Letters to a Young Conservative*, by Dinesh D'Souza. Basic Books, 2002, 229 + viii pages.

## Leftists Outwitted, Libertarians Short-Shrifted

Garrett Brown

Dinesh D'Souza's *Letters to a Young Conservative* is a simple book with a simple purpose. In a series of 31 short letters, D'Souza attempts to enlighten a young and somewhat naive admirer about the character of contemporary American conservatism. He hits a number of topics, as one would expect, from immigration and globalism to crime and gun control. Appealing to the interests and concerns of college students, he also insightfully discusses such issues as the literary canon, affirmative action, multiculturalism, and postmodernism. Mercifully, he never lingers too long on a given topic. The longest letter is 16 pages long — an advertisement, really, for his book on Ronald Reagan — but most letters cover their topics in fewer than eight, generously typeset pages. The author's sarcasm and sense of humor animate the correspondence throughout, and by the end, what's apparent is not so much a coherent set of conservative ideas as a strong and lasting impression of the author's personality and perspective.

D'Souza's first book, *Illiberal Education: The Politics of Race and Sex on Campus*, made a stir upon its publication in 1991. Primed perhaps by the commercial success and critical acclaim of Allan Bloom's book *The Closing of the American Mind*, D'Souza

was among the first to translate Bloom's pedagogical concerns into a critique of educational policy. D'Souza exposed the anti-liberal underpinnings of political correctness and showed with ample empirical evidence how affirmative action, though well intentioned, actually undermined or blunted the achievement of its beneficiaries. In particular, he cited the high drop-out rate of affirmative-action students, who were ill prepared to compete with students admitted on merit alone. Higher enrollment statistics pleased administrators and politicians, but was the unseen toll on individuals too high a price to pay? D'Souza thought so, and others quickly followed suit. Perhaps more so than any other book, *Illiberal Education* is responsible for turning the tide against affirmative action and political correctness. For this reason alone, D'Souza is of considerable interest as a social commentator and as critic of government misrule.

D'Souza, a native of India, came to the United States in 1978 as a Rotary exchange student for his final year of high school. At the encouragement of his Arizona host family, he applied to Dartmouth College and was admitted for the fall term of 1979. D'Souza says that at the time he was "a pretty typical Asian American student" and not a conservative: "In fact, I didn't see myself as political. In retrospect, I real-

ize that by the end of my freshman year my views were mostly liberal." He observes, "A liberal current flows on most college campuses, and the more prestigious the campus, the stronger the current. If you do not recognize this, you will surely be swept along. The only way to avoid this is to actively resist the waves." As the year drew on, he became disillusioned with much of the radicalism he saw around him on campus, but he had "no coherent way to think about it or to express [his] dissatisfaction." But by the end of his freshman year, as some of his thoughts began to coalesce, he decided to plunge his oars in the water and fight the current.

D'Souza offers this sketch of his personal history in *Letters* as an explanation of how he became a conservative. In some ways this is the most compelling part of the book. For those who are familiar with D'Souza's work and have followed his career, it's nice to learn something about his early life and relationships and to see how these naturally fit together with the subjects he writes about. His account of his involvement with the conservative *Dartmouth Review*, then in its infancy, is particularly interesting, as is his description of his relationship with the paper's mentor, English professor Jeffrey Hart. Both had a profound influence on D'Souza, clearly shaping his conservatism and the way he



writes and talks about it.

At the *Dartmouth Review*, he explains, "we recognized that to confront liberalism fully we could not be content with rebutting liberal arguments. We also had to subvert liberal culture, and this meant disrupting the etiquette of liberalism. In other words, we had to become social guerrillas. And this we set out to do with a vengeance." D'Souza recounts several amusing run-ins with the Dartmouth faculty and leftist students. Most amusingly, he also offers his young correspondent a few ideas as proof he hasn't lost his touch for guerrilla action: "Conduct a survey to find out how many professors in the religion department believe in God. Distribute a pamphlet titled 'Feminist Thought' that is made up of blank pages. . . . Prepare a freshman course guide that lists your college's best, and worst, professors. Publish Maya Angelou's poems alongside a bunch of meaningless doggerel and see whether anyone can tell the difference."

The target here, of course, is political correctness. Since the publication of his first book, D'Souza has proven himself to be quite skilled at puncturing the arguments for P.C. He explains, "The best way to defeat political correctness is to expose its lies. Basically, P.C. is about pretending, about publicly insisting that something is true when we know privately that it isn't, about shutting down people who won't conform to the prevailing orthodoxy." The stability of the entire edifice of political correctness, he argues, relies on people's fear "that if they speak the truth they will first be accused of racism and then hounded and penalized. One has to be brave to defy these taboos and threats, and that is why one of the most important qualities needed among campus conservatives is courage."

D'Souza has had to demonstrate no small amount of courage himself. Perhaps the most amusing letter, "How to Harpoon a Liberal," takes up the issue of how to deal with an unruly audience. Having had much experience with such audiences, D'Souza tells of numerous instances in which he outwitted even the most hostile or disruptive students. "Hecklers can be intimidating," D'Souza writes, "but the

speaker has a great advantage: He has the microphone. Not long ago, while I was lecturing at UCLA, an American Indian . . . began to shout. Every time I said something, no matter how benign, he would yell, 'That sounds like Hitler.' 'That's just what Hitler thought.' 'More Adolf Hitler.' Finally I had to pause and say, 'Look if you keep this up, by the end of the talk you will have given Hitler a good name.'

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*By the end of D'Souza's correspondence, what's apparent is not so much a coherent set of conservative ideas as a strong and lasting impression of the author's personality and perspective.*

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That shut him up." D'Souza found that sometimes the best way to deal with a heckler is "to humiliate the student completely . . . to defeat his distraction strategy and regain the audience's attention."

D'Souza admits that, being a person of color, he enjoys a kind of immunity that allows him to speak with greater candor: "If a white guy said the things that I say, he would be hounded off the podium!" He rightly points out, "This shows the degree to which the race debate is rigged. Many people's opinions are excluded from the outset." His goal, he continues, "is to use [his] ethnic immunity to raise the curtain on some of these taboo issues, and to expand the parameters of what is permissible to say, so that we can have an honest discussion that includes all parties." In this regard, D'Souza has certainly succeeded, and libertarians should applaud his efforts.

D'Souza's humor and style are grounded in his understanding of the differences in temperament between left-liberals and conservatives: "The predominant liberal emotion is indignation. When I was at the *Dartmouth Review* the majority of the letters we received from liberals began with the sentence, 'I am shocked and appalled.' Liberals are always shocked and

appalled by something. By contrast, the predominant conservative emotion is the horselaugh. The conservative is one who chuckles and guffaws." Later, D'Souza links these dispositions to contrasting views of human nature: "It is precisely because liberals believe in the goodness and malleability of human nature that they are perennially outraged when this nature proves resistant to liberal reforms. It is precisely because conservatives believe that human nature is flawed that they have modest expectations about people, and about politics. Thus, when things turn out badly, conservatives are pleased. People who expect the deluge are always delighted that all they have to endure is an occasional thunderstorm." This accounts, in large measure, for the mirth and cheerfulness of D'Souza's book and his outlook on life and politics. These personal characteristics are, no doubt, what make him a popular writer and a much-sought-after public speaker.

But D'Souza leaves quite a bit out, even regarding the personal context that is emphasized by these informal letters. There's nothing here about his family or his childhood in Bombay. At times it seems as if he arrived in the United States a blank slate, with no innate or inherited opinions about government and society. The letter-writing convention wears thin over time, and as the correspondence proceeds unnaturally from one discrete topic to another, it becomes disappointingly more contrived and predictable. (For a more successful effort, see Mario Vargas Llosa's *Letters to a Young Novelist*; as one would expect, the accomplished novelist is more successful at this.) Having glimpsed at D'Souza's more relaxed and personal writing style, one begins to wonder what his actual letters to his family, friends, and colleagues must be like.

The book's two real strengths — its personality and simplicity — also reveal its shortcomings. It would be a mistake to confuse how one arrived at an idea with the status of the idea itself, but that is what D'Souza seems to do. The details of one's personal development, while of interest to friends, admirers, and biographers, are irrelevant in assessing the truth of particular political or economic principles

and may even be misleading in this context. D'Souza also seems at times more concerned with refuting liberal arguments than with describing or defending conservatism itself. Actually, one could argue that he arrives at his definition of conservatism by exclusion. Having dismissed liberals from serious consideration, he must show that libertarianism on the other side isn't a viable option either. D'Souza opens *Letters* with a discussion of libertarianism, and his qualified rejection of it is perhaps the book's greatest disappointment.

One of the only things that we learn about D'Souza's young correspondent is that he's a self-described "libertarian conservative." D'Souza applauds this as "an excellent way to preserve your libertarian economic philosophy within a broader conservative worldview." For D'Souza, libertarianism is merely a "philosophy of government," which is silent on "the question of how liberty is to be used" and "the central question of what constitutes the good life." Unlike conservatism, it isn't a "philosophy of life." This is an odd distinction to make, particularly in a book about government and politics. It seems almost a categorical mistake to expect a political philosophy to yield a meaningful worldview. In fact, this is the same categorical mistake made by

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liberals when they claim that "everything is political." By conflating politics with a worldview or a philosophical outlook, both succeed only in conferring ubiquity upon politics and trivializing the other concerns of life. Politics is only the frame of the picture, not its subject. It cannot — or should not — generate content or purpose. Those can only be endowed by individual will, and that will is shaped by values that we learn from our families,

our rich and diverse cultural traditions, and our moral and religious convictions. Libertarianism doesn't attempt to sort these out, because it lacks the tools and resources to do so.

Surely, D'Souza knows better than to conflate politics with philosophy. He's certainly familiar enough with the canon of libertarian thought. In his final letter, D'Souza lists "the most important works produced in the past half century or so that a young conservative should read." Nearly a quarter of them are by libertarians: Milton Friedman, Friedrich Hayek, Ludwig von Mises, Charles Murray, Ayn Rand, and Thomas Sowell. This is inescapable: D'Souza needs these writers to give his brand of conservatism some heft and intellectual weight, as well as some economic insight. Yet, even being familiar with their arguments, he is still troubled by the constitution of liberty.

D'Souza cannot embrace libertarianism, because he refuses to relinquish his concern with virtue and the good society. He starts at the right place: "Being conservative in America means conserving the principles of the American revolution. . . . It means fighting to uphold the classical liberalism of the founding from assault by [modern] liberalism." Realizing, however, that this is not quite enough for a complete description of conservatism, D'Souza adds "a concern with social and civic virtue." But this carries him too far afield with a vague and arbitrary definition of the role of government. He gets caught in his own trap by pitting one set of virtues against another. The conservative virtues are, according to D'Souza, "merit, patriotism, prosperity, national unity, social order, morality, responsibility." The liberal ones are "equality, compassion, pluralism, diversity, social justice, peace, autonomy, tolerance." But the distinctions between the two lists break down too easily. Just think of the virtues that you yourself value. They're likely to be some subset

of both lists. D'Souza never explains why one set of values might be favored over another. Moreover, all of these virtues are specifically civic virtues. In so far as D'Souza attempts to offer not just a philosophy of government but a philosophy of life, his list excludes such private virtues as sincerity, fortitude, moderation, humility, and curiosity (not to mention the theological

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*For D'Souza, libertarianism is merely a "philosophy of government," which is silent on "the question of how liberty is to be used" and "the central question of what constitutes the good life."*

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virtues), which have public benefits without being aligned with a particular political disposition.

While D'Souza agrees with libertarians on issues such as taxation, regulation, school choice, and racial and gender preferences, he believes that it is acceptable in some situations — involving drug use, pornography, gay marriage, and abortion, for example — for the government to tell individuals what they can and cannot do. He reasons that, since people sometimes make bad decisions, their choices must be limited, particularly when those choices have a deleterious effect on the public good, however defined. Ironically, D'Souza offers the best rebuttal to his own argument:



"If taxes keep going up, the American dream is going to be Mexico."

"Conservatives defend freedom not because they believe in the right to do as you please, but because freedom is the precondition for virtue. It is only when people choose freely that they can choose the good. Without freedom there is no virtue: A coerced virtue is no virtue at all." A libertarian couldn't have said this better himself.

On a final note, I must add that while I enjoy D'Souza's sarcasm and sense of humor, I found his cracks about homosexuals and women tiresome. Liberal feminists and gay-rights activists make easy targets, of course, but after a point, the joking seems gleefully adolescent, revealing a discomfort with the subject that can only be an obstacle to genuine understanding. There are, after all, many homosexuals and feminists who do not fit the stereo-

types and profiles he describes, and they deserve some credit for re-introducing reason and care into the

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*D'Souza believes that it is acceptable in some situations — involving drug use, pornography, gay marriage, and abortion, for example — for the government to tell individuals what they can and cannot do.*

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political discussion. In contrast to D'Souza's position on gay marriage, for instance, Jonathan Rauch and other

members of the Independent Gay Forum offer compelling conservative arguments based on the very virtues that D'Souza himself prizes.

These shortcomings aside, *Letters* is a useful book. It provides another opportunity to revisit some fundamental political issues, while acquainting us with an outspoken and personable member of the conservative movement. Libertarians can learn much from him, even though in the end his conservatism comes up short as a coherent philosophy of life or government. While "conservatism may often be a useful practical maxim," as F. A. Hayek astutely observed, ultimately "it does not give us any guiding principles which can influence long-range developments." □

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***Strategic Bombing by the United States in World War II: The Myths and the Facts*, by Stewart Halsey Ross. McFarland & Co., 2002, 244 pages.**

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# U.S. Terror Tactics in WWII

Bruce Ramsey

It is an enduring image of World War II: brave American flyers wobbling back to England in their shot-up B-17s. We think of old movies such as *Command Decision*, in which airmen faced daunting odds to do such strategically crucial things as flattening the German ball-bearing works at Schweinfurt.

Brave they were; midway through the war, the odds of an American being shot down in a 25-mission tour of duty were greater than half.

What was exaggerated, writes Stewart Halsey Ross, was the strategic value of bombing. Not because stopping all ball-bearing production in

Germany wouldn't have had strategic value — it would have — but because the bombing didn't stop it. The Schweinfurt raid of 1943 damaged about 10 percent of the ball-bearing machinery there at a cost of 60 airplanes and 599 men.

The four-engined American bombers of World War II were, in fact, mainly weapons of terror. That is not why the first of them was designed. But Ross, who spent two years analyzing bomb-accuracy tests for the U.S. Army Ordinance Corps, argues that that is what they were mainly good for. The Army Air Force generals couldn't say that publicly, but they knew it, acted on it, and got used to it.

The theory sold to the public was

that the war could be won quickly from the air by stopping the flow of things like ball bearings. When the B-17 was developed, it was fitted with the Norden bombsight, a much-ballyhooed military secret. (Actually, the Germans stole it in 1938 and didn't think much of it.) In the American desert, where the Norden was tested, it worked. But it required the ground to be visible, the plane to come in at 15,000 feet or lower and fly dead level for the last 10 minutes under the control of the bombardier. Over cloudy Europe, airmen could most often not see the ground; and flying dead level at 15,000 feet was a good way to get shot down.

It was easier to fly at 20,000 feet and unload over a city. The British, who began bombing earlier, quickly switched to night flying, which amounted essentially to pattern bombing. The Americans proudly bombed by day, pretending to be more precise about it, but that the precision, Ross argues, was mostly for show.

Terror bombing had its own justification. It was supposed to "dehouse" workers and thereby disrupt war production. If the German did not have a house, he would not go to work. It was

also thought he might riot, and bring his government down. Germans did neither. Bombing did make tens of thousands of people homeless, but people found places to live and arms production continued to increase until the last year of the war.

Bombing started to make a difference in mid-1944, when bombers began to do substantial damage to Germany's factories that made motor fuel from coal. A shortage of fuel kept the *Luftwaffe* on the ground and ended the panzer advance in the Battle of the Bulge. But by then the war was almost over.

Most of the bombing of Japan was in 1945, and was even more clearly terror-bombing, especially the use of incendiaries against Japan's wood-and-paper houses. That certainly had an

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*The four-engined American bombers of World War II were, in fact, mainly weapons of terror. The Army Air Force generals couldn't say that publicly, but they knew it, acted on it, and got used to it.*

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effect on Japan's willingness to fight, Ross writes, but the human cost was terrible.

In the far larger air war over Germany, Ross writes, bombing was a matter of grinding down the enemy's supply of planes and pilots — particularly pilots — by having more to waste. "At a fundamental level, the air war from 1939 to 1945 . . . could be compared to the daily butchery in the trenches of France between 1914 and 1918."

Of the 405,000 American soldiers killed in World War II, one-fifth were airmen.

It has its message, but this book is linear and matter-of-fact. It is divided into such chapters as The Airplanes, The Bombs, The Bombsights, The Aircrews, The Defenses and The Five Cities. The five cities are Hamburg, Dresden, Tokyo, Hiroshima and Nagasaki, and the description of what

was done to them is so brutal as to be almost unreadable.

Thank goodness bombing is more accurate today, even though our precision-guided munitions do not always work and when they do, they do not always spare the innocent. In the first Gulf War they were used to target sewage treatment and water purification

plants. Their destruction had no military value in a 100-hour war but created political pressure, and spread intestinal disease, for years ahead.

"For a country that does not actively seek to expand its territories, but rather to achieve global hegemony, strategic air power is the nearly perfect weapon," Ross writes. Here is how it began. □

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*Creative Destruction: How Globalization Is Changing the World's Cultures*, by Tyler Cowen. Princeton University Press, 2002, 179 pages.

# The Market for Culture

Jane S. Shaw

Tyler Cowen, an Austrian economist at George Mason University, is engaged in an ambitious project — attempting to show how markets benefit the arts. His latest book, *Creative Destruction*, is a companion volume to his 1998 book, *In Defense of Commercial Culture*. In both books, he argues that markets and trade enrich artistic and cultural expression.

The first book undermined the elitist claim that markets — “commercialism” — downgrade artistic quality by forcing artists to appeal to mass audiences. Summoning evidence from the goldsmiths of the Renaissance to present-day rap music, Cowen showed that markets (and the prosperity and technology they engender) enable artists to appeal to smaller, specialized customer niches, increasing the overall quality and diversity of art and culture.

In a similar vein, *Creative Destruction* argues that global trade contributes to artistic expression, because trade enables artists to find and absorb new technology, new materials, and new ideas. As their artists obtain knowledge and materials from the rest of the world, countries whose people engage in trade develop richer and more diverse art forms, most notably in their urban centers.

This book is ambivalent, however, and its argument more nuanced than the 1998 book. Although Cowen contends that trade spurs artistic diversity within cultures, he recognizes that some cultures suffer. When a small,

isolated culture is opened to the world, the impact of other cultures may overwhelm it. Thus, “globalization tends to encourage large, internally diverse polities, rather than small unique ones” (p. 65).

Discussion of these issues is confused and hampered by the lack of consensus on what, exactly, “culture” and “diversity” mean. If a culture is viewed as the characteristics of a people in a geographical place who hold an all-encompassing “ethos” — that is, a world view or *Zeitgeist* reflected in their religion, art, culture, and political relationships — then trade may be viewed negatively. Trade may damage or even drown this culture. Yet Cowen argues that in modern societies an alternative process of cultural preservation proceeds. Ethnic identity can be nurtured “in a few select and carefully carved-out spheres of life” — such as retaining the Yiddish language or elements of the American Indian heritage — but not as an “all-embracing totality” (69).

Cowen recognizes that some cultures first flourish but then decline upon contact with outsiders. He calls them Minerva cultures, after Hegel’s statement, “the owl of Minerva flies only at dusk.” Cowen uses the term to mean that cultural expression often flowers just as a culture is beginning its decline, which often happens after an isolated region experiences contact with foreign ideas, materials, and knowledge. To illustrate a Minerva culture, Cowen cites Hawaiian music. Drawing on Pacific, American, and

Asian styles and technology as well as indigenous sources, Hawaiian music developed a distinctive style late in the 19th century and early in the 20th, a unique sound that ultimately affected country and western, blues, jazz, and other music. But the efflorescence was brief. “American dominance of the island — in cultural, economic, and political terms — was only a matter of time,” says Cowen. “The vital indigenous Hawaiian culture has since dwindled precipitously, having been swamped by the greater numbers and wealth of mainland Americans and Asians” (57).

Yet this concern with a “Minerva culture” is just one downbeat in an argument that generally views trade as contributing to artistic expression. Trade creates new art forms and has been doing so for thousands of years.

Cowen stresses that most “indigenous” arts are really the products of multiple influences developed through

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*Cowen’s message is that trade enriches and multiplies cultural expression within most societies, even though it may weaken or deplete geographically-based cultures.*

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assimilation of materials, techniques, and styles that came about through contact with other parts of the world. For example, modern Jamaican music got its start when migrant workers went to the American South in the late 1940s, where they heard rhythm and blues; after they returned, they listened to rhythm and blues on radio broadcasts from New Orleans and Miami. The first Jamaican music “breakthrough,” says Cowen, was “ska” tunes in the 1960s, which incorporated influences such as “doo-wop, swing, crooners, and the softer forms of rhythm and blues” (60).

Navajo weaving took off as an art form only after trade provided means and possibilities that weren’t initially available. The Navajo had learned weaving from other Indian tribes in the 18th century, using wool from their

sheep (the Spanish had brought sheep to the New World) to make blankets. Around 1825, the Navajo weavers were exposed to the patterns of textiles made in Saltillo in northeastern Mexico. These distinctive and colorful patterns reflected styles worn by Spanish shepherds, originally influenced by Moorish designs. Inspired by the Mexican patterns, Navajo weavers turned utilitarian blankets into works

of art. As they developed their craft, they incorporated colors that weren't available through their vegetable dyes by unraveling cloths made industrially in Europe and using the yarn to weave blankets in their own style.

One of the important influences of trade, of course, comes from patrons. The renewal of Navajo art in the 20th century — not just its blankets, but also jewelry and paintings — came about

because Navajo artists began to sell their art in ways more typical of modern artists. "Navajo creators deal with the external marketplace in similar ways as do mainstream American artists," says Cowen (70). They become known as individual artists by name, not just as anonymous craftsmen. "We have seen a Navajo cultural revival, but on terms that are partially Western rather than thoroughly Navajo in the earlier sense of that word," he writes (70).

Cowen also observes that the decline of some cultural activities, such as Papua sculpture, may disappoint wealthy American or European buyers. But the decline may occur because the artists have found better opportunities. "Bringing a shopping mall to Papua New Guinea gives the Papuans more choice, but it may give the American collector of Papuan sculptures less choice, if it weakens the inspiration behind those sculptures by changing the underlying social ethos" (146).

Cowen's message is that trade enriches and multiplies cultural expression within most societies, even though it may weaken or deplete geographically-based cultures. "The question is not about more or less diversity per se, but rather what kind of diversity globalization will bring. Cross-cultural exchange tends to favor diversity within society, but to disfavor diversity across societies" (15).

The chief weakness of *In Defense of Commercial Culture* is that it doesn't have enough examples. Cowen examines a few topics in depth, such as music, weaving, and cuisine, to illustrate the cultural impact of trade. And those discussions are fascinating. But he does not discuss representational art such as painting, sculpture, and photography, and performance arts (except for movies, which he discusses brilliantly) are also given little consideration. By selecting such a narrow palette, especially compared to his previous book, he makes us wonder if the story of trade's impact fully holds up. I think it does, but I'd like to see more. Certainly, there is room for another book — or at least a few papers by graduate students. We have a lot to learn about culture, both ours and others'. □

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### Personals

Gay libertarian man — 42, 5'10", 165, blond/blue/stache, atheist, HIV neg. — seeks romance. I live in San Francisco. Email: [mdf1960@yahoo.com](mailto:mdf1960@yahoo.com)



### *Salem, Mass.*

How American non-profit animal shelters solve stray pet shortage, earning a substantial profit in the process, as reported by *U.S.A. Today*:

Thanks to the success of campaigns for people to have their pets spayed or neutered, there are not enough animals to meet demand at many American animal shelters. To deal with this problem, shelters have imported more than 14,000 strays from Puerto Rico. The shelters typically price the animals at more than \$200 each.

### *St. Paul, Minn.*

Advance in public health, as reported by the *Associated Press*:

Jesse "the Body" Ventura plans to make Minnesota's welfare program the first in the country to ban recipients from so-called junk food such as potato chips and candy bars.

Plans in other states have failed once policy makers discovered the difficulties in sorting the grocery aisle between acceptable and unacceptable foods.

### *Great Britain*

Advance in animal husbandry, described by the *Times of London*:

Farmers throughout the country have 90 days to put a toy in every pigsty or face up to three months in jail. If they fail to do so, they can be fined up to £1,000 or jailed for three months.

### *Brussels, Belgium*

Progress regulation in the E.U., from *Radio Vlaanderen International*:

People who want to work from home in Belgium must clean their house every day and are obliged to take a shower after a day's work, have separate toilets for men and women and post notices stating that it is forbidden to spit. Alcohol in a house is also strictly prohibited.

### *India*

Progressive ways help devotees of an ancient religion, from the *Sydney Morning Herald*:

The Agri Gold Co. has begun marketing an instant, just-add-water version of the holy cow dung that many urban Hindus use in their purification rituals. Camphor, turmeric and sandalwood paste are added to alleviate the foul smell, which is the main reason many Hindus had been leaving the dung part out of the ritual.

### *Olympia, Wash.*

Curious political development in the Evergreen State, as reported by the *Tacoma News Tribune*:

David Goldstein is circulating an initiative that says, "The citizens of the state of Washington do hereby proclaim that Tim Eyman is a horse's ass." State officials have objected, and substituted the phrase "hindquarters of a horse" for the proposed language. Eyman is under attack because he has chaired campaigns to reduce taxes using the initiative process.

### *Berlin, Germany*

Product liability problem troubling the tourist industry in the E.U., as reported by *Reuters*:

A German couple are demanding compensation from a tour operator because a maid repeatedly interrupted them while they were having sex in their hotel room during a holiday in Cuba, even though they had a "Do Not Disturb" sign outside the door.

### *Bath, England*

Alarming consequences of slovenliness in Merrie Olde Englande, from *Reuters*:

A 26-year-old man ripped off his roommate's beard because the roommate had not done his household chores.

### *Stockholm, Sweden*

Alarming new occupational hazard, reported by *Reuters*:

A growing number of explosions in caskets during cremations have been sparked by undetected items such as heart pacemakers, whose batteries ignite in the intense heat.

### *Wheaton, Ill.*

Progress comes to the Bible Belt, from a report in the *New York Post*:

Wheaton College has repealed its rule that prohibited its students from dancing.

### *Harlan, Ky.*

Novel legal defense offered in the Bluegrass State, as reported by the *Los Angeles Times*:

Gary Damon Stephens, 28, admitted that he killed his parents five years ago but said he stands by his earlier explanation, that the deceased were pod people, not his real parents.

### *Minnesota*

Advance in fundraising techniques developed at the prestigious University of Minnesota at Duluth, reported by the *Minneapolis Star-Tribune*:

One hundred twelve University of Minnesota-Duluth students wolfed down 14,000 donated White Castle burgers in order to raise money for the Salvation Army.

### *Gaffney, S.C.*

Curious discovery at an animal shelter in the Palmetto State, from a story in the *Charlotte Observer*:

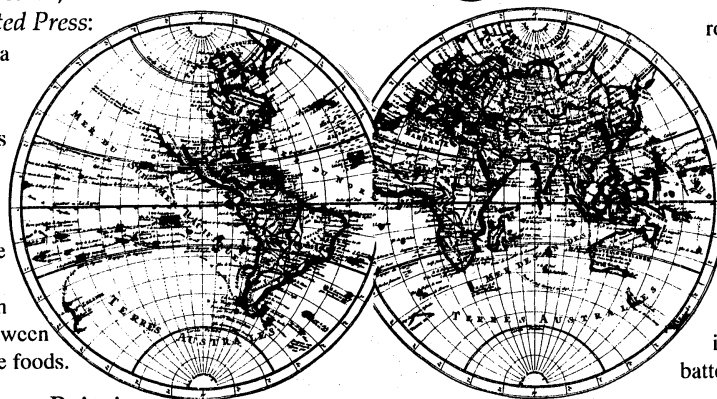
Thirty dead cats found in a freezer at a nonprofit animal shelter led to the arrest of the two operators.

### *Portugal*

Advance in the science of skin care, as reported by *Journal de Noticias*:

Hemorrhoid-suffering pilgrims are trekking to the town of Murtosa to rub the affected body part against a statue of St. Goncaio, hoping for relief (since the 13th-century priest was known for curing acne).

## *Terra Incognita*



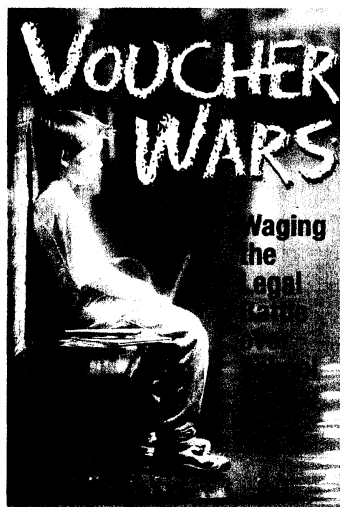
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(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or email to [terraincognita@libertysoft.com](mailto:terraincognita@libertysoft.com).)



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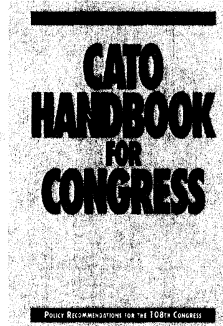
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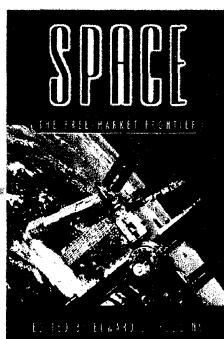
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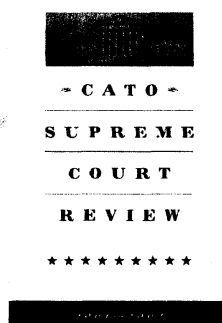
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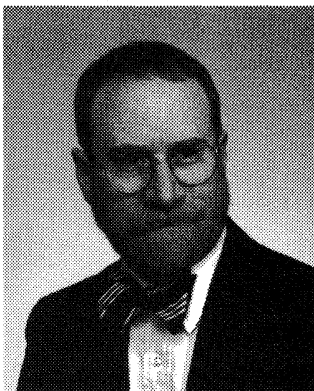
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# What Dionne Warwick Reveals about the Drug War

by Sheldon Richman

The American Inquisition got another one recently. Singer Dionne Warwick, who was found with nearly a dozen marijuana cigarettes at the Miami airport, had her charges dropped in return for promising to undergo "drug treatment" and to make anti-drug public-service announcements.

Let's look at what Ms. Warwick's case says about the "war on drugs," which is not a war on drugs at all, but a war on people. This modern-day Inquisition is designed to hunt down drug heretics. Ultimately, its victims are punished not just for what they do, but also for what they think. And what they think are forbidden thoughts about drugs. Instead of believing, say, that a glass of wine is okay, but a joint is bad, they may

think that a joint is not much different from a glass of wine. We can't have people thinking that. That's why Ms. Warwick was offered the deal. As a celebrity, she is more valuable as a convert than as a convict.

That the Inquisition is aimed at thoughts can be readily seen in the terms of her deal. To avoid trial she had to promise to attend "drug treatment." This "treatment" consisted of talk by her and by psychiatrists, psychologists, or other mental-health personnel. Ms. Warwick, under obvious duress, perhaps said she was stressed and thought that marijuana would help her to relax. Or maybe they explored how low self-esteem "caused" her to use drugs. Or maybe her interest in drugs was attributed to mental illness. (If so, why is the criminal law involved?) She probably said she sees the error of her ways and won't do it again. Nationwide, the taxpayers pay hundreds of mil-

lions of dollars to finance this inflated nonsense that goes by the name "treatment." Most of the people there are trying to stay out of jail.

Then there are those public-service announcements. Here is where Ms. Warwick will do public penance by recanting her heresy. She will probably tell kids not to use illegal drugs. How convincing will that be? Until recently, she apparently saw nothing wrong with using marijuana. She "got religion" (an apt phrase here) just after criminal charges were filed against her and then dropped. A coincidence? If not, why should anyone believe anything she says about drugs? It is certainly more likely that she'll deliver her anti-drug message only because she could go to jail if she refuses. When someone has that strong a personal interest in making a statement that conflicts with her own previous conduct, we are entitled to skepticism, if not outright

incredulity.

While Ms. Warwick will avoid prison in return for her reeducation and public recantation, others are not so fortunate. The prison statistics are a scandal. According to the U.S. Bureau of Justice Statistics, in 1999 more than half (57 percent) of federal prisoners were drug offenders. That's more than 68,000 people. In 1997, state prisons held 251,200 drug offenders, about 20 percent of state prison inmates. A disproportionate number of those prisoners are black.

Americans are losing their liberty for having unapproved ideas and acting on them peacefully about what substances they should be free to ingest. That is unworthy of a self-described free society.

*Sheldon Richman is senior fellow at The Future of Freedom Foundation ([www.fff.org](http://www.fff.org)) in Fairfax, Va., author of *Tethered Citizens: Time to Repeal the Welfare State*, and editor of *Ideas on Liberty* magazine.*

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