

Liberty

December 2006

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by Bruce Ramsey

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by Jon Harrison

God and Mr. Mencken

by Garin K. Hovannisian

Benjamin Franklin and His Critics

by Mark Skousen

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Letters

Wage Hike

Bruce Ramsey ("To Filter the People," September) says that immigrants are "depressing the wage rate."

He's thinking in terms only of the nominal rather than real wage rate, the money in your pocket rather than what it can buy. The more immigrant labor, the lower the costs of production, the lower the prices in the supermarket, and the more Americans can buy, and the higher their real wages.

Whatever you may say against immigrant labor, it is raising the average level of real wages in this country.

D.G. Lesvic
Pacoima, Calif.

The Fallacy of Open Helmet Laws

In opposing open immigration ("The Fallacy of Open Immigration," September), Stephen Cox to some extent anticipates the objections he is likely to receive. Nevertheless, let me paraphrase his argument with a much shorter example:

"Some libertarians claim that it's no business of the government whether a motorcyclist wears a helmet, saying that this is the personal decision of a free individual. However, the truth of the matter is that, if a cyclist is hurt and is not wearing a helmet, society picks up the tab: hospitals are required to accept as emergency patients even those who do not have sufficient means to pay their bills, and as a result, other patients and taxpayers suffer. Therefore, however libertarian our proclivities, we must accept mandatory helmet laws."

This is in essence Cox's argument against open immigration, and he derides anyone who would argue anything other than what might be called a "reality based" calculation of any given change in policy.

It strikes me that, according to this

line of reasoning, we might as well give up all hope of attaining a society that respects liberty. All the intrusions of government are intimately bound with all the others, and every attempt to crack the nut of statism will disrupt something in a way that can be pointed to as an example of why libertarianism can never work.

I would prefer to oppose helmet laws even knowing that I'll pay more in taxes, because that knowledge increases the pressure to end the forced sharing of medical bills. To merely give in and support helmet laws is an admission of perpetual defeat.

Similarly, to give in to Cox's argument against open immigration is a tacit assertion that we will never live in a libertarian society. This I cannot and will not accept.

John A. deLaubenfels
Longmont, Colo.

Gresham's Law of Culture

Libertarianism, no matter what variety of it we may profess, is entirely a phenomenon of western civilization. For that and other reasons, my allegiance is to western civilization. Now, the immigration problem deals with precisely that — western civilization being entered by people *not* of western civilization. This is happening in the United States and throughout Europe and Australia — the turf of the West. Do these people become a part of the West? A few do, but most do not. The U.S., France, the UK, Germany, Austria, Spain, Italy, Canada — all are in the process of changing their character and becoming third-world nations. To think that any shred of libertarian thinking can survive such a change is outrageously naive.

As libertarians, we should be at the vanguard of defense of western civilization. The Democrats and Republicans all agree that western civilization isn't

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worth preserving, and advocate wholesale admission of nonwestern people to consolidate their own power. The press, controlled by the Democrats and Republicans here, and their feckless counterparts in the rest of the West, minimize or ignore the disruption that mass foreign immigration leads to.

Anatolia was once Greek. Now it's Turkish. The Turks didn't become Hellenized. It doesn't work that way. Culture is like money — bad drives out good.

Rex May
Bellvue, Colo.

A Vote for Conscience

Cox's article is a breath of fresh air. I had almost left libertarianism for my old "Republican ticket" based upon the issue of border patrol. I believe that the borders must be sealed. I had felt that I had to be the only libertarian who holds that view.

We libertarians who believe in some sort of border patrol (I do prefer privatized or at the state level) may be in the minority in the libertarian community; so be it. Inasmuch as I do not believe that either major party will do anything about the illegal immigrant issue anyway, I now refuse to even consider turning my back on voting my conscience in the upcoming elections. My vote will be for the libertarians who wish to return these United States to what they once were, before the forced evolution of the national government into a strong centralized entity.

David Lee Henderson
Howe, Texas

Secret Formula

I didn't know we could improve our economy by letting literature professors centrally plan it. Since Professor Cox seems to know just how many unskilled workers we can let into our country without depressing wages or putting labor-saving machines out of business, can he tell us his formula, or do we need to put him in charge? Before his enlightened article, most libertarians would have been content to let the market decide.

Dan Fernandes
La Verne, Calif.

Sauce for the Goose

Cox reveals the problem when masses of foreign people are allowed to come into the U.S. carrying their political culture with them: they expect to live their

political culture here, and they think the U.S. is obligated to protect their cultural norms even if those cultural norms are anti-American.

But I take issue with his assumption that skilled immigrants still ought to be welcomed without reservation by libertarians. It is the daughters of immigrant doctors, lawyers, scientists, and university professors who are being forced into female circumcision, polygamy, and slavery on U.S. soil. What is good for the libertarian gander is not always good for the libertarian goose.

Janice Miller
Oldsmar, Fla.

One Man's Plank

"The Fallacy of Open Immigration" is the most brilliant, well-written, concise, comprehensive refutation of the suicidal antilibertarian "open borders" policy which I have ever read. It should be reprinted by the thousands, especially for members of the Libertarian Party. It would also be excellent outreach material for recruitment.

The American Indians practiced an "open borders" immigration policy, voluntarily at first. I don't think that anyone

could view the results as satisfactory for them. I hope that you will devote further time and effort to condense and reformat it so that it can become our new immigration plank.

David Macko
Solon, Ohio

Price of Passage

Why not try an economic solution? According to the results of a very brief Web search, government fees (not including any attorney fees, of course) to immigrate are in the neighborhood of \$500. I propose that the government charge a substantial fee, something like \$5,000 or \$10,000, for each and every individual — of any age — who wants to move here. Absolutely anyone without a criminal or terrorist background could buy a green card. Liberal do-gooders could volunteer to pay the way for refugees. New immigrants would be barred from voting or making any welfare-type claims for at least five years, though they could send their children to school, as long as they were working and paying taxes. New babies born in the United States to illegal immigrants would no longer be citizens, so this fee would ap-

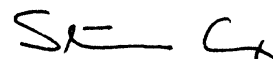
The other day, while driving to my office, I reached the point on I-5 where there always seems to be a traffic jam. That day, the mess was tremendous. Creeping forward at 2 mph, unable either to pull off the highway or just space out and relax, I relived for the ten thousandth time the reality of America's great communist institution, the government highway system — a place where everybody pays the greatest possible amount of money, time, and tension for the state's "free" gift. I was bored with all the CDs I had in the car, and there was nothing on the radio except talk-show babble, NPR's news from nowhere, and the religious station's constant plea for either God or me to send in money.

Then I had a good idea. This would be a perfect time to call some friends. I'd get Paul's forecast about the next election, quarrel with Michael's concept of human rights, hear Mehmet's reviews of current movies, or ask Liam to analyze the latest events in the Middle East. I reached for my cell phone — but it wasn't there. Some weird break in consciousness had made me leave without it.

Dude, I was toadily screwed. All I could do was sit there in "traffic," trapped in a mob of uniformly uninteresting vehicles that was enlivened only by the useless intrusion of motorcycle cops.

It occurred to me that Liberty magazine is something like that. Not like the traffic jam, but like the not-to-be-forgotten phone. For libertarians, this journal is a way of calling home. It's a way of hearing news and ideas that are interesting to us. It's a way of picking fights about things we really care about. It's a way of knowing that the long line of vehicles crawling on the concrete road is just one feature of our landscape. It's a way of getting off the freeway and enjoying the pleasures of freedom. Just take the next exit, friends . . .

For Liberty,



Stephen Cox
Editor

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ply to them as well. The total proceeds of this program would go to offset immigration-related costs, including the costs of indigent health care to hospitals. Individuals committing serious crimes (including incitement to violence like "kill the infidels") would be deported and forfeit their fees. Finally, we'd need to back this program with a constitutional amendment, so that federal judges could not overturn it.

Vaughn Treude
Glendale, Ariz.

Trickle-Down Reform

Stephen Cox's brilliant treatise on immigration omitted the criminal colonization of Australia and the misfits of the Mariel boatlift. Even when the worst of one society come to another land, good can still come of it. Just as crime prevention is better than criminal justice, getting marginal people to participate in society is more worthwhile than trying to separate the good from the bad.

The problem with current immigration law is that it's asinine. I could write with perfect reason and the law would not change. However, today I will come into contact with people who are on the margins of society. I will try to help them gain from trade. That's small and effective immigration reform. From this, prosperity grows.

Ned Roscoe
Benicia, Calif.

Inalienable Rights

My support for open immigration (and emigration, of course) is based on the moral principle articulated best in the Declaration of Independence: that all men are created equal and that they are endowed by their Creator with inalienable rights to life, liberty, and the pursuit of happiness. Notice: "all men," not "all Americans" or "all persons having particular skills that are thought to be in short supply currently in the U.S. by INS bureaucrats." If one believes in an "inalienable" right to liberty and pursuit of happiness, one must be an advocate of open borders. I would go further to say that one cannot truly be a libertarian, a lover of genuine liberty, without believing in the free movement of people to wherever they want to live. What but government force is going to keep people away from where they would otherwise be? And what kind of libertarian advocates more government force?

Cox's arguments amount to a practicality test for open borders. In other words, his main points are that open borders would be a security risk, a political risk, and a monetary risk.

Security: Advocates for open borders have to acknowledge that "security risk" type people would be able to get into the country. However, does anyone think there's any way to keep the truly committed out of the country, even if "official" immigration is reduced to zero? Consider Israel's success rate in preventing access to terrorists despite turning itself into an armed camp. Fences won't keep out the "thousands of Wahhabi missionaries" apparently slaving at the opportunity to get to us. Those clever fiends (if they actually exist) always find a gap. Instead of government force, I would rather trust private citizens to keep their own property safe and secure.

Political: Cox frets that we'll all be drowned by waves of socialists and others from "cultures inimical to liberty," destroying our current small-government way of life. As a child of immigrants, let me point out that by the very fact that they've left all they know to search for a better life, immigrants show more entrepreneurial spirit than most "native" Americans. If you want to see advocates for more government and less freedom, visit the native-born residents of our inner cities (welfare and gun control) and "the heartland" (farm and military welfare). If you visit the immigrant-heavy communities of New York, Los Angeles, and my own Silicon Valley, you'll see a love for freedom and entrepreneurship that is unsurpassed — for heaven's sake, that's why they moved here! By the way, probably half of the people hereabouts are immigrants or their children; yet we seem to have little trouble maintaining our status as "Americans" and getting along with the "natives." I don't know; maybe Indians, Guatemalans, Chinese, Cubans, Arabs, Vietnamese, Iranians, Mexicans, etc. are special and it's those other nationalities that Cox meant.

The example of the man being free to emigrate out of his house but not immigrate to another's was particularly poor. The only reason he can't enter your house is that it's your private property. Whose private property is the artificial creation known as the United States? If it's all of ours, where's my share? I want

to cash it in and buy a real house!

Monetary: Immigrants cost more to support than they generate? Firstly, as Cox himself states, it is not the immigrants' fault that we insist on government funded this, that, and the other; those rules are set by the "natives." Secondly, he cites the case of a couple making \$25,000 per year but consuming much more. I hope by this he isn't implying that their entire contribution to society would be measured by the value of their current earnings. To give just one example, the child that this couple will have (which Cox states will cost the taxpayers \$10,000) could be the next Carnegie (immigrant from Scotland) or Einstein (immigrant from Germany) with untold value to the community. Individuality, what a concept!

Finally, Cox states that open immigration advocates look foolish because they do not admit that the "vast array of government interventions in society and the economy is [not] about to vanish." And that therefore, we can't even talk about open immigration now, let alone do anything about it. By this I assume he means that *if* we had a perfectly libertarian society, *then* open immigration might be contemplated; but since we don't, it's not practical.

My dear fellow, don't you know that all of the ideas you mentioned sound foolish and impractical to the powers that be? Libertarians are nothing if we are not principled; and the principle here is a person's ability to choose where to be so long as it doesn't impinge on another's legitimate private property. Open immigration is the libertarian position!

Afshin Rouhani
San Jose, Calif.

Delinquent Houseguests

I want to thank Stephen Cox for articulating the most coherent arguments against open borders that make use of libertarian principles. I have been making the analogy of a house for some time, and, having grown up behind the Iron Curtain, I have been most irritated by comparisons of the Berlin Wall to a wall to keep people out.

There are circumstances under which it is reasonable to shoot an intruder in your home; I think most libertarians would agree. Now imagine shooting someone for trying to leave your home! This is precisely what has been done at the Iron Curtain to thousands of people.

I believe that even immigration advocates have doors and locks on their house designed to keep intruders out. It is their right to keep people out, it is their home. Houses with doors and locks designed to keep people in do exist, they are called prisons. Is it so difficult to understand that difference?

The best analogy to a country is a shared house. Let's say that five guys each have one bedroom (private space) and they share the living room and kitchen (public space). Who would argue that anyone has the right to come in off the street and use the kitchen and living room? Of course, guests are normally allowed, but not for extended periods, even if they live in one of the bedrooms with their friend. The details of such arrangements are not obvious and can be messy, just like immigration policy, but certainly, no roommate has the right to impose his guests on his housemates. If the other housemates do not want such guests, that is their right to decide that, and they do not need to give a reason. The fact that the guest helps out with dishes or yard work is irrelevant. If they don't want more crowding and traffic, that is their decision to make.

One more point: the immigration debate has largely focused on the U.S. as the recipient and Mexico as the donor. The pro-immigration argument says that they will assimilate, they will not overwhelm us culturally, there are not enough of them come to cause a problem, etc. Let's consider Switzerland, with a population of a little over 7 million. How many immigrants would it take to dramatically increase crowding, overwhelm public resources and change the culture radically? Do 10 million Chinese, Arabs, Mexicans, or any other nationality have a right to immigrate to Switzerland, or any other small, prosperous country?

Michal Staninec
Sausalito, Calif.

Rational Bombing

There is one important fact that Lance Lamberton left out of his October essay ("Objectivism, Alive and Well"). Perhaps he simply isn't as troubled by it as I am.

If you are an Objectivist who believes in peace, you have nowhere to go. Since the 9/11 attacks, the Objectivist movement has been hijacked by war hawks. I never imagined that the Objectivist movement could or would sink to such

low levels. Some of these people actually express admiration for the likes of Ann Coulter. Many voices of reason have left, and the few that remain simply don't want to fight anymore.

Back in 1997, I made a comment critical of Israel in an online discussion group. It was barely noticed. If I did that today, a bunch of people would tell me how "heroic" and "democratic" Israel is.

In some respects, the Atlas Society (of which The Objectivist Center is the core program division) is a worse offender than the Ayn Rand Institute. Atlas' current director is Ed Hudgins, who used to work for Dick Armey, one of Israel's biggest apologists during his tenure in the House. They have even included links to National Review articles on their website — apparently forgetting that in her Playboy interview, Rand had called National Review "the worst and most dangerous magazine in America."

I first read Rand in 1992. If I had seen this kind of garbage back then, I doubt that I would have read Rand at all. The Objectivist movement has been trying to commit suicide since the 1960s. With the eternal war in the Middle East, it may have finally found the lethal poison that will consign the movement to the dustbin of failed revolutionary movements. If that does happen, they will have nobody to blame but themselves.

Chris Baker
Austin, Texas

Party and Porcupine

While reading about the Libertarian Party convention ("A Party in Search of Itself," September), I was intrigued by the Free State Project. A couple of potentially significant results of this project that were not mentioned in the article include: 1) it would not take many libertarian voters in New Hampshire to implement libertarian policies within that state and turn it into an example of

Letters to the editor

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the success of libertarian policies; and 2) those same libertarian voters could take advantage of the New Hampshire presidential primary to boost the candidacies of presidential candidates who most closely represent libertarian goals. This project has immense potential, and will be very interesting to monitor over the next few years. Thanks to Liberty for making me aware of it.

David Childs
Dallas, Texas

Interstate Hate Song

New Urbanism critic Randal O'Toole found a government program he likes; no surprise, it's the Interstate Highway System. Two aspects of his argument make sense. Yes, development of the interstates benefited from a surprising decentralization in the authority-loving decades right after World War II, in that it was implemented largely at the state, not the federal, level. And yes, the program's most direct violence against inner cities, urban beltways, had not been intended by its early planners. That was less the work of highway engineers than of the social engineers who bear blame for disasters like urban renewal. Still, O'Toole's contention that the interstates represent a public works colossus libertarians should love overlooks crucial facts.

Let's begin with the founding vision of the interstate system as a national highway grid that would bypass cities. For O'Toole this merely proves that its early planners never meant to rape inner cities. But that overlooks a larger truth. The Interstate Highway System was an unprecedented move by government to redirect travel patterns, creating from thin air a dominant transport system divorced from population centers. This was never rooted in market demand, only in a former general's judgment that it would optimally facilitate movement of soldiers and military materiel to ports for speedy deployment to foreign war zones. That hardly seems something that libertarians should applaud!

Even if early planners can't be blamed for urban beltways, the interstate system did much to devastate inner cities and facilitate sprawl. Just by being there, interstates distorted the economics of postwar development. Great tracts of previously remote rural land were suddenly accessible, therefore cheap. Interstates skewed the economics of green-field development in rural

areas vs. redevelopment in urban cores. This is obvious to anyone over 50 who remembers empty farmland sprouting a Holiday Inn and a Stuckey's around a new cloverleaf, and later becoming the locus of big-box retail development or tracts of McMansions.

Far from being a rare example of a benign government program, the Interstate Highway System is just one more big-government boondoggle that blighted the second half of the 20th century. Its consequences were as perverse as they were unintended. That's a combination that should shock no one who grasps the dangers of bold centrally planned public works projects — even in cases, like that of the interstates, where implementation of the plan was strongly decentralized.

Tom Flynn
Buffalo, N.Y.

O'Toole responds: I never argued that the Interstate Highway System was a program that "libertarians should love." Instead, I said it was an example of a successful Progressive-era program that relied on scientific management. Like all Progressive programs, its success was eventually undermined by politics.

Ideally, the federal government should get out of the transportation business. But we don't live in an ideal world. Pragmatically, we should at least insist that Congress learn from history and apply the successful aspects of the Interstate Highway System to other transportation programs, particularly urban transit.

Neither Heliocentrists Nor Holocaust Deniers

If there is ever going to be an end to the controversy about who wrote the works of Shakespeare, it will take more compelling arguments than Justine Olawsky presents in her review of Scott McCrea's book on the subject ("Who Was Shakespeare, After All?", October). For example, Olawsky, citing McCrea, argues that the author of Shakespeare's works did not know Greek because, among other reasons, the works of Elizabethan writer John Taylor, who was ignorant of other languages than English, have more classical allusions than Shakespeare's. But if a person who knows no Greek at all can cram his writings with classical references, there must not be any necessary correlation between knowing Greek and the num-

ber of classical allusions in one's works. Perhaps the author of Shakespeare's works had other goals when writing than showing off his knowledge of classical literature.

I teach a law school course on Shakespeare and the law, and I have studied all sides of the authorship question. I believe that the authorship evidence is inconclusive enough that it is still an open question who wrote the works of Shakespeare. Academia may be beginning to recognize this, as Brunel University in England has recently announced plans to offer a masters degree in authorship studies, beginning in 2007. Concordia University in Oregon has established a Shakespeare Authorship Research Centre. Perhaps continued research will produce more definitive evidence, but until it does, proclaiming an "end to the authorship question," as McCrea does, is a bit premature.

What I find most objectionable in McCrea's book and Olawsky's review of it is the attempt to caricature all anti-Stratfordians as having some pernicious mindset. I have met and communicated with a great many anti-Stratfordians and have found most to be moderate, reasonable people who are sincerely interested in finding the truth. Yet McCrea's book invidiously compares anti-Stratfordians to Holocaust deniers. This is a fallacious analogy because every non-mainstream theory involves its own set of evidence, and just because one unorthodox view is wrong does not mean that the next one is also wrong.

Anti-Stratfordians, in their own defense, can, and sometimes do, compare their views to the once-heretical but now fully accepted theory that the earth revolves around the sun. While this may score a rhetorical point, it does not prove the anti-Stratfordians right any more than McCrea's analogy to Holocaust deniers proves them wrong. Olawsky, for her part, chides anti-Stratfordians for being ungrateful to Shakespeare. On the contrary, anti-Stratfordians are quite appreciative of Shakespeare; they simply have reasonable doubts about who he really was. I encourage both sides to stop the ad hominem attacks, address the evidence in a collegial way, and continue to search for new evidence; perhaps someday we will resolve this question.

Tom Regnier
Miami, Fla.

Reflections

Study Herod, madam, study Herod — Perpetual protester Cindy Sheehan, who opposes preemptive war, has stated she has fantasized about going back in time and killing George W. Bush when he was a baby. Wouldn't that be a preemptive strike?
— Chris Henderson

Tapping the Tower of Babel — From the strategic point of view, I'm not totally opposed to government wiretapping in the United States, as the truth of terrorism is that the most dangerous enemies are not whole countries but everywhere, including among us. However, since most potential terrorists speak languages other than English — indeed, languages known to few Americans — the wiretappers will inevitably take the easier way out by listening mostly to English-speakers, dammit. Why is it that so much post-9/11 strategy becomes misdirected?

— Richard Kostelanetz

What next — On Oct. 2, The Wall Street Journal ran a scathing editorial taking the Republicans to task for failing to deliver on their promises:

"The 109th Congress has gone home to fight for re-election, and the best testament to its accomplishments is that very few Republicans are running on them . . . too many Republicans now believe their purpose in Washington is keeping power for its own sake. The reform impulse that won the House in 1994 has given way to incumbent protection. This is the root of the earmarking epidemic, which now mars every spending bill and has become a vast new opportunity for Member corruption. . . . Even amid all of this scandal, many Republicans still refuse to acknowledge any problem . . ."

But nowhere in the entire editorial did the WSJ mention the absolutely worst thing about the 109th Congress: the utter certainty that it will be followed by the 110th. — Ross Levatter

IQ of canines may be overrated — Sometimes the gullibility of American news dogs appalls me. In the wake of the arrests of putative Pakistani-Brit terrorists at Heathrow Airport, I heard some Pakistani publicist declare that terrorism threats wouldn't end until the conflict between Israel and Palestinians was settled. Huh? Does the reporter

imagine that Pakistani terrorists care any more about Palestinians than Palestinian terrorists care about Pakistani claims upon Kashmir? And did the news dog think nobody would notice?
— Richard Kostelanetz

Going about their business — Seattle progressives had long been concerned that bums had no place to go to the toilet, and were doing it in doorways and planting strips. By longstanding city ordinance, every business serving food for consumption on the premises must have a toilet, but it can be for patrons only, and this was deemed deeply inadequate and also privileging to the rich. In 2004, after much debate,

the city council opted to provide the public streets with five enclosed commodes. These were no ordinary outhouses. After use, a machine would spray and dry the seat. The doors would stay closed for no more than 15 minutes, giving a warning at the 14th minute that one's time was almost up.

All this had worked well in Europe, the salesmen said. It was to cost the taxpayers nothing so long as the toilet company could put advertising on its wares, and on some bus stops. But ads were unacceptable to the Seattle City Council, which instead signed a contract

to lease five toilets for nearly \$700,000 a year.

There were some farsighted cynics. One council member, who was outvoted, said there had been problems in other cities. Seattle's "alternative" weekly, *The Stranger*, issued a spoof press release from the mayor's office, which began: "Seattle Mayor Greg Nickels announced today that Seattle has opened its first safe-injection site, located on Broadway Avenue. . . . The site, a free high-tech kiosk complete with sink and toilet, is designed to allow the avenue's large and previously underserved population of addicts to commit furtive sex acts for money and bang dope in much-needed comfort and privacy."

The *Stranger* got it right. In a front-page story in October, the *Seattle Post-Intelligencer* said that the city's five commodes had been monopolized by crackheads, sometimes half a dozen at a time, and that derelicts were afraid to go in them. As for sanitation, the paper said, the seats were self-cleaning



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but some patrons used the floor.

The city's response was to announce that it would install a camera outside one of the toilets to deter criminals. Said the P-I: "It also plans to pass a rule barring more than one person from being inside a toilet at the same time, unless helping a child or a handicapped person."

Forgive me: I pay taxes to these people. — Bruce Ramsey

Conspiracy of dunces — Despite an instinctive skepticism about all official explanations and reports, I don't believe a word of the extravagant 9/11 conspiracy theories currently breeding and mutating all over the Internet. The controlled demolitions. The missile instead of the plane hitting the Pentagon. The secret command center at 7 WTC that

guided the planes into the towers and was later blown up with the whole building to destroy the evidence. The 19 Arab hijacker impersonators who are still alive someplace. And so forth. Refuting each conspiratorial point in detail is coals to Newcastle, since they are all being thrashed out on dozens of websites and they are all open to a general objection. They assume a mastery of elaborate planning and split-second timing, plus an ability to keep quiet about it, on the part of the Bush administration, which has otherwise been distinguished by its eminent incompetence, an almost uncanny ability to shoot itself in the foot.

In all such fantasies, including those of Noam Chomsky, high-level government officials, or at least the shadowy masterminds who are secretly calling the shots, are incapable of

Word Watch

by Stephen Cox

A letter has arrived from Dr. Henry E. Heatherly, of Lafayette, La. Dr. Heatherly speaks for millions when he analyzes what passes for the "news" on television:

I am of the opinion that sloppy use of language and careless thinking often are closely connected. And this often goes along with not knowing much about what one is talking about. This can be seen almost nightly on the television news. It seems it is too much to ask for highly paid national TV news reporters to know much of anything about the subject of their report, or to even understand basic terminology. In regard to the latter, this week I heard a CNN reporter say, "The range of the missile had been increased to 125 miles per hour." The distinction between speed and distance was too much for her to handle.

Yes, and that's probably not all she had trouble with. Anyone who actually listens to the "news" can find plenty of evidence that the people who produce, write, and try to read it on TV are thinking more about the size of their hiring bonuses than they are about the words they're weaving. Consider a few of the most obvious substitutes for thought and literacy:

Whatchamacallit. How many times have you heard a news report that begins: "They're calling it . . ." Yes, they're calling it the biggest snowstorm of the century. They're calling it the biggest breakthrough in the war on terror. They're calling it the biggest rodent since Mickey Mouse. Well, *was* it the biggest rodent? Who knows? Who cares? Why should any "news" providers bother to look it up? Why should they bother to confirm whatever facts may lie behind the alleged impressions of their alleged informants? They should just say whatever comes to mind, and pretend that somebody else "is saying" it.

Might makes right. "The streets of Washington were jammed today as thousands of welfare-rights advocates presented their demands to Congress." *Thousands*, eh? Was that more or fewer thousands than the thousands who turned up on the same day at the city softball tournament? Was that more or fewer thousands than the Jehovah's Witnesses had at their last convention? But "thousands" has such a weighty

sound to it. Was it 2,000, or 999,000? No matter. "Sponsors are calling the demonstration a great success." Well, of course they are.

We got a real good ball club here. This is one we've been hearing since the Lancastrians and the Yorkists were interviewed about how the Wars of the Roses were going. The way to get through a half-hour news report is to line up all the biggest partisans you can find, then siphon out all the predictable remarks you can get from them. Ask a Democratic spokesman to discuss his party's electoral prospects; then ask a Republican spokesman, ditto. In that way, you'll enable your audience to benefit from not one but two *expert opinions*.

Lessons from history. Did H.L. Mencken really call the romance of Edward VIII and Mrs. Simpson "the greatest story since the Resurrection"? If so, there was a twinkle in his eye. But there is no discernible twinkle in the eyes of the television news reporters who speak so solemnly about shrinking ice caps, impending financial collapse, the visitations of "the flesh-eating virus," and those asteroids that they are clearly hoping will land on New York City. To these people, each bullet on the teleprompter is really, truly the greatest story since the Resurrection (whatever that was).

We wish to welcome you to Cliché Town. If, when you listen to the nightly news, you have the strange sense that you've heard it all before, it's because you actually have heard it all before. In the television news business, all accidents are *tragic*, all statistics are *sobering*, and all truths are *uncomfortable* (though not, very evidently, to the smiling people who read the news). Lately, all statements seem to *beg the question* — a phrase that no longer means "to commit a logical fallacy" but has acquired the more useful meaning: "to create another opportunity for some jackass to represent his ignorant opinions as the laws of God." But doubtless my remarks are *inappropriate*. I don't want to be *seen as divisive*. I don't mean to *create a backlash*.

Grammar? WhazZAT? It's perfectly all right to bill your

miscalculation, self-deception, and blundering. There's never a false step in the hegemonic master plan put together by our omniscient, omnipotent behind-the-scenes Svengalis. It's really a kind of inverted patriotic self-congratulation. Our American ruling class is, like, *so totally awesome*. All the other imperial juggernauts, in the whole of human history, suck by comparison. Nobody's as good at bad stuff as we are. We're number one! USA rules!

But American foreign policy is what it's always been, a mix of compulsive meddling, oblivious idealism, hallucination, hypocrisy, clumsy scheming and lurching, impatience and inertia. In the months before Sept. 11, 2001, Bush, Cheney, Rice, et al. were warned repeatedly by France, Russia, Jordan, and other foreign intelligence services, along with alert agents

top story as, "Wave of rocket attacks kill eight in Israel."

I'm OK, you're OK. Television is the kingdom where nobody dies. Once you manage to get on the TV news, you will never be exposed to public ridicule. You can say that the moon is made out of Morgan dollars, and your interviewer will politely ask, "And who was this Morgan that everybody talks about?" — meanwhile smiling to show that *he* knows very well who Morgan was. At the end of the segment, you will be thanked enthusiastically, and a cab will take you to your next network news interview, where you will be welcomed in the same way. Since everyone now has your name on file, you can look forward to giving uncrossexamined expert testimony for the next 30 or 40 years. Along these lines, a good rule for news people is to . . .

Question "authority," but never authorities. If an expert on economics wants to use your network to announce that Congress is bankrupting the country by its stubborn refusal to raise taxes, nod gravely, as if that had been your thought, too, but you wanted it to be confirmed by expert testimony. If you are interviewing a Christian minister who complains that secularism is taking over our society, never mention the fact that he's on your show because he's the head of a 5,000-member church with a \$50 million building plan. If your guest is a communist who maintains that "because of this country's lack of a humane social policy, opportunities for advancement are growing less and less available for women and minorities," do not pause to notice that your five-member news team consists of two white women, one Asian American male, one African American male, and one Hispanic American gay male. Such facts are irrelevant.

Statistics never lie. You've heard that the best way of telling a lie is by statistics. Well, statistics are also the best way of telling the truth. Like this: "Next year, as many as 10 million people will die of secondhand smoke." That's bound to be true, even if *no*-body dies. "If current trends continue, everyone in the world will die of AIDS." And that was true, too — in 1985. The fact that a trend may not continue, and that anybody with brains should know that it won't, is irrelevant. "Experts fear an earthquake of biblical proportions." Sure, they fear it. But their greatest fear is that their research grants won't be renewed. No expert on disasters ever says things like, "Earthquakes are seldom very severe."

But if you're a news producer, you shouldn't let any of this bother you. Just remember that *as many as one* network news personality may be fired this year — but if you keep smiling, it won't be you.

in the CIA and FBI, that al Qaeda was up to something, something big was about to happen, and they did nothing. Were they distracted, dismissive, deluded, dumb? Probably. Were they secretly hoping that something might happen, thinking it wouldn't be nearly as bad as it turned out to be (but just as useful)? Possibly. (There's the arguable precedent of FDR and Pearl Harbor.) Once the attacks occurred, did a zealous pro-war faction in the Bush administration make cynical and conspiratorial use of them to accomplish its own pre-existing agenda? Definitely. Was the pre-existing agenda (invasion and occupation of Iraq) then carried out with characteristic self-sabotaging cluelessness? Absolutely. And has the Bush regime's whole Middle Eastern policy manifested a relentless simpleminded idiocy completely incompatible with the subtle, intricate conspiratorial genius attributed to it? Sure looks that way.

Conspiracy theories satisfy basic human cravings. Everyone likes to solve bafflingly complex puzzles and mysteries, picking up overlooked clues, noticing discrepancies, studying blurred photographs, outwitting the inept cops whose case is full of holes and who probably fingered the wrong suspect. That's why detective novels are popular, and on Planet of the Conspiracies everybody gets to be the hero of one. Everybody equipped with a magnifying glass, a collection of newspaper clippings, and an obsession. So just when it looks to all concerned like the butler (or the jihadist) did it, you announce the gasp-inducing solution.

And every time history takes another wrong turn, it's reassuring to think that some purely evil comic-book villain (or cabal of villains) is steering it. Conspiracy theories, labyrinthine in form, are simple in substance. Both the 9/11 conspiracy cranks and the Bush administration axis-of-evil neocon cranks illustrate the point. It's like the mad Emperor Caligula wishing that all his rivals and enemies had one head, so he could just chop it off. The cranks try to grab hold of history hoping to slice off its head, but like the Hydra it just grows a couple more. History isn't the movie that all the popcorn-eating conspiracy buffs want it to be. It isn't a conspiracy suitable for unraveling. But it does contain a lot of unraveling conspiracy theories.

— Eric Kenning

Hydrogen balm — The good news out of Munich is that BMW has come up with something that could do a better job than the CIA at defunding al Qaeda. The BMW Hydrogen 7, available next year in a limited series of a few hundred cars in the United States and other countries, runs on either gasoline or liquefied hydrogen. "Running in the hydrogen mode, the BMW Hydrogen 7 essentially emits nothing but odorless vapor," reports The Auto Channel. "And unlike fossil fuels, hydrogen is available in virtually infinite supply."

A BMW engineer took off his glasses for the press and held them a few inches from the car's exhaust pipe. "See, I can even clean my lenses," he said, wiping the warm steam off with a felt cloth. The aim, says BMW, is to "create a sustainable future for individual mobility independent of fossil fuels" by way of a technology that "does not in any way mean giving up the dynamics and

performance typical of BMW." The Hydrogen 7, with a top speed limited electronically to 143 miles per hour, accelerates from 0 to 62 mph in 9.5 seconds. Quicker yet, with a top speed of 185 miles per hour and going 0–60 mph in 6.0 seconds, is BMW's hydrogen-powered H2R, unveiled two years ago at the Paris Auto Show.

Two days after BMW's Hydrogen 7 announcement, General Motors said its hydrogen fuel cell-powered cars should be on the roads as early as 2011. "This is to re-establish our technological credentials with the American public and the American media," said GM Vice Chairman Bob Lutz, speaking at the Camp Pendleton military base as the company delivered a hydrogen concept car that will be test-driven by Marines. In July, Ford began production of a hydrogen engine that will be used in the E-450 shuttle bus in Florida. In January, Ford's F-250 Super Chief, a concept truck that runs on gasoline, E85 ethanol, or hydrogen, was introduced at the 2006 Detroit Auto Show. In addition to having the potential of boosting U.S. incomes in the corn belt and cutting the flow of dollars to Hamas, the F-250 delivers what Ford calls a supercharged package of "rugged elegance" — a "full-glass roof bisected by a leather-wrapped grid of American walnut," a pair of "automated ottomans" for rear-seat passengers, a front end designed to look like the American Super Chief locomotive, and an engine that runs 500 miles between fill-ups when operating on hydrogen.

Given the competitive drive within capitalism to be first with the best, it's a safe bet that the pace of development of the aforementioned technologies will only become more rapid. Equally predictable is the effect on the economies of the Islamic Middle East. "According to a World Bank estimate, the total exports of the Arab world other than fossil fuels amount to less than those of Finland, a country of five million inhabitants," writes Bernard Lewis in his book, "What Went Wrong: The Clash Between Islam and Modernity in the Middle East." "In the course of the twentieth century it became abundantly clear in the Middle East and indeed all over the lands of Islam that things had indeed gone badly wrong," he adds. "The quest for prosperity through development brought, in some countries, impoverished and corrupt economies in recurring need of external aid, in others an unhealthy dependence on a single resource — fossil fuels. And even these were discovered, extracted and put to use by Western ingenuity and industry, and doomed, sooner or later, to be exhausted or superseded."

Worse than the economic failures in the world of Islam

is the political result: "The long quest for freedom has left a string of shabby tyrannies, ranging from traditional autocracies to new-style dictatorships, modern only in their apparatus of repression and indoctrination." One might say we've ended up with two worlds. On the one side, BMW engineers. On the other, suicide bombers. On the one side, scientific advances, reason, and individual liberty. On the other, never-ending grievances and boundless victimhood, a downward spiral of rage, self-righteousness, envy, and self-pity.

As a way out of its malfunction, Lewis recommends that the Muslim world, rather than continuing to blame a series of scapegoats, ask not, "Who did this to us?" but rather, "Where did we go wrong?"

— Ralph R. Reiland

YOU MIGHT SAY THAT, IN THE
GREAT MARKETPLACE OF IDEAS,
CARSTON RUNS A LEMONADE STAND.



SHCHAMBERS

Spoonerism — At first blush, the views advanced by the American Association of Retired Persons (AARP) and Lysander Spooner could not be more at odds.

The leaders of the AARP are consistent cheerleaders for a bigger welfare state, especially on matters related to Social Security and Medicare. By contrast, Spooner (1808–1887) was a radical libertarian who fought the expansion of state power at every turn.

Yet Spooner's ghost must be smiling at the

AARP's current "don't vote" campaign. In his later writings, he also advocated a "don't vote" position. He urged Americans to boycott elections, arguing that the secret ballot "proves that there is among us a secret band of robbers, tyrants, and murderers, whose purpose is to rob, enslave, and, so far as necessary to accomplish their purposes, murder, the rest of the people."

The AARP campaign doesn't go this far, of course. It adds the stipulation "Don't vote . . . until you know where the candidates stand on the issues." Still, the implications are delightfully Spooneresque, even if unintentionally so. For the first time, a major mainstream organization has diverged from the premise, which forms the basis of endless "Rock the Vote" commercials, that every American has an unqualified "duty" to vote, and damn the consequences.

— David T. Beito

The two theaters of politics — At a 1990 conference among Liberty editors, I suggested that the most appropriate literary mode for libertarianism was comedy, because both are concerned with what might happen, while tragedy was the mode for conservatism, which emphasizes what cannot happen. Though I thought I was saying something profound, I don't recall anyone except Steve Cox, now Liberty's editor, bless him, understanding what I was talking

about. And so I repeat the theme here, wondering, alas, if I might try to fly it once again in 2022, 16 years from now (providing, of course, that at age 82 I'll remember it).

— Richard Kostelanetz

Gunpowder treason should ever be forgot — America has OSHA, Britain has the Health and Safety Executive. Different countries, same idiotic ideology. Except sometimes I wonder. For all its faults, America falls a long way short of Britain when it comes to the Nanny State.

Richard Littlejohn reported in Britain's *Daily Mail* (Oct. 3) that Watford council in London has concentrated its efforts on having a smoke-free town. Sounds like a reasonable goal, right? But Watford council has gone so far as to announce that it is banning the town's traditional bonfire on Guy Fawkes' Night, November 5. Dave Cobb, Watford council's "service manager," explains why: "It takes significant staff resources to build and steward the fire and reinstate the area afterwards. It is extremely difficult to put out, in the case of overcrowding or crowd surges."

Of course, the social climate in Britain makes Cobb's logic quite reasonable. It only makes sense — in a society that has accepted the premise that the state must govern, approve, and regulate all such behavior. Furthermore, with a state-run National Health Service, and the state authorizing the legal system by which lucrative compensation is paid for even the most idiotically self-induced injury, who could blame Cobb, or his superiors in Westminster? The people asked the state for a free ride from responsibility, and, boy, they're getting it!

— John Lalor

Sex shocker! Dems caught in church orgy! — Unlike the Democratic Party leadership, I am not surprised to discover that congresspersons sometimes run after young men. For some reason, however, I believe it's my duty to comment on a few things that the Great Foley Sex Scandal seems to have revealed about our two major parties.

First, the Republican Party, long denounced by Democrats as antigay, antisex, etc., etc., is now being denounced by Democrats as culpably lax in sexual morality.

Second, it's clear that the Republican leadership, whether "lax" or not, was in no hurry to crucify Congressman Foley when it learned that he was "over-friendly" to congressional pages. In fact, Republican leaders appear to have done exactly what Democratic leaders would have done, and doubtless have done, when confronted with similar evidence. They told Foley to mind his manners, not make a fool of himself, and refrain from disgracing his office. Then they forgot about this thousandth piece of evidence that congressmen are bigger on ego than on ethics. They had no interest whatever in using the incident to commence a witch-hunt or purge, or even in convincing morons like Foley that it would be good for their health to stand down from the next election.

Third, it's clear that the Democrats, in their relentless, infuriated demands that the Speaker of the House resign for his "laxity" in the Foley affair, are doing more or less what Senator McCarthy tried to do to the old Democratic leadership. Because communists had worked in the Democratic administration, and the Dems hadn't succeeded in rooting them all out (though they had tried a lot harder than anybody tried

with Foley, or any other gay Republican honcho who comes to mind), McCarthy thought that the Democrats themselves must be rooted out. You see the analogy with the current Democratic campaign for morality in public office. And the spirit is very similar. Every day, Democratic activists use the internet to unmask Republican leaders, activists, and media personalities as (allegedly) homosexual; and the attitude is precisely what one associates with a McCarthyite or Stalinist smear campaign.

Fourth, the Democrats, who are silly enough to believe their own propaganda about the Republicans' having won the last election by opposing gay marriage, thus attracting enough church voters to swing the electoral balance, are now trying to perform the stunt themselves. Their indignation about Foley is aimed at one audience, and one audience only: evangelical voters, whom they hope to keep away from the polls by advertising the idea that the Republican Party is an outpost of Sodom.

Well, of course it is, just as the Democratic Party is; and that's why I expect few voters to be swayed by the Democrats' calls for resignations, criminal investigations, and a general resurrection of the Bloody Assizes. If the Republicans go down in the fall election, as may well happen, it won't be because of this, no matter what the pundits say.

There's a more interesting issue. The public perception

News You May Have Missed

Foley, Jackson, Priests To Form New Party

WASHINGTON — Former Congressman Mark Foley, former pop star Michael Jackson, and 4,367 former Catholic priests have announced the formation of a new national political party. At a press conference, Foley, who resigned his Florida congressional seat at the end of September and has since left the Republican Party, spoke briefly, saying that the new party would cross traditional party lines as well as many other lines besides. It would thus be a fitting way, he said, to bring together people of different backgrounds, including a former Sunbelt Republican like himself, a former Massachusetts Democrat like Studds, a former black person like Jackson, and "prominent, headlines-making religious leaders." The party, to be called The Way Past Your Bedtime Party, will campaign on the slogans "Our Youth Is Our Future" and "What Are You Wearing?"

Jackson, who recently moved to Washington, buying a house across the street from a dormitory used for interns and other young government employees, promised that anyone would be welcome to join the party, "except maybe girls," and that no IDs would be checked at the door. He added that while he and "Mark and Gerry and Father Shanley and the other guys" might have "sharply differing views" on foreign and domestic affairs as well as how to arrange them, "despite those differences, I can assure you that we're all basically on the same page."

— Eric Kenning

of the two parties, assiduously inculcated by the Democratic leadership, is: Republicans = pointy-hatted witch-hunters; Democrats = kindly friends of all "diversity." I wonder. Will the facts change this perception?

— Stephen Cox

The pervasive bourgeoisie — Class distinctions do not really exist anymore. That notion might have been somewhat valid in 1850s Europe when Marx penned his manifesto, but today, by our own admission, we are all middle class. Back then and there, the descendants of peasants were kept separate from the descendants of nobility, who occasionally mingled with the royalty that still existed.

America has come closer to the Marxist dream of a classless society than any of the Socialist Republics that were based on Marx's ideas. I am certain that Marx would find it strange that we were able to homogenize society without equalizing wealth. Compared to the time of Marx, there are now very few cultural barriers preventing mobility between the classes. People can travel through the classes in a single generation.

Today the classes are defined by income, which doesn't give a good picture of social standing. How can you say that the classes still exist when a few hundred dollars is sometimes the difference between somebody being in the lower or middle class, and a mere thousand can push someone on the cusp into the upper class? Class lines are completely arbitrary. Depending on which think tank or government office you are talking to, the representative incomes of each bracket vary greatly.

So why do we stick to the notion of three classes? Because it gives leftists the opportunity to rally one segment against the other; by shrinking the artificial limits that define the middle class, the Left can claim, "The middle class is shrinking!" Since most Americans identify themselves as middle-class, this is guaranteed to generate concern.

The economy can also be made to appear worse than it is, simply by raising the arbitrary poverty line, insuring that a greater percentage of Americans fall under it. Right now the poverty line is so high that people living in "poverty" have air conditioners, cable TV, and late-model cars. Fifty percent of Americans living in "poverty" today own their own homes.

Describing America as a nation broken into three classes is

a political tactic, plain and simple. It's time to abandon Marx's yardstick, like the rest of the world has abandoned the man who invented it.

— Tim Slagle

Modern manners — I live on a short street ending in a cul-de-sac. The road is not particularly wide, and when people park in the street it inconveniences everyone else. Several months back, one of my neighbors held a wedding party for her child: large crowd, valet parking, guest cars taking up much of the street and filling the cul-de-sac.

First I heard about it was a few days before the event. The woman — the home owner — had placed in my mailbox (and I assume the mailboxes of everyone else along the street) a lovely calligraphic letter mentioning the upcoming event, apologizing for the inconvenience to her neighbors, and saying, "Enjoy some popcorn and a movie on me." Included with the letter was a bag of microwave popcorn and a card redeemable for one free movie rental at the local Blockbuster Video. I thought that rather sweet, an example of true neighborliness.

I thought about it again a few weeks ago when the same woman threw another party. Again the street was filled with cars, inconveniencing the neighbors. But this was a fundraiser for a district congressman running for November election. And there was no letter of apology, no offer to make up for the inconvenience in any way. Presumably my inconvenience was justified by the common good my neighbor thought she was advancing through her support of her favored candidate. She didn't ask who my choice was.

What a perfect demonstration, I thought, of the difference between private and public activity, and their associated moralities. In private action, you are clearly seen as working to benefit yourself, and therefore you must take pains to avoid harming others if you wish to maintain a tolerable reputation in the community. In public action, you are putatively seen as working to benefit the community as a whole, and therefore you need not trouble yourself with the tangible harms you do to other individuals, who are presumed also desirous of making a sacrifice to the commonweal.

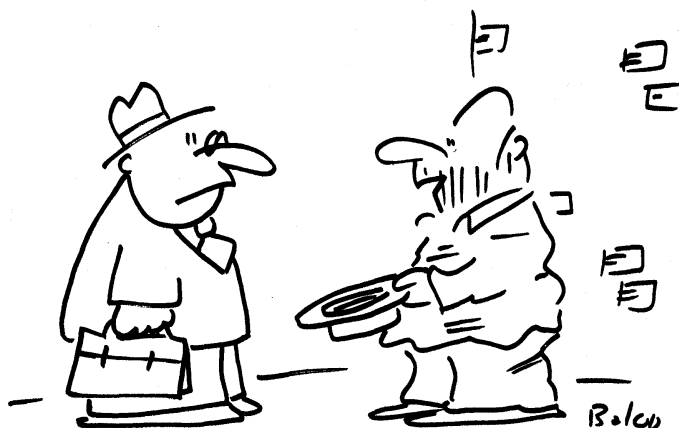
Manners are civilization's answer to private externalities. They are not necessary, it seems, when the externality is public in nature.

— Ross Levatter

Let's make this clear — Certain recent events indicate that Congress may finally be discovering the virtues of transparency. First, Rep. John Boehner has gotten the House of Representatives to adopt a new rule that requires all Congress members to sign off publicly on "earmarked" projects, i.e., pork-barrel projects. More dramatically, President Bush has just signed the "Federal Transparency Act," Sen. Tom Coburn's shrewd and helpful bill, which establishes a publicly accessible database of over a trillion dollars in federal contracts, loans, and grants.

These structural changes will act as a deterrent to pork-barrel spending: the public and press will be better able to find out who is behind many if not all pork projects approved. This will certainly be a deterrent, because most congressmen and all senators now rely on contributions from people outside their states; a record of pork that may please the voters in your district will cost you support elsewhere.

Ralph Nader, in a recent letter printed in *The Wall Street*



"A job? — Thank you, sir, but that's not the image I want."

Foley's folly — Twenty-six years ago, in October 1980, then Maryland Congressman Robert Bauman, staunch Catholic crusader against moral decay and homosexuality, a person who received a perfect 100 on the Christian Voice "Morality Rating," was busted for soliciting sex from a 16-year-old prostitute. The resulting stress allegedly caused him to become an alcoholic.

Now we see another congressman — Mark Foley of Florida — desperately scrambling to avoid responsibility for his misbehavior, hiding behind the disease concept of alcoholism. Foley was busted in October for writing dirty emails to a 16-year-old page. A few days later, he entered treatment for the "disease" called alcoholism.

Alcoholism is only metaphorically a disease. It is not a literal disease. Diseases have signs (objective, physical characteristics revealed through scientific tests) and symptoms (subjective complaints).

All literal diseases can be asymptomatic: they can be found by their signs in your body, even though you manifest no symptoms. Metaphorical diseases such as alcoholism depend on symptoms alone. There are no signs of alcoholism. Just as there is no such thing as asymptomatic depression, so there is no such thing as asymptomatic alcoholism, demonstrating that these conditions are not literal diseases.

Diseases are cellular abnormalities, pathologies, things that people have. Behaviors are modes of conduct, deportments, things that people do. Behaviors are always voluntary; there's no such thing as an involuntary behavior. Diseases are always involuntary; there's no such thing as a voluntary disease — one cannot will the onset of a disease, just as one cannot will a disease away.

While behaviors may increase the probability of acquiring diseases, behaviors and diseases are as different as night and day. People obscure the difference between behavior and disease in order to escape legal and moral culpability for socially unacceptable behaviors. They also obscure the difference to get paid for treating metaphorical diseases, and researching the causes of metaphorical diseases.

How is the disease concept of alcoholism used to avoid responsibility for one's own chosen behavior? The "my-alcoholism-made-me-do-it excuse" goes like this: If we are to believe that alcoholism is a disease, then we must consider what the signs and symptoms of alcoholism are. In this case, criminal, immoral, or unethical acts become the signs and symptoms of alcoholism disease.

In the criminal law, the disease model argument was used in a famous Supreme Court case entitled *Powell v. Texas* (1968; cf. <http://tinyurl.com/ycv32f>). The argument failed in that case because Leroy Powell was not considered an alcoholic by tiebreaker Justice Byron White. White did not believe Powell's alcoholism was severe enough to render his behavior involuntary. Four of the justices bought the disease model argument then, and four did not. Byron White's opinion was crucial.

Justice White's opinion was also crucial in a later and related case, that of *Traynor v. Turnage* (1988). In that case, involving a Maryland plaintiff blaming alcoholism for willful misconduct, White, writing for the majority, stated

that the "District of Columbia Circuit accurately characterized . . . 'a substantial body of medical literature that even contests the proposition that alcoholism is a disease, much less that it is a disease for which the victim bears no responsibility.' 253 U.S. App. D.C., at 132-133, 792 F.2d, at 200-201. Indeed, even among many who consider alcoholism a 'disease' to which its victims are genetically predisposed, the consumption of alcohol is not regarded as wholly involuntary."

Much of the present frequent recourse to the disease defense stems from a famous Supreme Court case in 1962: *Robinson v. California*. In that case, the Supreme Court called heroin addiction a disease and overturned a California misdemeanor conviction as cruel and unusual punishment. Being a heroin addict, wrote the court, was a disease, and thus involuntary. Punishing someone for an involuntary disease was cruel and unusual. *Robinson* had nothing to do with buying, selling, or using addiction as an excuse to commit illegal acts. Simply the status of being an addict was considered criminal in California. Later on, people began to use *Robinson* to say that acts stemming from addiction status were equally involuntary. Status and acts were considered by many to be inseparable.

Since the disease of alcoholism is asserted as involuntary — quite consistently, since all diseases are involuntary — then the products or symptoms of the disease of alcoholism (in Congressman Foley's case, allegedly writing lascivious emails to 16-year-old pages) must also be involuntary. The products of alcoholism are viewed as inseparable from its disease status, just as the signs and symptoms of a disease are considered inseparable from a disease itself. Since the disease of alcoholism is involuntary, writing dirty emails is not a choice.

We must expect Foley's lawyers to try to convince the courts and the public that he didn't *choose* to write those dirty emails; his alcoholism made him do it. They might also argue that suppressing his homosexuality caused him to develop the disease of alcoholism, which in turn caused him to write dirty emails, which in turn reinforced his homosexuality, which he had to suppress, and so on. Who knows where and if pedophilia may fit in? That issue rests on whether a person 16 years old is considered a minor.

Even if Foley does not use a disease defense against criminal responsibility, there is much to be gained when it comes to moral absolution, particularly in the court of public opinion. In order to be guilty of a criminal act, two ingredients are necessary — *actus reus*, meaning the criminal act, and *mens rea*, meaning guilty mind or intent. If alcoholism, or what philosopher Herbert Fingarette prefers to call "heavy drinking," is a disease characterized by loss of control or involuntariness — the legal corollary of "loss of control" — then one thing follows another: "Presto change-o," there's no *mens rea*. What Congressman Foley could argue is that he had no *mens rea*; thus, he should not be held accountable for the consequences of his behavior.

It doesn't take a legal scholar or a psychologist to recognize the bogus quality of such patent nonsense. Pedophilia or moral turpitude? Paging Officer Krupke: "This boy don't need a doctor . . ."

— Jeffrey A. Schaler

Journal, has suggested a good further step. Nader, a man for whom I usually have little respect, has proposed that we require that the full text of *all* federal contracts (suitably redacted to remove sensitive information) likewise be posted in a publicly accessible database. The public and the press would then be in a better position to look for patterns of corruption in government procurement.

I would take these excellent proposals one step further. Why not require that the same publicly accessible database be set up for the UN? We could head off future financial fiascos such as the infamous Oil for Food program. We could also see whether the voting behavior of member states is being swayed by their corrupt business dealings. Put all the data online for the public and press to scrutinize. As the old saw has it, sunlight is the best disinfectant.

— Gary Jason

Anything you can do I can do better — Regarding the recent spate of school shootings: why is it that the media are (or pretend to be) the last to understand copycat crimes that are “caused” less by social conditions or psychosis than by watching or reading the media? Simply, when a certain crime takes the same form in disparate places, the perpetrators are learning from the same source. This was true of the Newark riots of 1967, the riots in the wake of the assassination of Martin Luther King in 1968, and too much since. Only when readers wise up will the media folk do likewise.

— Richard Kostelanetz

Union Newspeak — Organized labor is pulling out all stops to win back Congress for the Democrats. And it has a nasty little surprise for us if its preferred party wins: a piece of legislation with the Orwellian name of the “Employee Free Choice Act.”

Under the Wagner Act of 1935, there are a number of steps a union must take to organize a company. It must first get 30% of the employees to petition to organize, and hold open debate on the issue. Then the workers must decide by secret ballot, administered by the NLRB. Union organizers are not winning many of these battles — I suspect because most workers view unions as anachronistic, corrupt, job-killing machines — and private-sector union membership is now less than 8%.

Faced with the fact that it is losing the battle for the hearts and minds of workers, organized labor could ask itself why it is so unappealing, and maybe correct its deficiencies. But no, it is so much easier to resort to state coercion. Enter the rabidly pro-union Democrats Sen. Ted Kennedy and Rep. George Miller to put forward the insidious “Free Choice Act,” which would completely eliminate secret ballots. Union organizers would only need to convince workers to sign cards saying that they wanted a union, and if more than half signed, the company would be unionized.

Of course, the unions’ goal is to enable organizers to use strongarm tactics to get their way. “Yeah, buddy, you’re free

not to sign this card, and our boys are free to do to your family what they did to Hoffa!”

Let’s hope they don’t get their way.

— Gary Jason

Fitter, happier, more productive — Capitalists are often accused of placing profit over planet. If they do, it’s only because poverty is a much more certain killer than climate. Global warming apocalyptists tell us that if we don’t stop burning fossil fuels there *might* be consequences a hundred years from now. Capitalists know that if we stop burning fossil fuels, the economy *will* go into an immediate recession. It’s all about priorities.

Big profits lead to a prosperous nation. A prosperous nation leads to less hunger, better working conditions, and longer, better, happier lives. It is no accident that most modern famines and sweatshops are in nations based on the writings of Karl Marx.

The planet is a much nicer place because of oil companies. I’d hate to live in a time without central heating and air conditioning. Thanks to petrochemistry and gas-fueled farm equipment, the world is better fed than anytime before in history. Thanks to the airlines and the automobile industry, I can see more of the Earth in a month than most medieval explorers got to see in their whole lives. I like that.

Prosperity also leads to less pollution: the richer the nation, the cleaner the environment. Only the wealthiest people can afford luxuries like waste treatment plants and catalytic converters. If you really want to see people swimming in their own excrement, all you need to do is travel to one of the few remaining “People’s Republics.”

The legislation most environmentalists request the government to impose will affect my ability to travel, and eat, and afford the things I need. Right now I have a choice to burn petroleum or not. The environmentalists of the world want to limit that. It is not the environment I oppose, but the infringements on my freedom. If you count the casualties over the past century, you’ll find that Marxism is more deadly than nuclear power. Nuke plants count their casualties in hundreds; Marx counts his in the millions.

— Tim Slagle

SOX it to the government — In 2002, a period of high-profile corporate financial scandals, Congress enacted the Sarbanes-Oxley Act (“SOX”), a no-nonsense law intended to crack down on bogus corporate accounting. A key provision of SOX is that the top officers of a corporation must sign off on key public financial statements, essentially opening themselves up for criminal prosecution if those statements prove fraudulent.

Now, I’m a philosopher, not an economist, so I can’t speak to the economic merits or defects of SOX. But I am struck by a severe ethical lapse. SOX applies to a narrow range of fraudulent accounting, namely, that done by publicly traded corporations. Yet it is a basic axiom of moral philosophy that valid ethical principles are universalizable, that is, that they apply, not only to a few arbitrary cases, but to all cases that are similar in relevant respects.

What brings all this to mind is the appalling public employee pension scandals that surround us. San Diego is just the most notorious case: until a whistleblower brought the scam to public attention, city officials had cheerfully looted

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the municipal workers' pension for years to pay for ongoing municipal services, resulting in a \$1.4 billion deficit in the fund. But similar problems are now rife in cities and states throughout the nation, with Illinois, Colorado, and New Jersey recently making the news. For instance, New Jersey's state employee pension fund now has a deficit of \$18 billion.

Indeed, a recent New York Times article cites one estimate that the *unfunded* liabilities of state, county, and municipal employee pension plans total \$375 billion, and Barclays Global Investments reckons that if we use the accounting practices that corporations must follow, the true figure is more like \$800 billion. Instead of properly funding the promised pensions, governments have routinely used the money for other projects, leaving the taxpayer to pick up the eventual tab.

This is just one of many huge frauds that have been perpetrated by governments at all levels. Whether it is the unfunded government employee pension liabilities, the Pension Benefit Guaranty Corporation's growing deficit, the scandals surrounding dicer Fannie Mae and Freddie Mac accounting, or the granddaddy of them all, the Social Security Ponzi scheme, we see deliberate frauds perpetrated by elected officials — frauds for which private corporate leaders would pay with big-time jail time — being completely unpunished, nay, even rewarded. And the combined frauds of business add up to only a tiny fraction of the governmental ones.

The problem is at base a moral one: the failure of government to universalize, to do unto itself what it does to private corporations. If governments hold corporate officers to standards, government officials should be held to the same standards. In fact, I would argue that government officials should be held to even higher standards, because while people by nature distrust corporations, rightly viewing them as inherently self-interested entities, people have unfortunately been conditioned to see government as interested only in the public good — a view long since debunked by economists working in Public Choice Theory.

To turn the public employee pension fund scandals around, we ought to at a minimum require public employee pension plans to be governed by the same laws that govern private pensions, such as the Employee Retirement Income Security Act. And we need to modify the SEC charter to make it responsible for the review of all public pension funds.

But I would go even further. Under SOX, corporate CEOs and CFOs must personally certify their companies' financial reports, and face long jail time for willfully misstating financial reports. Let's extend SOX to government. Let's demand that the legislators who enact budgets that fund pension schemes, and the executive-branch politicians who supposedly administer them, be required to sign financial statements that disclose how sound those funds are. If the pension plans later prove to be underfunded, put those politicians in the same jail where we put corporate miscreants. — Gary Jason

Siding with supply — The economic numbers that followed the Bush tax cuts of 2003 aren't something that Democrat politicians are likely to talk much about prior to the November election. "The net worth of American households has increased by some \$6 trillion since May 2003," reports Stephen Moore in *The Wall Street Journal*. "Virtually all of the wealth losses from the end of the Clinton era have been

recaptured. The median household has increased its wealth by almost \$20,000 in real terms since the supply-side tax cuts took effect."

The idea underlying supply-side economics is that high levels of taxation, litigation, and regulation weaken incentives to work, save, and invest, thereby holding back increases in productivity, economic expansion, job creation, and income growth. Conversely, according to this view, lower income taxes that increase after-tax wages will encourage more work; lower taxes on interest income will encourage more saving; and lower taxes on income from capital will stimulate more investment.

The result, in this supply-side analysis, is higher productivity by way of increased spending on better machinery and equipment, increased American competitiveness in the global economy, and more economic growth, which in turn keeps unemployment low and inflation in line. According to supply-sider Arthur Laffer, tax cuts need not produce lower revenues in the government's coffers. In fact, arguing that higher taxes discourage economic activity, Laffer maintains that lower tax rates might well have the result of increasing government revenues and lowering the deficit.

That's supply-side economic theory in a nutshell, and it pretty much describes what has taken place over the past three years. The Department of Labor reports that labor productivity last year was up by a record-breaking 5%. "The 2005 gain was the highest single-year increase ever recorded," Moore says. This is the highest increase since the government began measuring productivity in the 1950s. "Over the past four years, manufacturing productivity has increased by the largest amount ever in such a stretch of time."

That means that the U.S. is more competitive in the world economy, an unmistakable plus in terms of American workers' future job security and income growth. And the results are already showing up. Moore reports that "real compensation," i.e., compensation adjusted for inflation, "is up 7% since 2001, with the biggest gain this year."

On taxes, according to government numbers reported in July, "federal revenues have increased by more than \$520 billion. That is the largest real increase in tax revenues over a two-year period in American history." The largest jump in government revenues has come from increased tax payments on capital gains and dividends. Just as high taxes on cigarettes discourage smoking, high taxes on dividends and capital gains discouraged investment. The 2003 Bush tax cut reduced the dividend tax rate and the capital gains tax to 15%. And the change in government revenues, with lower tax rates? "The latest data from the Congressional Budget Office," Moore says, "finds a 70% increase in capital gains receipts and a 31% hike in dividend payments since 2003." Further, with profits up, federal tax receipts from corporate income taxes increased by 40% over the past three years.

None of the above is intended to suggest that everything's rosy. The number of Americans living in poverty isn't down. The number of people without health coverage is up. Wage increases for millions of workers haven't kept pace with inflation. Adjusted for higher prices, the buying power of the minimum wage is lower than it was in the 1950s. And on international trade, flawed policies continue to place U.S. companies and workers on the downside of an uneven playing field.

The solution to these remaining problems, however, is not a rollback of the Bush tax cuts. Reductions in poverty and increases in workers' income will most likely come from continued economic growth, from increased American innovation and investment, and from improved American competitiveness in the global economy.

The facts show that expansions in investment, innovation, productivity, economic growth, and overall income growth are directly correlated with low tax rates. The path to prosperity isn't by way of boundless government. Simply stated, incentives matter. The Democrats, if they're serious about making a dent in our remaining economic problems, will have to come up with something better than demonizing Wal-Mart and raising taxes.

— Ralph Reiland

Triangulating sprawl — Moving from a small town in Montana to Raleigh, N.C., evoked some predictable reactions in me, such as shock at the traffic congestion and amazement at the number of malls — but also, perhaps, one genuine insight. I see how sprawl and density can work together.

Raleigh sprawls; no doubt about it. It is one of three conjoined cities called the "Triangle," composed of Raleigh (population 354,000), Durham (202,000), and Chapel Hill (152,000). And the area's population is much larger than these numbers suggest, perhaps 1.5 million, and growing. In fact, Raleigh has its own 110,000-person bedroom community, Cary. Each Triangle city features a major research university: North Carolina State in Raleigh, Duke in Durham, and the University of North Carolina at Chapel Hill (the three are intense rivals). The region, which also includes a well-known government-industrial complex, Research Triangle Park, is said by Wikipedia to have more Ph.D.'s per capita than any comparable area.

In spite of the surrounding sprawl, Raleigh's downtown is a pleasant place to be (I work there and live nearby). Even though Raleigh is the state capital, burdened by the big government buildings that often deaden a city, it is comfortably busy, both day and evening. It has good restaurants, some on a "strip" but others scattered, a municipal auditorium (now showing "The Lion King" and hosting the North Carolina Symphony), and plenty of office buildings. A number of luxu-

ry condominiums were recently built downtown, and several residential communities skirt the area.

My theory is that Raleigh's downtown is doing well because there are at least three downtowns in the region. With three major centers, the Triangle doesn't fit the traditional hub-and-spoke design. Three downtowns compete to provide urban amenities, and competition is almost always good. But, more specifically, it means that not all the 1.5 million people consider Raleigh "their" downtown and therefore not too many people head there at once. As a result, it's relatively easy to get around in downtown Raleigh, a fact that makes people more likely to go there more often. Downtown Raleigh is not a distant destination one travels to on rare occasions.

Now, a planner might not like Raleigh's downtown. It's not all that dense. There probably isn't enough "urban streetscape"; some buildings are empty (and others just ugly); streets are wide; there aren't that many skyscrapers; cars can whiz through downtown without stopping (traffic is not calmed); and parking is not a major problem. The place looks kind of unfinished, as if awaiting more in-fill.

But this may be as good as it gets. In "The Death and Life of Great American Cities," Jane Jacobs identified the automobile as the fundamental challenge to downtowns. Municipal governments try to accommodate the automobile by widening streets and building more of them. But by making room for the automobile, they break up the dense interconnectedness that makes the city so vital, destroying the streetscape. It's a tug-of-war.

For the most part, it's a game that nobody wins. But maybe there is an answer, at least in environments such as this one. There may be a point — a level of density — that allows a lot of cars to enter and exit but still leaves some "city" to attract their drivers. Because the demand for car space is not overwhelming, the loss of the urban space is not too great.

Such an equilibrium will not satisfy planners, who want more density and the charm and sophistication that it brings. But citizens may not be so demanding. They want to be able to zip in and out of downtown and park when they're there. When they can do that, they will support restaurants and concerts and theaters and businesses. And that's what seems to be happening in Raleigh.

— Jane S. Shaw

Vote Plutocrat — The reigns of New York Mayor Michael Bloomberg and New Jersey Governor Jon Corzine so far suggest a political truth most of us would be justifiably reluctant to accept — that rich guys, especially self-made rich guys, make incorruptible public officials. Self-proclaimed do-gooders, by contrast, are too easily flummoxed.

I recall Wayne Barrett, the veteran city investigative reporter at the Village Voice, noting that the fulltime lobbyists now hang around New York's City Hall with nothing to do — still paid, one assumes, to be prepared for the next administration. Poor Barrett, the scourge of both Ed Koch and Rudy Giuliani, has lost his subject and thus his journalistic clout.

If corruption is a major issue in your hood, whether locally or nationally, consider recruiting and then electing people who became rich outside of politics. By contrast, guys who got rich while serving in public office were probably corrupt.

The unintended result of recent campaign reform was favoring candidates rich enough to finance their own campaigns.



"I call it 'Harry Potter.'"

continued on page 53

Our Allies, the Conservatives

by Bruce Ramsey

Want to see freedom advance in your lifetime? Then it's time to build some bridges.

I once had a meal with a man who had been a Republican operative. He was lamenting the factionalism within that party, and as an example told the story of some Christian evangelicals. They had come to him offering to support his candidate providing the candidate agreed with them on 15 points.

"In politics, you don't get all 15 points," he said. "Maybe you get eight of them. You have to be satisfied with that. These people didn't understand that." To them, each of the 15 was connected to Truth, and was not negotiable. There was no agreement, and no progress.

In politics, a lot of libertarians act like those evangelicals. Their badge is their purity. Politics, however, is not about demonstrating one's purity. It is about getting 51% of a group to agree on something. Once in a while you can do that by standing up for purity, but usually not.

Some people don't care about affecting the outcome of current political battles. They have their eyes on the distant future. But if they want to have an influence now, they have to accept the influence of others on a shared position. Their view is that half a loaf — or a quarter, or a slice — is better than none. And this is the reality of politics.

The utopians picture compromise solutions as sellouts, but it is not necessarily so. The fights over two such positions — Social Security reform and school vouchers — are probably far more important than any purely libertarian issue.

Take vouchers. They were invented by a libertarian, Milton Friedman, and over many years became part of the mainstream conservative program. Vouchers are denounced by utopians because they retain the state as funder of education. Indeed, in a community like mine, where 30% of the kids are

in private school, a successful voucher system would probably increase the demand for school money from taxes.

Still, vouchers would create a way to privatize the *provision* of education. With a voucher system, parents would have to approach their kids' schooling as customers, just like private-school parents. They would have to search for what they wanted rather than beseeching the government for it, and soon enough they would not bother with the government anymore. Their ideas and expectations would have changed because their institutions had changed.

All of this amounts to a kind of stealth libertarianism, which makes the realist smile. The utopian frowns at the half-wayness of it. He wants to sell people first on the *rightness* of his ideal. If he can do that, he says, we won't need a halfway measure like vouchers. The problem is that he cannot make a sale. He needs a 51% solution, and he doesn't have one of those.

In the state where I live, vouchers have been rejected by the voters, as have charter schools. They are dead, dead, dead. But in other places they are being tried — and that is the key. Whether they prevail will depend not on how many people are convinced to be libertarians, but on how well parents like

voucher schools and what the test scores show.

Now consider the proposal for Social Security private accounts. It came out of the Cato Institute, a libertarian think tank that started pushing it more than 25 years ago. It made it into political contention for two reasons. First, Social Security

On civil liberties and the war I have common ground with progressive liberals, but it is common only if we do not discuss it past the first drink.

was going broke. The proposal would not have been considered except for that. Second, it offered an idea that was neither a tax increase nor a benefit cut, and sounded a whole lot better than either one. Thus a libertarian-born idea became, in the late 1990s, doctrine of the Republican Party.

This was more stealth libertarianism. Its inventors wanted a way to prod Americans to take personal responsibility for the 12.6% of wages the government was extracting from every paycheck. It was not politically possible to do this by taking away Social Security benefits and telling them, "Take care of yourself." But the tax had increased, making Social Security a worse and worse deal. Demographics made inevitable a further tax increase or benefit cut that would push the rate of return below zero for a high-earning worker. Private accounts offered the hope of a richer retirement.

The sales pitch for private accounts was more about money than freedom — and the money issue was not a slam-dunk. High earners would get more benefit from keeping their money than low earners, because the system had favored low earners. Private accounts did offer the chance of much greater returns, but also the chance of small returns. Private accounts shifted risk from the government to individuals. For a halfway competent investor, this risk was well worth taking, but it was real and opponents pointed it out. And the demographic problem — that a higher proportion of the population would be retired and living off a smaller proportion of workers — was only disguised. Demographics would affect private-account holders through the price of assets: more people would be wanting to sell, and fewer would be wanting to buy.

Private accounts also required collective transition costs. In the new system each generation would pay its own retirement rather than its parents'. That was an improvement; it would let workers use the power of compound interest, which is very powerful over a lifetime. But that seemed to suggest that one generation would have to pay twice — once for its parents, who had not paid for themselves, and once for itself. To soften the blow, the system would have to borrow a large sum, perhaps a trillion dollars over 40 years. The Cato people argued that this didn't matter, but obviously it did.

The Left charged that Social Security privatization was a Wall Street scheme motivated by greed. It was not; Wall Streeters don't make long-term investments in political ideas. The Cato people had made one, with the goal of promoting

liberty; but the politicians who took over the idea sold it only partly for that reason. George W. Bush tried. A different president could have done better, but probably Congress was not ready for it. (Yet how do you get people ready for it? Maybe you try and fail, and try again.)

There is still hope for Social Security private accounts. When the Democrats come to solving this problem they will offer a tax increase. They will have to. The Republicans will reach for an alternative, and what can they find that is better than private accounts?

Those two proposals — school vouchers and Social Security private accounts — are libertarian ideas. It was conservatives who tried to implement them. It was also conservatives who pushed time limits on welfare. That measure was signed by Bill Clinton over the opposition of left-liberals. It was a conservative project passed with mostly Republican votes. In a decade it has cut the federal welfare rolls about in half.

Still another bit of stealth libertarianism: medical savings accounts. These were invented by a free-market conservative, J. Patrick Rooney, then CEO of the Golden Rule Insurance Co., as an alternative to low-deductible medical insurance. The tax deductibility of these accounts was passed into law by the Republican Congress under George W. Bush. Like school vouchers, they exist at the margins. The versions available are not always ideal, but they are better than nothing. Also like vouchers, they are aimed at one of the really big, expensive things the modern welfare state does — in this case, medicine, the one big part of the American economy in which the state is trying to supplant private industry. I have my doubts whether Americans will cotton to medical savings accounts, because everyone I know who has full coverage prefers it. But in the fight for private medicine this is the best new idea on the shelf.

Four ideas: vouchers, Social Security private accounts, welfare time limits, and medical savings accounts. All are gradualist but powerful ideas to increase individual choice and responsibility. All strengthen an individualist culture. All are projects of conservatives.

But libertarians have long been uneasy with conservatives, especially since 9/11, when the conservatives raised the banner of soldiers, spies, prosecutors, and cops. I understand the feeling about that. If I want to be agreeable in a group of progressive liberals, which most of my neighbors are, I grumble about civil liberties and the war. There I have common ground with them, but it is common only if we do not discuss it past the first drink.

The left-liberal idea of foreign policy is internationalism — that the United States shall refrain from global assertiveness without permission of the United Nations, or at least of NATO. Modern liberals are not against war, if it's dressed in humanitarian garb. They still revere Woodrow Wilson, who got us into World War I, and they brook no criticism of Franklin Roosevelt or Harry Truman. Most of them applauded when Clinton ordered the bombing of Serbia, a country that obviously posed no threat to the United States. Most of them want the American military to go into Darfur. Their principal criticism of the Bush foreign policy is not that it kills people but that it has alienated our allies, meaning particularly the Canadians, Germans, and French.

The libertarian's idea of foreign policy is more about

America minding its own business. The libertarian who objects to the Bush foreign policy will probably not object to the "lone cowboy" aspect. Probably he likes that part. Maybe it reminds him of Robert Heinlein. A libertarian cowboy will be more respectful of other people than a neocon cowboy, but he will not want to be permanently assigned to a posse of humanitarians.

Domestically, the left-liberal believes in freedom, or believes he believes in it. But it is an abridged freedom. He may have a government like the one in my city, which tells me I have to have a license to cut down a tree of more than six inches in diameter, or to have a cat in my house, or a business. If it is a business, the sign can be only eight inches square and have nothing on it but my name. I violate the law if I burn scrap lumber in my back yard or put one sheet of paper in my garbage can. Or one plastic bottle. Or one glass bottle. I am forbidden to ride a bicycle without a helmet or a car without a seatbelt, or decline to pay union dues if some stranger has signed a labor contract that demands I pay them. I cannot smoke in a cafe or bar or buy a medical insurance policy that doesn't cover naturopathy, a craft I consider quackery. My public school district wants to assign kids to my neighborhood high school based on race, even though the state constitution specifically forbids it, and the matter is about to be decided by the U.S. Supreme Court. I pay taxes for a baseball stadium named for an insurance company, a football stadium named for a telephone company, and a basketball stadium named for a bank. I pay taxes for a stadium that was blown up by the government. I pay taxes for the new city hall, which has a grass roof.

To the liberal, freedom concerns none of these things. Apart from freedom of expression, the liberal's idea of freedom is mainly about *privacy*. It is about a place for whoopee, and for not being held to account or morally judged afterward. In many ways his idea of freedom is the 15-year-old's: Stay out of my room. Show me respect. And hey, when's dinner?

The liberal says, "I'm for choice." The libertarian wants to know which one: School choice? Social Security choice? Drug choice? Union-membership choice? Alas, the liberal is "pro-choice" only to avoid being labeled "pro-abortion." He is not pro-choice. He is pro-privacy. (And legally the right of abortion rests on an argument for *marital privacy*.)

The libertarian believes in property, and that gets him most of the same privacy the liberal wants. It also gets him standing ground to do bigger things than the liberal would allow, and collectively provides the private sector with a place

Politics is not about demonstrating one's purity. It is about getting 51% of a group to agree on something.

to resist the state. The liberal thinks all this talk of resisting the therapeutic state is antisocial and right-wing. His conception allows for a state of German dimensions, a state that takes half his income and controls his land, buildings, investments,

business, job, and labor representation. His state may socially engineer him into public schools, public transit, public housing, public employment, public clinics, and public pensions. All this is acceptable provided only that he can vote and fornicate; the cops do not rifle his desk; and no one, private or public, "discriminates" against him.

Consider the two sides, liberal and conservative, as represented in the current Democratic and Republican party platforms in my state. There is an important caveat: in each case,

The libertarian believes in property, and that gets him most of the same privacy the liberal wants.

the platforms are more radical than any of the party's senior elected officials. Still, they display what the core of each party believes.

Here are the Democrats: "Our platform rests on the principles that there should be security for all citizens; education, jobs and economic opportunity for all; accessible and affordable health care for all Americans; a rebuilding of our reputation in the world as a cooperative and just country; a reversal of the erosion of civil liberties in our country; a recognition that diversity strengthens our nation; [and] a recognition that we are responsible for our ethical, economic, environmental and educational legacy."

Now the Republicans: "Republicans believe that good government is based on the individual and family, that each person's ability, dignity, freedom and responsibility must be honored and recognized. Our basic freedom, the value that makes our country unique in the world is rooted in Free Enterprise and the basic right to Private Property. The role of Government is to preserve and defend our ability to live in a free and peaceful society."

The Democrats are for "security for all citizens," and by this they do not mean physical security. They go on to say, "We believe . . . food, shelter, medical care, education and jobs are basic human rights." They are for a single-payer, nonprofit "healthcare" system.

The Republicans say, "Health care" — two words for them — "is a personal issue, and informed individuals can make better decisions about their own care than government."

The Republicans are for "providing the highest quality education through offering a broad selection of choices, whether public, private, charter or home school; appropriate funding of public schools, and tax credits and vouchers for other choices; [and] the right of parents to direct the education of their children."

The Democrats are for public schools, period. They are opposed to charter schools and vouchers, and say nothing about the rights of parents. Regarding corporations, the Democrats oppose "corporation rights as persons under our constitution and their associated constitutional rights, including the First Amendment right to make political contributions in the corporate capacity." They say, "We believe multinational corpo-

rations are not legal persons entitled to equal protection under the 14th Amendment to the U.S. constitution."

The Republicans have nothing like this.

Regarding the news media, the Democrats say: "We believe the public owns the broadcast airwaves and the Internet, which should be managed to serve the public interest. We support using diversity of ownership as the centermost principle of broadcast licensing; strengthening media ownership regulations to avoid corporate domination of our airwaves; encouraging minority and community media ownership; ensuring that media license holders provide diverse programming; increased funding for public broadcasting including documentary films and noncommercial news programs; establishing a system for community-level, non-profit, and non-commercial radio and TV nationwide."

For all their complaints about the liberal media, the Republicans make no proposals to regulate it or supplant it. They are for "campaign finance law that in no way prohibits free expression." The Democrats want political campaigns to be financed by the government. They would also force broadcasters to provide air time free to political candidates.

Regarding race, the Democrats are for "diversity" and the Republicans are against "the use of quotas or preferences to favor one person or group over another." Regarding religion, neither platform says much. The Democrats are for the separation of church and state, and the Republicans say, "Individuals' first amendment right of religious expression in our public schools does not conflict with the Establishment Clause." The Republicans are also for "under God" in the Pledge of Allegiance.

The two platforms use language differently. Each uses the word "responsibility" about the same number of times. The Republicans mostly use it to mean the responsibility of individuals or families. The Democrats mostly use it to mean the responsibility of business, government, or society. An exception is when the Democrats speak of a woman's responsibility for her reproductive choices.

In all these things the Republicans are pretty close to libertarians. In some other ways they are not. They are dead-set against abortion and gay marriage. They say, "We are at war, and we support President Bush in all aspects of this War on Terrorism, including the government's responsibility to monitor the communications of terrorists and their allies." They are for restrictions on immigration, which some libertarians

In many ways the liberal's idea of freedom is the 15-year-old's: Stay out of my room. Show me respect. And hey, when's dinner?

are for and some not. (The only part of the Republican platform that made the local newspapers was its statement that the 14th Amendment was not meant to grant citizenship "to the babies of illegal aliens.")

The hardcore libertarians do not want to be with either Republicans or Democrats. They are their own church, and a

small church it is: their presidential candidate gets half of 1% of the vote. The party has been raising money and fighting ballot-access battles for 35 years. A huge amount of effort has been expended and no territory taken.

Before he died, Liberty editor Bill Bradford told me that the Libertarian Party was mainly a business to raise money to employ libertarians. It was not a political party really. A

Libertarians are different from religious conservatives and militaristic nationalists, but they should accept that in the larger culture they are part of the Right.

political party is an organization to elect its members to office, and apart from a handful of state legislators, the Libertarians had never elected anyone who even began to matter. Not one capital-L Libertarian, running as the candidate of that party, has been elected to Congress or ever will be.

There are, however, small-L libertarians in Congress. All of them are Republicans. The official label has been pasted on only one, Ron Paul of Texas, who once ran for president as a Libertarian. The Republican Liberty Caucus, run by economics professor Clifford Thies, says it has been tougher to find Republicans who are strong on personal liberty since 9/11, but he names five congressmen as pro-economic-liberty and pro-personal-liberty: Jeff Flake of Arizona, Dana Rohrabacher of California, John Duncan of Tennessee, John Shadegg of Arizona, and Ron Paul of Texas. Some others almost make the cut: Jeb Hensarling of Texas, Chuck Otter of Idaho, Tom Feeny of Florida, Ed Royce of California, and Scott Garrett of New Jersey.

The list is arguable; I note that only two of the five who are labeled libertarian, Duncan and Paul, voted in October 2002 against the Iraq war. To me that is a defining vote. The Republican majority leader, Dick Armey of Texas, a former economics professor, *almost* voted against the war. In the summer of 2002 he came out against the war, but by October Dick Cheney had snookered him into it. Maybe I am sniffing gasoline here, but if there had been 15 or 20 other Republicans standing with Duncan and Paul, ready to back up Armey, maybe the majority leader would have held his ground. *That* would have been noticed.

As much as I hate the war, I'm not one of those who says that no supporter of it can be a libertarian. To me, a libertarian is a person whose most important value is liberty. We can argue about the details, including the war. But if someone's most important value is liberty, he's on my side, and I'm not going to cast him out.

In fact, there are politicians whose most important value is liberty (somewhat narrowly defined), and the ones I know of are Republicans. In my state, the legislative district in a high-tech suburb sends to the legislature a man who years ago in another state ran as a Libertarian and, of course, lost. Having

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The End in Iraq

by Jon Harrison

We won't be defeated militarily, but we can lose nonetheless.

Last June, more than three years after declaring “mission accomplished” in Iraq, President Bush made a secret flight to Baghdad to meet the new Iraqi prime minister, Nouri al-Maliki. That his visit was both surreptitious and brief spoke volumes about the level of security in the Iraqi capital. Despite the blitzkrieg victory of 2003, and occasional tactical successes since (the battle of Fallujah in 2004, and the killing of Abu Musab al-Zarqawi, the head of al Qaeda in Iraq, at the time Bush met al-Maliki), the most powerful man in the world was forced to travel in and out of Iraq virtually incognito. This image and the reality behind it are troubling, and revealing.

Since June, attempts by the Bush Administration and the al-Maliki government to improve security in Baghdad and throughout Iraq have fallen flat. A new program to clean up the situation in Baghdad was announced by al-Maliki at the time of the Bush visit, and additional U.S. forces were brought in to reinforce the effort. It is palpable that this effort to secure Baghdad has failed.¹

Even so, the administration and its supporters continue to urge more of the same. In a Washington Post op-ed piece on Sept. 12, Bill Kristol, editor of the Weekly Standard, and Rich Lowry, editor of National Review, called for yet more U.S. troops to be deployed to Baghdad. They were, however, unable to adduce any real evidence that such a policy would be effective. Additionally, they ignored the fact that our forces are already woefully overstretched around the world, making a further concentration on Baghdad problematic, to say the least.²

Elsewhere in Iraq, outside of the Kurdish area, deterio-

ration continues apace. A Marine Corps intelligence assessment, dated Aug. 16, 2006, declared al-Anbar province, the vast Sunni area to the west of Baghdad, for all intents and purposes lost.³ In the Shiite south, militias like Muqtada al-Sadr's Mahdi Army, backed by Iran, hold sway. Iraq is falling apart before our eyes, and there appears to be nothing we can do about it.⁴

My home state, Vermont, leads all states in per capita soldier deaths in Iraq. We Vermonters, as much as anyone, want to see the light at the end of the Iraq tunnel. But, as in Vietnam, it simply isn't there.

The parallels with Vietnam are by no means exact. South Vietnam in the 1960s and Iraq today are different in important ways — geographically, ethnically, and culturally. The level of U.S. involvement in Iraq falls well short of our commitment to South Vietnam, where we deployed over 500,000 troops and suffered some 58,000 Americans killed — many times the current total in Iraq. Civilian casualties in Iraq, horrific as they are, cannot (at least not yet) be compared to the hundreds of thousands of casualties suffered by the Vietnamese civilian population between 1965 and 1975. There is no U.S. air campaign against those supporting the insurgency from outside

the country our troops are fighting in, as there was against North Vietnam. This having been said, there remain striking similarities between Vietnam then and Iraq now.

Both South Vietnam and Iraq are artificial constructions, pseudo-nations as opposed to organic nation-states. Each was created by one or more of the great powers during the waning years of western world domination. In the case of South Viet-

Despite the blitzkrieg victory of 2003, and occasional tactical successes since, the most powerful man in the world was forced to travel in and out of Iraq virtually incognito.

nam, a unitary state (i.e., Vietnam) was arbitrarily split in two by the great powers at the Geneva Conference that followed the French defeat at Dien Bien Phu (1954). Iraq, conversely, never made sense as a unitary state. It was cobbled together by the British out of distinct Shiite, Sunni, and Kurdish territories following the collapse of the Ottoman Empire in World War I.

The differences in their individual creation stories are, however, essentially irrelevant. The key thing to realize is that both South Vietnam and Iraq were neocolonial enterprises that could be maintained only by force. Recall that once South Vietnam lost U.S. support, it fell almost immediately to the North (the North Vietnamese Communists, whether we like to admit it or not, were, for all their brutality, the embodiment of Vietnamese nationalism). Iraq has been kept in existence first by British power, then by the iron fist wielded by Saddam Hussein, and now by American boots on the ground. When those boots depart, centrifugal pressures will cause the Iraqi body politic, already rent by ethnic and religious differences, finally to fall apart. When we are gone (and we will have to leave at some point) the pseudo-nation Iraq will vanish from the map, just as South Vietnam did. The result, so far as the U.S. is concerned, will be the same as in Vietnam: failure to achieve our objectives, leaving a situation worse than the one that existed before we intervened.

What future can anyone seriously envision for an Iraq on its own, other than sectarian strife and de facto or de jure partition, with Iran, patron of the Iraqi Shiites, the great gainer? When U.S. troops leave, Sunni and Shiite and Kurd will not lie down together, except in death. The hope for western-style pluralism and democracy is just that, a hope. What basis anyone had for expecting democratic pluralism to take hold in Iraq, I have been unable to discover. Nation-building must fail where there is no national foundation to build on.

There are definite, almost eerie parallels between U.S. policy in South Vietnam during the 1960's, and Iraq since 2002–2003. Let's start with deception. While it remains unclear to this day why Lyndon Johnson, resoundingly elected president in 1964 as a peace candidate, went to war immediately following his inauguration, we do at least know that the reasons he stated for our intervention — the domino theory,

etc. — were false, and known by both Johnson and his advisers to be false.⁵ Thus was born the infamous "credibility gap" which just kept yawning wider and wider right up until the day Johnson left office.

Forty years later, it is likewise uncertain why George W. Bush launched Gulf War II. Bad intelligence about weapons of mass destruction or links between Saddam and al Qaeda now seem unlikely to have precipitated his action, while imperial hubris or Oedipal impulses remain possibilities. Few serious people now doubt that deception was employed, at least by some (I am thinking in particular of a man powerful in both Bush administrations, and his minions), to get us into this war. No sentient being could possibly doubt that deception about the state of the war and its prospects is ongoing. The credibility gap of 2006 is as great as, or greater than, that of 1966.

In both Vietnam and Iraq we opted for a military as opposed to a political solution. Yet neither Vietnam nor Iraq represented an area of vital interest to the United States. As regards Vietnam, this is not only apparent in retrospect, but was recognized by many thoughtful people at the time — people like Walter Lippmann, George Kennan, and Matthew Ridgeway.⁶ But there were countervailing forces at work in the mid-1960s that helped to drag our nation into war (I am thinking, for example, of the China Lobby and its mouthpiece, Joseph Alsop, and the Luce Press).

Iraq, and indeed the entire Middle East, is of strategic importance to the United States only because of its petroleum resources.⁷ There has never been any evidence to show that any Arab or Muslim country possessing oil will refuse to sell it to us as long as we can pay for it — except, that is, when Israel is included in the equation. And thus is revealed the true strategic purpose behind the neoconservative agenda to remake the Middle East: *not* primarily to secure U.S. access to the region's oil resources, but rather to preserve and protect the state of Israel — the state that is in fact the one true impediment to our unhindered access to that oil.

It is well known that in 1996 Richard Perle, Douglas Feith, and David Wurmser, all of whom worked assiduously for years to provoke an American war against Saddam Hussein, authored a paper (best known by its shorthand title, "Securing the Realm") addressed to then Israeli Prime Minister Benjamin Netanyahu, which advocated very strong steps to strengthen Israel's security.⁸ In the minds of these men — and others, like Paul Wolfowitz, Lewis "Scooter" Libby, and Bill Kristol — Israeli and American interests are coterminous. And therein lay the true motive behind the Iraq war of 2003.

Nation-building must fail where there is no national foundation to build on.

In both Vietnam and Iraq, then, we went to war not because the national interest demanded it, but *in large part* (I do not say entirely) because pressure groups succeeded in goading the U.S. government into armed intervention.⁹

Tactically, American hamhandedness in both Vietnam

and Iraq cannot be denied.¹⁰ In Vietnam we chose to seek out the enemy and kill him with massive firepower, despite the unfavorable terrain and the enormous “collateral damage,” i.e., civilian casualties, that resulted. The proper course, if we were going to fight a limited war (as opposed to “bombing them back to the stone age”) would have been to secure the population through pacification, while letting most of the enemy forces rot in the jungles and mountains, away from the people.¹¹

Our initial tactics in Iraq, during the blitz campaign of March–April 2003, were admittedly deft and effective, rather than hamhanded. But by the late summer of 2003, if not sooner, it had become clear that something was very wrong with the post-blitzkrieg planning. We (or rather, Secretary of Defense Donald Rumsfeld) had chosen to fight the war on the cheap, using only one-third the force originally recommended by the Army Chief of Staff. This was enough to take Baghdad and topple Saddam Hussein, but not nearly enough to secure the country and prevent the cancerous growth of guerrilla groups, militias, terrorists, and criminals that have made Iraq an ungovernable, living hell. Both civilians and the military were slow to recognize the cancer once it appeared, so slow that they lost any chance of cutting it out before it spread.¹² Today, more than three years after the fall of Baghdad, only the presence of U.S. troops prevents Iraq from disintegrating completely. The litany of errors (both of omission and commission), false hopes, broken promises, and outright lies in our Iraq policy will no doubt baffle historians of the distant future, as they try to discern why the most powerful nation in history failed to secure the victory in a secondary theater.¹³

When the Iraq war opened in March 2003, just as our armored spearheads were debouching from Kuwait, I told the president of the company I then worked for, an American-educated Turkish national (the son of a Muslim father and a Christian mother), that our forces would take Baghdad no later than April 15. He was skeptical; but I was right: they took Baghdad on April 9. At the same time, I was telling other friends that after the fall of Baghdad there would still be plenty of Iraqis with automatic weapons and no love for the United States, that we would have to contend with them, and that if we weren’t careful we would be in for a long and possibly unwinnable urban guerrilla war, a much bigger Somalia. They too were skeptical, but events have shown that I was more right than not.

I can remember, as a very small boy, sitting at my mother’s knee and watching wounded American soldiers being interviewed on television. It was February 1965, and the soldiers had been wounded in the Viet Cong attack on Pleiku in South Vietnam, an event that precipitated our full-scale intervention in that conflict. My mother, who though an educated person was no geopolitical expert, suddenly blurted out (in the voice of the Pythoness, I almost want to say): “We ought to get out of there, and get out fast.” The wisdom of her words needs no further explication.

I will close with another prediction. Although the U.S. can never be defeated militarily in Iraq, we will eventually grow tired, as in Vietnam, of the cost in blood and money. And the day will come when helicopters will lift off from the rooftop of the American embassy in Baghdad, carrying the last Americans in Iraq to an ignominious safety. □

Notes

1. The Baghdad morgue recorded 3,390 violent deaths in July and August, according to the New York Times (Sept. 7, 2006). See also “Violence Grows, Killing 52 Iraqis, in Face of Security Plan,” New York Times (Aug. 31, 2006), “Iraqi Casualties Are Up Sharply, Study Finds,” New York Times (Sept. 2, 2006), “New Wave of Violence Flares Across Baghdad,” New York Times (Sept. 13, 2006), and “Nearly 100 Killed in Baghdad Over 24 Brutal Hours,” Washington Post (Sept. 14, 2006).

2. For Kristol’s and Lowry’s view see “Reinforce Baghdad,” Washington Post (Sept. 12, 2006). Their case is more than answered by Lawrence J. Korb and Peter Ogden, “Why We Can’t Send More Troops,” Washington Post (Sept. 14, 2006). Korb and Ogden point out that putting more troops into Baghdad would be simply, in their words, “reinforcing failure.”

3. See “Situation Called Dire in West Iraq,” Washington Post (Sept. 11, 2006).

4. Two books published in July of this year elucidate the failures of U.S. policy in Iraq since the fall of Saddam Hussein. See Peter W. Galbraith, “The End of Iraq” (Simon & Schuster, 2006), and Thomas E. Ricks, “Fiasco” (Penguin, 2006). On the Shiites generally see Vali Nasr, “The Shia Revival” (Norton, 2006).

5. An analysis would be out of place here, but the reader may compare Johnson’s well known Johns Hopkins speech of April 7, 1965 (the text of which is available online) to the annex to Assistant Secretary of Defense John McNaughton’s memo to his boss, Robert McNamara, a fortnight earlier. The McNaughton memo can be found in the Senator Gravel edition of “The Pentagon Papers” (Beacon Press, 1971), vol. 3, pp. 694–702. The annex opens with a statement of U.S. policy goals in Vietnam, with its notorious breakdown by percentages (“70% to avoid a humiliating U.S. defeat . . .”). Concerning the domino theory specifically, the Pentagon Papers make it quite clear that while the Johnson Administration expected the fall of South Vietnam to be followed by that of Laos and Cambodia, they had no reason to believe Communism would sweep westward to India and eastward to the Philippines, as the theory’s proponents had argued. As a purely practical matter, the North Vietnamese, and indeed the Red Chinese, lacked the means to advance successfully beyond Indochina. The logistical requirements for this were beyond their capabilities at the time.

6. Not to mention President Eisenhower, who refused to intervene with combat troops at the time of Dien Bien Phu.

7. Kristol and Lowry, in the op-ed piece mentioned above, assert (without mentioning oil) the overarching strategic importance of Iraq. To back up this assertion they quote not one of the heavyweights of the U.S. foreign policy establishment, but a relatively obscure professor from Harvard Law School.

8. The text of this paper (the full title of which is: “A Clean Break: A New Strategy for Securing the Realm”) is obtainable online by simply googling “securing the realm.”

9. On the Israel Lobby see John J. Mearsheimer and Stephen M. Walt, “The Israel Lobby and U.S. Foreign Policy,” London Review of Books 28.6 (March 23, 2006).

10. The initial U.S. buildup in Vietnam during 1965 was a logistical marvel. The March–April (2003) blitz campaign in Iraq was reminiscent of Patton or Rommel. But after these promising beginnings, the record is pretty dismal, excepting only the outstanding bravery displayed again and again by most of our troops in both conflicts.

11. Pacification was a catchword during the Vietnam War, but it was never actually given a wholehearted trial. The Army abandoned pacification in favor of search-and-destroy from late 1965. The Marines had some success with pacification in the northern part of South Vietnam, but the follow-through was inadequate. This is not to say that had we followed such tactics, victory would have been ours. More likely than not the logic of events would have dictated, at some point, a unification of Vietnam by the North. The U.S., once it chose to fight a limited war, was condemned to a holding action in South Vietnam.

12. Remarkably, the Army and Marine Corps seemed to have completely forgotten the lessons of counterinsurgency warfare that they had so painfully learned in Vietnam, just as in 1965 they had forgotten the same lessons learned in earlier guerrilla campaigns, such as the Indian wars and the Philippine Insurrection of 1899–1902. It was only in the fall of 2004 that the Army issued a new manual on counterinsurgency warfare, replacing one that had been prepared in 1965. On the failure of institutional memory in Vietnam see Cincinnatus [Cecil B. Currey], “Self-Destruction” (Norton, 1981) 12–17.

13. The terrorists and thugs who make up the enemy in Iraq are in no way comparable to the North Vietnamese regulars or even the Viet Cong we fought in Indochina. The NVA in particular were *soldiers* — the best infantry in Asia. The Iraqi insurgents, on the other hand, are little more than gangsters.

The New Civic Religion

by R. W. Bradford

This issue of Liberty marks the first anniversary of the death of our founder, R.W. Bradford, on December 8, 2005.

Bill Bradford was a remarkable writer. He had the rare ability to transform reporting on current events into essays of permanent interest and value — rich and vigorous and fully individual contributions to the literature of liberty. The accompanying article, “The New Civic Religion,” appeared in our February 1993 issue. It was written in immediate response to the election of Bill Clinton, but it is just as relevant to the politics of 2006 as it was to the politics of the early ’90s.

Bill wasn’t merely a remarkable writer; he was also a remarkable human being. (Many writers aren’t.) As Bruce Ramsey shows in relating his memories of Bill, once you met him, you would never be able to forget him. — Stephen Cox

Now that the election is past, the press has moved its focus from why Bill Clinton should be elected to what a wonderful human being he is and what a swell president he will be. So far as I can determine, Jacob Weisberg is the only Clinton-fawner who has had even the vaguest of second thoughts. The overwhelming majority of other newsmen remain enamored of their man, and act more like public relations flacks than reporters.

What else is new? I recall after the Reagan victory in 1980, many in the press turned away from dumping on Reagan and began to fawn over Ronnie as though he were a movie star. I remember Dan Rather groveling before Pat Robertson after Robertson’s surprise victory in the Iowa caucuses in 1988. Who can forget the “Kennedy-mania” that gripped the press (and the country) after JFK’s hair’s breadth victory over Nixon in 1960? Or the “Trudeau-mania” that swept Canada after loony Pierre’s election in 1968?

Part of this swooning is simply success-worship, a characteristic trait of *Homo americanus*. Just as Americans conclude that money-making is evidence of intelligence in a businessman, so they conclude that electoral success is evidence of wisdom and moral virtue in a politician. Another element is simple bootlicking: the president has many jobs to hand out, and some members of the press corps hope to follow in the heroic footsteps of John Chancellor, Ron Nessen, and Pierre Salinger. And the president has favors to dispense to reporters, ranging from granting private interviews to calling on a reporter at a press conference.

But there is more to this swooning, I am convinced. It is a natural element in the civic religion that has replaced Christianity as America’s faith. This religion has many tenets, and though they are generally not stated baldly, they underlie much of public life in America. Among those dogmas are several that go a long way toward explaining the mysteries of the electoral and postelectoral process.

Each of our votes really makes a difference. This belief underlies the repeated exhortation to “get out and vote,” and the whole array of variations on the argument, “If you care about the future of your country (or your own future), you should vote.” The proposition that each of our votes makes a difference is absurd, even on the face of it. Once in a great while an election, invari-

ably at the local level, is tied or won by a single vote. When this happens, the proponents of voting publicize it far and wide, citing it as evidence that “every vote counts.” In reality, the extreme rarity of such cases illustrates the fact that your vote really doesn’t make a difference. If you doubt this, ask yourself how many times you have voted and how many of the elections involved would have had different outcomes if you hadn’t voted. The answer for virtually all Americans is the same: in a lifetime of voting, their vote has never swung an election.

A corollary to this proposition underlies the two-party monopoly: *don’t waste your vote* by voting for an independent or third-party candidate. Your vote is a valuable possession because it really makes a difference, but you waste it if you don’t vote for a candidate with a chance of victory (i.e. a major-party candidate). Of course, this makes even less sense than the original proposition that your vote makes a difference. In the overwhelming majority of elections, one of the two contending major party candidates has no more chance of winning than minor party candidates. Why, for example, would any proponent of the “don’t-waste-your-vote” argument vote for Bush? By election morning, his chance of victory was the same as Ross Perot’s or Andre Marrou’s: virtually none at all.

Voting is a virtue in and of itself. “At least he voted,” people will say. The Advertising Council produces “get-out-the-vote” advertisements imploring people to vote even if they are so ill-informed, indifferent, or unmotivated that they have no opinion. Some of these ads even suggest making up one’s mind while in the voting booth.

Of course, this makes no sense. Is it really virtuous to go to the polls to vote your own narrowly defined self-interest, which may be completely contrary to the common good? Is it virtuous to cast unreflective, thoughtless, ignorant votes? Apparently most Americans think so, else why would people respond favorably when someone says, “I didn’t know who I was going to vote for until I got in the voting booth, but I voted.”

Winning an election confers a mandate upon the victor, thanks to its demonstration that Americans have a consensus on the important public issues they face. Virtually every election is followed by earnest explanations that the election constituted a “mandate for change” or a “mandate to stay the course,” not to mention platitudes like, “the people have spoken.”

This is idiotic. For one thing, very seldom is an election won with any substantial margin. Of the 42 presidential elections held under the current electoral system, 15 were won without a majority of voters. Two were won by candidates who finished second in the popular vote. Obviously there were no mandates in these cases.

But it is difficult to perceive a mandate even in the most lopsided victories. Consider the two presidential elections in which the winner amassed the largest victory.

Lyndon Johnson captured 61.2% of the vote in 1964. Naturally, Johnson claimed the people had granted him a mandate for substantial policy changes. Yet in 1960, when Johnson ran for vice president with Kennedy on substantially the same platform, the ticket received only 49.7% of the vote and in 1968, Johnson was so unpopular that he felt obliged to drop out of the presidential race. When Johnson’s vice president

tried to carry on the LBJ program, he managed to capture only 42.8% of the vote.

Did the American voters change their minds twice within that eight-year period about what direction they wanted the country to go? Or was Johnson’s huge majority in 1964 the product of other factors — say, sympathy for the martyred JFK, a desire to stabilize government in the wake of the assassination, and a panicky fear of Barry Goldwater, who had been portrayed in the press as a lunatic?

In 1972, Richard Nixon captured 60.7% of the vote. Yet four years earlier, he was elected with only 43.4% of the vote. Two years after his landslide victory, he was forced to resign from office, and in the subsequent election his party’s nominee (and his hand-picked vice president) captured only 48.8% of the vote. Did the voters intend a mandate to enact Nixon’s program in 1972? Or did they vote for him for other reasons — for example, gratitude at his having wound down the Vietnam war, a fear of the widely perceived radical leftism of the opposing candidate, or a desire for stability after the chaos of the 1960s?

“Let the word go forth, from this day and hour, that a new generation of Americans . . .” intoned Jack Kennedy upon his election. Yet fewer than half of Americans voted and fewer than half of those voting cast their ballots for Kennedy; he outpolled his opponent by a margin of about 0.15% (i.e., one vote out of every 600 cast), at least according to official figures, which probably reflect significant vote fraud. Meanwhile, the opposition party made major gains in the Congress.

Of course, there are some electoral victories that do constitute mandates for change. A careful examination of electoral history reveals three “mandate” elections: 1980 (Ronald Reagan), 1936 (Franklin Roosevelt), and 1920 (Warren Harding). Reagan wrested the presidency from an elected incumbent by a substantial margin, brought numerous members of his party into Congress, and was reelected by an even larger margin. And he did so running on a platform that differed from current and recent past policies, and was very well known to voters.

Roosevelt had ousted an incumbent in 1932, but that year he ran on a platform of smaller government, lower taxes, the gold standard, and a balanced budget. Upon his election, he immediately abandoned this platform and adopted poli-

Why would any proponent of the “don’t-waste-your-vote” argument vote for Bush? By election morning, his chance of victory was the same as Ross Perot’s or Andre Marrou’s: virtually none at all.

cies diametrically opposed to much of it. The fact that FDR promised one program and delivered another without upsetting the voters supports the hypothesis that in 1932 the voters were primarily rejecting Herbert Hoover, not issuing a mandate for the radical program that Roosevelt eventually

enacted. By 1936, Roosevelt's program was partially enacted, and voters knew what he was about; he was reelected with an even larger majority.

In 1920, Harding captured the White House from the opposition with 60.5% of the popular vote, on a platform calling for a return to isolationism, tax reduction, and smaller government. He died in office before having a chance to run for reelection, but not before his program was largely enacted.

If you doubt that your vote doesn't make a difference, ask yourself how many times you have voted and how many of the elections involved would have had different outcomes if you hadn't voted.

His successor was reelected with 54% of the vote, despite the entrance into the race of one of the most credible third-party challengers of this century. (Robert LaFollette captured 17% of the vote.)

But that's it. Try as I might, I cannot see that any other presidential election qualifies as a "mandate for change." That's three elections out of 42, or one election every 84 years, wherein the voters demonstrated anything resembling a mandate for change. In most elections, the electorate splits its votes pretty evenly between two candidates whose programs are very similar. The voters intend no mandate at all.

Armed with our mandate, our leader is able to solve our problems. When Nazism was in flower, Americans liked to make fun of the *Führerprinzip*, or "leadership principle." Yet in our own country, we observe it with religious fervor. If we elect the right person president, he will solve our problems. In times of crisis, the right man comes to the fore, takes charge, and America continues to fulfill its destiny as the greatest country on earth.

I think it is safe to say that the United States has only faced two great crises in its history: the unraveling of the Union that culminated in the Civil War, and the Great Depression that seemed to threaten revolution. In the first case, the winner of the critical election won with less than 40% of the popular vote, the smallest vote to elect any president since political parties took hold. Lincoln's election itself precipitated the Civil War, which resulted in the loss of over 620,000 lives, the destruction of billions of dollars of property, suspension of the Constitution, and the imposition on the nation of conscription, income taxes, and inflationary paper money. In the second case, the nation elected as its president a man who enacted and imposed a political program hardly different from that of Mussolini or Hitler (aside from Hitler's racism), and from which the U.S. still suffers.

Of course, both Lincoln and Roosevelt the Younger are remembered today as great men who saved their nation. These were cases of self-fulfilling prophecies: whoever is leader of any nation during any crisis will be remembered as a great man if the nation prevails. Since Americans are enamored

with the *Führerprinzip*, they are inclined to give credit to their leaders when they prevail in a crisis. In fact, the United States prevailed and prospered despite the actions and policies of Messrs Lincoln and Roosevelt. They were not great men; they had greatness thrust upon them. And greatness would have been thrust upon anyone else elected in 1860 or 1932.

How well does the electoral process work? Look at the results. In the half century since World War II ended, we have used this electoral process to select:

- a power-hungry career politician, who had never had a job outside politics;
- a second-rate clubman, incapable of uttering a coherent sentence;
- a modestly successful actor who turned to politics when his movie career faltered;
- a peanut farmer, dependent for his living on a government-granted license guaranteeing a substantial income;
- a career politician, who used the power of his office to undermine the electoral process;
- a megalomaniac who made himself a multimillionaire while in elected office, raised taxes repeatedly and got us into a war that cost billions of dollars and tens of thousands of American lives;
- a playboy pushed into office by his ambitious father;
- a retired military leader;
- a failed haberdasher, who advanced in politics as the agent of a corrupt political machine.

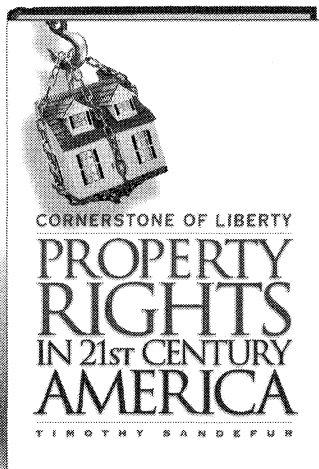
Can you imagine any of them achieving anything in any other field? Which of these men, if he hadn't pursued politics, could have been a successful scientist? a successful writer? a successful anything? Sure, the clubman made some money in business as a young man, before he began to pursue power on a full-time basis. Yeah, the military man was a bigshot in World War II, but this was a case of greatness thrust upon the man. Sure, the playboy "won" a Pulitzer Prize, but his book was written by a hireling and the prize was awarded only after his father spent a fortune campaigning for it. Only the actor had anything resembling a successful career outside politics.

Indeed, the two presidential contenders during this same period who demonstrated genuine character were soundly defeated. I refer, of course, to Barry Goldwater and Eugene McCarthy, both men of conviction, and considerable decency

USA Today's headline the morning after the election was "LANDSLIDE." Yet Clinton got a smaller percentage of the vote than Dukakis got when Bush clobbered him in 1988.

and honor. Goldwater won his party's nomination, only to face humiliating defeat in the voting booth. McCarthy managed to unseat the incumbent president of his own party, but failed to come close to capturing its nomination.

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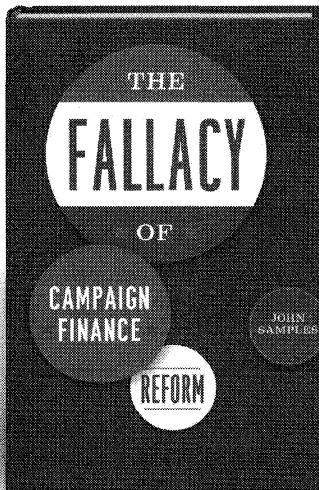
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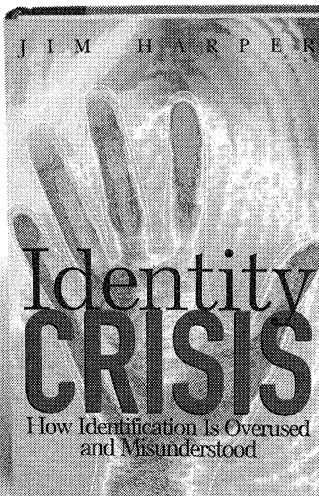


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Once the people have spoken, we must unite behind our leader. This is a corollary of the last two principles. We give our leader a mandate and he solves our problems. But if we perversely refuse to unite behind our leader, then his hands are tied, and our problems may get worse.

The commentator on ABC who exhorted us to unity behind our new leader, and excoriated Sen. Bob Dole for saying that he expected his party to provide critical oversight on Clinton, based his beliefs on the *Führerprinzip*. (He stopped short of accusing Dole of treason, barely.)

The desire for a mandate and for unity takes many amusing forms. My own favorite example was USA Today's headline the morning after the election: "LANDSLIDE." This was an enthusiastic characterization, to say the least, considering that Clinton got a smaller percentage of the popular vote than

Michael Dukakis got when Bush clobbered him in 1988.

In fact, since our current electoral method has been in place, only two presidents have ever been elected with a smaller portion of the popular vote than Clinton's. In 1912, Woodrow Wilson took advantage of a split in the Republican Party to sneak into the presidency. Wilson's administration brought us the income tax, World War I, the effective abolition of freedom of speech, and national prohibition. In 1860, Republican Abraham Lincoln was elected with 39.6% of the vote, thanks to a split in the Democratic Party. His election brought us the Civil War and all its attendant horrors. Let's hope Clinton's administration will be better than these.

The Civic Religion has many other doctrines, equally unexamined, equally idiotic, but all serving a critical function. They are lies on which our civic life is based. □

Fascinating to the End

by Bruce Ramsey

I last saw Bill Bradford on Dec. 7, 2005, the night before he died. I had not seen him since May, when he had come to Seattle for treatment of a cancer he thought was not terminal. By late July I could tell from his description over the telephone that it probably was. I didn't say so and neither did he, though he talked about the future of the magazine *if* he didn't make it. We talked several times more on the phone, but I did not take the half-day needed to go over to his place in Port Townsend. It was never urgent. Then suddenly, it was.

The Bill I visited on December 7 was pale and skinny, and had aged 30 years in so many weeks. He had had the aid and comfort of his wife Kathy, and of the Virginia Mason Clinic in Seattle, but the cancer had got him. He was slumped in an easy chair, his neck no longer willing to hold up his head. He spoke only occasionally, as if he were at the bottom of a mineshaft. I sat next to him and talked. By and by I asked if he was following me.

"Yes," he whispered. "*Keep talking . . . Fascinating.*"

He had used that word on the phone a month before. *Fascinating*. Bill had lost the energy to do much more than listen, but the world still fascinated him. It could even annoy him; at one point someone was talking about the sluggish service

in the local restaurants, and Bill broke in with that ominous whisper: "*Port Townsend . . . Get used to it.*"

Pretty soon I emptied out, Bill's sister Barbara took over, and Ross Overbeek and I went for some Thai food. We returned with boxes of padang beef and chicken krapao, and all present tucked into the victuals except Bill. I began thinking of the man — not the ghost across from me but that other Bill, the one I remembered.

In February 2003 I had gone to see him, crossing Puget Sound by ferry, and Hood Canal, which is not a canal, by pontoon bridge. I arrived at Port Townsend, the home of Bill and Kathy and Liberty.

Bill and Kathy had been born in the Midwest. They had moved to the Evergreen State in the '80s, partly because it

was one of the handful of states without an income tax. They had stayed away from the urban agglomeration of Seattle and had chosen Port Townsend, an antique town on the northeast corner of the Olympic Peninsula. It had a pulp mill, a ferry to Whidbey Island, and shops for the tourists. It is the sort of town that holds writers' workshops and votes Democrat.

In the late 19th century Port Townsend had been an actual port for sailing ships to stop at customs. The town promoters had envisioned an important city, but they had put it on the wrong side of Puget Sound for rail connections to the East, and in the Crash of 1893 its exciting future had gone extinct. In the 1990s Bill and Kathy bought a red brick office building that been held by Jefferson County 70 years for nonpayment of taxes.

The building's main door was unmarked. Up a wooden stairway was a second unmarked door, behind which was Liberty. Bill was not community-minded and did not want to be bothered by boosters. He did not like the local government. He told me of a run-in with the Port Townsend Historical Commission, which had authority over his officially historic building. He wanted to build a shed on the roof, and the officious commissioners did not want him to build a shed on the roof. Well, God rest his soul, Bill did not like public servants.

That night I had stayed up with him until 1 a.m., talking — about the bureaucrats, libertarian foundations, Republicans, Libertarians, fundraising letters, the gold standard, national bank notes, the newspaper business, editing, various Liberty editors, and so on. Then I went off to sleep and Bill went to work, editing copy until 6 a.m. At night, nobody called him on the telephone. Bill loved good talk — ideas, arguments, political gossip — and he had to seclude himself in order to get his work done.

Sunday morning I was in Liberty's offices alone. They were an archaic arrangement of space, with an open stairwell between the second floor and the third, where there were odd small rooms. In one of the large rooms was a library, where I poked around among the high shelves of unfashionable books. Bill had bought books from the estate of Isabel Paterson, and hundreds of other volumes. He had everything from Mencken and Mises to Faustino Ballve — titles I knew by reputation and ones I had not seen in 20 years.

I could have spent the whole morning prowling among Bill's books, but the sunlight slanting through the high, wood-edged windows told me it was time to do some work. The previous evening I had wrestled some magazine copy to the point of dismemberment. One libertarian author was responding to another libertarian author, and not well. Several times I stopped and wondered if Bill had really meant it when he'd told me to do whatever it needed to make it read well. I decided he did, and mumbled my apologies to the writer's ghost.

Bill tromped up the steps around noon. He was not interested in working. He wanted to show me his land, so we fled the antique stores and world-savers of Port Townsend and went toward the logger country at the edge of the Olympic Mountains.

Bill turned onto a dirt road off U.S. 101, through a locked gate, past a shuttered campground and some hermits' cabins posted No Trespassing. I'm a city guy, and I envisioned some survivalist popping up with a shotgun and demanding to know who the hell we were. Bill didn't worry about it. From the crest of a hill we looked down on a wild river that tumbled

out of the Olympic National Park, and a roiling expanse of trees. "That's my property over there," he said. All green.

We had to get to it another way. Bill lurched his truck down a slope toward the river. Here we were on his property but could nowhere see the whole of it. A previous owner had built

There was always something provisional and experimental that made Bill's radicalism down to earth. He tolerated my pragmatic streak.

a cabin, but nothing was left but a tangle of rusted steel and a derelict bathtub. Around it were rain-loving maples and the redwood-like western red cedar, not too thick because the soil was rocky, but thick enough to filter the sun. Toward the river were patches of boulders, and you could see where the river had run over its banks. Bill's property looked lush from a distance, but close up it was rough, its only natural bounty being the salmonberry, edible but not tasty. The place would be gloomy when it rained, which would be often. It was secluded, though; you might see an eagle there, or a bear. It was just the sort of place where you could step off your front porch and pop off a few rounds, which you could not do in Port Townsend.

Bill told me Kathy was not sold on his idea of building and moving there. I could see why. Anyway, there was the magazine. In the woods, he would have freedom but be too far from Liberty.

I once had breakfast with a former employee of Bill's who said Bill was a fine writer and editor but not disciplined with his time. "Bill bites off more than he can chew. It's an old habit." The magazine was often late, the web page was years out of date and a subscription mailing was long overdue. Bill was *always* busy, but not always busy on things of commercial importance. He was the boss — one could not imagine R.W. Bradford as an employee — but just as clearly he needed to be managed. I imagined Kathy did a fair share of it, but I could see that Bill was not altogether manageable. Well, he was a libertarian.

He was 55 years old that weekend I spent with him. He told me he had diabetes and said his doctor had told him to lose 20 pounds. He said he'd been good about his diet, and he knew a great place to have a burger and curly fries. We had them. We were both having a good time. Bill needed an excuse to get out of the office; he looked ragged, with more gray in his hair than I remembered from the last Editors Conference. He said he wondered how many years he would be able to keep going at the magazine, and that Kathy worried about his health. She was right about that, more than we knew.

Before he died, Bill told Kathy to scatter his ashes on their river property. She told me recently she had not done it because the state wants the land for a park. Bill would not want his ashes on government property.

I first dealt with Bill almost a third of a century ago, entirely over the phone, during the silver and gold boom of the 1970s. He was in Michigan then, in the coin business. In my journal of Jan. 16, 1974, I wrote: "I bought the bag of Canadian silver, at the equivalent of \$3.34 an ounce, or \$1,985 for \$1,000 in coins."

Bill shipped me a bag of 10,000 dimes. It was not so big, but remarkably heavy. I dumped it out on a Persian rug with a KA-*whoosh*, and started counting it. My hands turned gray with silver. I compared the small stacks of dimes I had counted with the uncounted heap and gave up, scooped my hoard back

Bill loved good talk — ideas, arguments, political gossip — and he had to seclude himself in order to get his work done.

in the bag, and buried it under the house. Four months later I dug it up and sold it back to Bill. In 1987, when I contacted him in Port Townsend about his new magazine, I told him I had been one of his coin customers. He had one question: "Did you make money?" I told him I had made \$850. "Good," he said.

Bill launched *Liberty* at a time when I was not much interested in libertarianism, and he managed to rekindle an affection for it. I have always liked to write arguments; for most of the 1980s I had written a business column for the *Seattle Post-Intelligencer*. But by the early 1990s I had a job for *Asiaweek*, a Hong Kong newsmagazine for which my writing was non-argumentative and my identity invisible. I chafed under that. I was forbidden to write freelance, so I wrote for *Liberty* under a pseudonym, R.K. Lamb, with the first article, about Hong Kong, appearing in March 1990. There followed another in 1992, and I have been in the magazine every year since — and, after 1993, under my real name.

Sometimes my friends would say, "Why are you writing for *Liberty*? You could do better." Well, I liked *Liberty*. And the biggest reason was that I liked Bill. I liked his mind. He

was more radical in his beliefs than I was, but was not a hedgehog about them. He once said, "You know, *Liberty* is a radical magazine," and I thought, yes, I suppose it is, but there was always something provisional and experimental that made Bill's radicalism down to earth. He tolerated my pragmatic streak. Once he even let me write an article defending fiat money, a stand he thought was terrible.

Bill was also a businessman. Most libertarians are pro-business but not worth a damn *doing* business. Bill had a mind for it. He was not interested enough to establish a big, efficient enterprise, but with Kathy's help he did establish *Liberty* as a going concern, keep it alive for nearly 20 years and make arrangements to keep it going after he died. He didn't float it on corporate donations, either. He was appalled at how much certain libertarian enterprises spent and was proud that he had accomplished so much with so little.

I left Bill that December 7, telling him that he was a fine man and an important influence on my life. He nodded and waved a hand. I drove back to Seattle in the dark.

Bill was an admirer and defender of Henry Mencken, a man who once said he judged people by whether they kept their commitments. Bill kept his commitments to me. He paid his way in the world, including the medical expenses of his terminal cancer, which he bore without insurance. He created the libertarian movement's principal inreach magazine, and kept it lively, a bit eccentric, and out of the clutches of any faction. He once told me he had the only magazine that undertook to cover the Libertarian Party in every national campaign, and the only one to which the party had ever denied press credentials. He encouraged me to write things I would not have written otherwise and got them into print. He helped resurrect my interest in things libertarian, and spurred me to write pieces I am fairly proud of. He did not demonize his opponents. He had a vision of a world different from this one, but he found this one fascinating to the end. I liked Bill, and I miss him a lot. □

Our Allies, the Conservatives, *from page 22*

won here as a Republican, he has done several good things — among them, an objection to his fellow legislators' declaring emergencies more than 100 times a year, in order to sidestep part of the state constitution.* He has not ended this practice, but he has helped to embarrass them into limiting it.

Considering state-level politics also clarifies the argument I am making here. At the state level the Republicans cannot do anything about war and foreign policy, or much about abortion. There is much jawing about gay marriage, and I don't share the abhorrence of it. But mainly the battles in my state are about money. Every year the Democrats want to spend more and the Republicans less. That pattern is consistent and predictable: Democrats more, Republicans less.

Over the years, the cumulative outcome of these battles determines whether you will live in a high-tax state or a low-tax state, a high-regulation state or a low-regulation state. And that will make a difference to you of several thousand dollars a year and whether you can smoke in a tavern or burn some pizza boxes in your backyard.

Want to affect the outcome of that? You have to *take sides*.

Libertarians are different from religious conservatives and

militaristic nationalists, but they should accept that in the larger culture they are part of the Right, as Economist correspondents John Micklethwait and Adrian Wooldridge documented in "The Right Nation" (2004). "The American Right exhibits a far deeper hostility toward the state than any other modern conservative party," they wrote. "How many European conservatives would display bumper stickers saying, 'I love my country but I hate my government'? How many would argue that we need to make government so small that it can be drowned in a bathtub?"

It was Grover Norquist who said that last remark — the conservative who describes his allies as the "leave-us-alone coalition." Libertarians are part of that coalition. How could they not be a part of it?

The core value of libertarians is self-reliance. Their core objective is to constrain the state. Historically the small state demanded strong families, strong companies, and strong fraternal and civic organizations, including strong churches. All these are celebrated by conservatives. Liberalism has tended to drain them, leaving the field to the therapeutic and administrative state, with its tax eaters and permit czars and behavior facilitators, and the individual with his private room. I like that private room, but it is not enough. □

*See "Referendum Runaround," *Liberty*, November 2005.

Franklin and His Critics

by Mark Skousen

"Let all men know thee, but no man know thee thoroughly."

— *Poor Richard's Almanac*

Was Benjamin Franklin an indispensable public servant, or a cunning chameleon? A believer, or a heretic? A hard-headed entrepreneur, or an opportunistic privateer? A devoted family man, or a salacious womanizer? An important scientist and inventor, or a hoaxer and self-promoter? The first civilized American, or the most dangerous man in America?

Probably, he was all of the above. But no matter where you come down on this debate, one thing is clear: Franklin's stature has increased dramatically since his death in 1790.

A recent AOL poll ranked him after Washington as America's most admired founder. None of the others (Jefferson, Adams, Madison) even came close. This year, the nation celebrates Franklin's 300th birthday with fanfare: two commemorative coins by the U.S. Mint, four stamps by the U.S. Postal Service, and a national exhibit that is making its way around the country. A bevy of biographies has been published, and most of the books are laudatory. H.W. Brands identifies Franklin as "the first American . . . who is perhaps the most beloved and celebrated American of his age, or indeed of any age."¹ Michael Hart ranks him as "the most versatile genius in all of history" — the most multi-dimensional of the founders as businessman, scientist, writer, and politician.² Joyce Chaplin identifies Franklin as one of only two scientists in the world who have achieved "international icon" status (the other is Einstein).³

Many consider Franklin the cultural father of American capitalism, because of his emphasis on self-education, industry, and thrift. And Gordon Wood argues that Franklin was second only to Washington as America's "necessary man," the man who single-handedly raised 34 million livres (equivalent

to \$14 billion in today's money) to finance the war of the revolution. Washington won the war at home, but Franklin won the war abroad: "He was the greatest diplomat America has ever had."⁴

I was privileged to be part of the Franklin celebration when, last April, I was invited to speak at the First Day Issue Ceremony in Philadelphia for the four commemorative stamps honoring Franklin as a printer, scientist, postmaster, and statesman. I've been an admirer of this versatile genius since reading his "Autobiography," which is rightly regarded as America's first "how to" self-improvement book, championing the virtues of industry, thrift, and prudence. Over the years I've collected dozens of other books on him, including the voluminous edition of his "Papers" compiled and edited by Yale University Press. It was while reading through the "Papers," now approaching 38 volumes, that I came up with the idea of completing the "Autobiography." These memoirs end abruptly in 1757, just as Franklin is about to embark on his career as an international political figure. He lived another 33 years as colonial agent, revolutionary, signer of the Declaration of Independence, America's first ambassador, and delegate to the Constitutional Convention. In going over the "Papers," I realized that it might be possible to gather together

the autobiographical passages from his letters, journals, and essays, and complete his story, all in his own words. The result was "The Completed Autobiography by Benjamin Franklin," published this year by Regnery.

Yet I have sometimes wondered whether my admiration of Franklin was misplaced, and how, if at all, his ideas could be defended.

Among libertarians, there is a great deal of animosity toward wise ol' Dr. Franklin. Just last month, for example, I came across an article called "Benjamin Franklin Was All Wet on Economics," written by a college student for the Mises Institute website. The author focused on Franklin's labor theory of value and his support of paper money.

No doubt the philosopher was seriously misguided on a number of important issues. Yet, if we are willing to take a broad view of his economics, a case can be made that even in this area he was a sound thinker. Actively involved in the creation of the three major documents of American government (the Declaration of Independence, the Articles of Confederation, and the Constitution), Franklin was an advocate of a limited central government. "A virtuous and laborious people may be cheaply governed," he declared. He was a disciple of Adam Smith and free trade, and was enamored of the *laissez-faire* policies recommended by the French physiocrats (Turgot, Condorcet, et al.). His are the admirable sayings: "*Laissez nous faire*: Let us alone. . . . *Pas trop gouverner*: Not to govern too strictly."⁵

Franklin was certainly no Keynesian. He defended the rich and worried about how incentives for the poor would be affected if the state adopted a welfare system. He was no Malthusian, either. He opposed a minimum wage law and wrote in favor of free immigration and fast population growth. He rejected any form of state religion or mandatory religious oaths and demanded that slavery be abolished in the new nation — in 1789. And he learned by sad experience (through the careers of his son and grandson) that public service is less rewarding than private business. His ideas on foreign policy anticipated George Washington's farewell address by nearly 20 years. In 1778 he stipulated that "the system of America is to have commerce with all, and war with none."⁶

Granted, he was no anarchist. In economics, he did favor paper money and a "real bills" doctrine of expanding the money supply beyond specie, though "no more than commerce requires."⁷ He believed that easy money would facil-

Franklin single-handedly raised the equivalent of \$14 billion in today's money to finance the revolution. Washington won the war at home, but Franklin won the war abroad.

itate trade. During the American revolution he justified the runaway inflation of paper "Continental" as an indirect way for all Americans to pay for the war, although he begged Congress to improve the creditworthiness of the United States by

paying interest in hard currency. He was a strong supporter of Hamiltonian-style central banking and an investor in the Bank of North America. His likeness on the \$100 bill — the highest denomination of an irredeemable American paper currency — would greatly please his vanity.

He argued that the state should be actively engaged in the free education of youth and other public services, and in dispelling the ignorance represented by public fads and superstitions. From several sources, it appears that he was in league with Jefferson in emphasizing "life, liberty, and the pursuit of happiness" as the goal of government, downplaying John Locke's inalienable right to property. Property, he wrote, is purely a "creature of society" and can be legitimately taxed to pay for civil society. He was quite critical of Americans who were unwilling to pay their share of society's "dues."⁸

None of this is likely to endear Franklin to libertarian theorists, and it hasn't. Among them, the leading detractor has been Murray Rothbard, who in his four-volume history "Conceived in Liberty" describes Franklin as "perhaps the most over inflated [leader] of the entire colonial period in America." At every turn in the history of the American revolution, Rothbard deprecates Franklin's achievements and accentuates his peccadilloes. He finds in the sly Dr. Franklin "a sinister, subversive devil . . . an opportunist par excellence . . . cunning . . . fawning . . . meddling . . . opportunistic hedonist . . ."⁹

According to Rothbard, Franklin was a warmonger, a Tory imperialist, and a speculator with his "cronies" who engaged in a "pattern of plunder of the American taxpayer" during the war. His Albany Plan was far more than an innocent way to unify the nation; it was a deliberate attempt to create a "central super government." Franklin comes off almost as badly as the "deep-dyed conservative" Washington, who is characterized as a fumbling, inept general who sought to "crush liberty and individualism" among his soldiers and impose a "statist" army.¹⁰

Rothbard would have preferred as American commander "the forgotten hero," the "brilliant, gifted" Charles Lee, champion of "liberty and guerrilla war." And instead of Franklin as envoy to France, Rothbard would have selected the "estimable liberal" Dr. Arthur Lee.¹¹ Never mind the fact that other historians uniformly describe Arthur Lee as a "bilious" and "cantankerous" patriot who hated America's French allies and accomplished little himself. Rothbard also likes Thomas Paine, promoter extraordinaire of the American cause — while ignoring the fact that Paine's mentor was none other than Benjamin Franklin, and that Franklin was a lifelong supporter of Paine's ideas. What did Paine see that Rothbard couldn't?

Rothbard never explains the way in which somehow, by July 1776, the "Tory imperialist" suddenly became the "radical revolutionary" and co-conspirator of John Adams and Thomas Jefferson. Indeed, Franklin was one of the first of the founders to call for independence. As early as 1771, he observed that the "seeds are sown of total disunion" between England and her colonies. In 1775, he drafted a resolution to Congress to dissolve "all ties of allegiance" with a country that had failed to "protect the lives and property of [its] subjects," adding: "It has always been my opinion that it is the natural right of men to quit, when they please, the society or state, and the country in which they were born, and either join with another or form a new one as they think proper."¹²

Furthermore, Franklin (like Rothbard) appears to have been an advocate of natural rights: "I am a mortal enemy to arbitrary government and unlimited power. I am naturally very zealous for the rights and liberties of my country, and the least encroachment of those invaluable privileges is apt to make my blood boil."¹³ No modern libertarian could have said it better. It is surprising that modern libertarians should fail to give Franklin credit for the "radical" and "libertarian" Pennsylvania Constitution written in 1776 and endorsed by him throughout his lifetime. And what about his critical role in raising military and financial aid in France? This is what we receive from Rothbard's witty but poisoned pen: "The wily old tactician Franklin proved to be a master at the intricacies of lying, bamboozling, and intriguing that form the warp and woof of diplomacy. Moreover, the old rogue was a huge hit with the French, who saw him as the embodiment of reason, the natural man, and *bonhomie*."¹⁴ Rothbard is deadly silent about Franklin's thrill of victory and Arthur Lee's agony of defeat when it came to fundraising for the American cause.

Unfortunately, the only biography that Rothbard recommends is Cecil B. Currey's "Code Number 72: Ben Franklin: Patriot or Spy?", which accuses Franklin of being a double agent for the British. (Carl Van Doren's "Benjamin Franklin" [1938] is the most comprehensive work in the field, and quite different in its conclusions from Currey.) Currey is a tough-minded researcher but ignores the evidence that doesn't fit his agenda. "I have not . . . pretended to write a 'balanced' picture of Franklin (for I have focused on his shadows)."¹⁵ Currey put together a sizeable amount of circumstantial evidence that while Franklin was ambassador to France he played both sides of the conflict. "The story involved treason, breaches of security, lackadaisical administration, privateering, misplaced truth, war profiteering, clandestine operations, spy apparatus, intrigue, double-dealing." Today we know that Franklin and Adams were surrounded by spies, including one of their secretaries, Edward Bancroft. "A cell of British Intelligence was located at Franklin's headquarters in France, and Benjamin Franklin — covertly perhaps, tacitly at least, and possibly deliberately — cooperated with and protected this spy cell operating out of his home in France from shortly after his arrival in that country until the end of the war."¹⁶

It is true that Franklin loved England before he loved France. He lived in London for nearly 20 years and considered it home, more even than Philadelphia. His son William was so enamored with the British Empire that he remained a loyalist throughout the war, thus giving rise to the rumor that his father was a double agent. In France, Franklin met with British agents and listened to their offers of honors, emoluments, and bribes. He did little to hide his activities and papers from alleged spies, whether French or British. And, yes, he was identified clandestinely as "Number 72."

But it is also clear that Franklin broke with his son and was so bitter about being deserted "in a cause where my good fame, fortune and life were all at stake" that they never reconciled. Currey is correct that the British had a code number for Franklin, but the French also had a code for him ("Prométhée," the Greek god who brought fire from heaven). The British had code numbers for almost everyone, including Washington ("Number 206"). And British and French spies were so common that Franklin simply ignored them.

Again, it's important to look at the big picture. If indeed Franklin was playing both sides of the war, would he have worked so enthusiastically to obtain essential aid from France? If you buy Currey's argument, you could just as easily make the argument that Arthur Lee and even John Adams were

Franklin defended the rich, opposed a minimum wage law, and worried about how incentives for the poor would be affected if the state adopted a welfare system.

traitors, because both seemed to make every effort to insult the French and sabotage Franklin and his fundraising efforts. Practically every historian today agrees that without Franklin, the French would not have given the financial and military support necessary to win the war at Yorktown.

Nevertheless — and this demonstrates the influence of Rothbard in libertarian circles — when Gary North devoted the 1976 bicentennial edition of his "Reconstructionist" journal to a symposium on Christianity and the American Revolution, he chose only one historian to write "The Franklin Legend," Cecil Currey. Today Currey's book is out of print, and for good reason. Franklin clearly switched from loving the British Isles to hating the Crown and its ministers. He considered the War for Independence "the greatest revolution the world has ever seen" and a "miracle in human affairs."¹⁷

But let's consider some other historians' attacks on Franklin. Tom Tucker wrote an entire book ("Bolt of Fate" [2003]) contending that Franklin's famous kite experiment was faked, that it was one of Franklin's hoaxes. His evidence? Franklin didn't write about the kite story for years, and the only detailed account was written by his friend Joseph Priestley, some 15 years after the event. Yet according to Priestley, Franklin dreaded the ridicule of performing an unsuccessful experiment in public, so he used his son William as his only witness — and William never denied the kite test, even after he and his father had become estranged.

Another assault on Franklin is embodied in "Runaway America" (2004), by David Waldstreicher, who argues that Franklin masked his true feelings about slavery, and that he was a slave trader and slave owner in an age of supposed freedom and equality. Here again the author ignores or downplays contrary evidence, such as the fact that in 1763 Franklin visited the Negro School of Philadelphia, which he helped establish, examined the students, and discovered "a higher opinion of the natural capacities of the black race . . . Their apprehension seems as quick, their memory as strong, and their docility in every respect equal to that of white children."¹⁸ Franklin was never much of a slaveholder — compared, for example, to Washington or Jefferson — and the few slaves he held as servants were freed in London before he returned to America in 1775. Two years before he died, he became president of the Philadelphia Society for the Abolition of Slavery and helped introduce legislation in Congress to abolish slavery once and for all.

Franklin has been blamed for abandoning his devoted wife, Deborah, and becoming a lecher in London and France. There is plenty of evidence to support a charge like this. He wrote several risqué bagatelles, such as "Advice to a Young Man on the Choice of a Mistress," and "The Speech of Miss Polly Baker," which defends a single mother who was prosecuted for the fifth time for having an illegitimate child. Franklin himself had a "natural" son, William. In his "Autobiography" he confessed that, as a young man, his "hard-to-govern'd passion of youth" led him into "intrigues with low women." (This paragraph was censored in grade schools until the early 20th century, when, presumably, it was realized that children no longer understood what this usage of "intrigues" might mean.) Carl Van Doren says that "he went to women hungrily, secretly, and briefly."¹⁹

In 1730, Franklin entered into a common-law marriage with Deborah Read, whose husband abandoned her without a divorce. Together they raised William and had two children of their own: Franky, who died of smallpox at age four, and Sally, who cared for Franklin in his final years. Despite all the rumors, there is no hard evidence that Franklin sired any other illegitimate children. He settled into a faithful relationship with his wife in Philadelphia and focused on his printing business.

The relationship changed in the last 18 years of their marriage, when they lived separate lives. But he did not by any means abandon her. When he was made a colonial agent in 1757 and moved to London, he begged her to come with him, but she had a mortal fear of crossing the ocean and repeatedly refused. "I have a thousand times wished my wife with me, and my little Sally," he wrote from London. Over time, they drifted apart emotionally, corresponding largely about mundane household matters and local gossip. Claude-Anne Lopez, a Franklin expert, notes that "it strains credulity to imagine that so vigorous a man was never unfaithful in all that time."²⁰

Deborah died in late 1774, when Franklin was still in London. Two years later, as a widower, he was back in Europe. The French lionized the American ambassador, who developed a considerable friendship and correspondence with several beautiful French women, including Madame Brillon, who was an artist and musician, and the wife of a diplomat. Their relationship supposedly never went beyond friendship, although Franklin admitted to a friend, "I sometimes suspected my heart of wanting to go further."²¹ Their letters are in-

Franklin considered flirtation a legitimate "amusement" and refuge from a grueling schedule of diplomacy.

imate and flirtatious, and fun to read. (See chapter 6 of "The Completed Autobiography.") He considered flirtation a legitimate "amusement" and refuge from a grueling schedule of diplomacy. Gossip spread about him and Madame Brillon. Her husband once found them kissing; they played a game of

chess in her bathroom; she sat on his lap at a dinner party attended by John and Abigail Adams, puritans who were "disgusted" by Franklin's behavior. Jefferson observed that "in the company of women . . . he loses all power over himself and becomes almost frenzied."²² One of his critics wrote this ditty:

Franklin, though plagued with fumbling age,
Needs nothing to excite him,
But is too ready to engage,
When younger arms invite him.²³

The old doctor was 70 years of age when he arrived in France in 1776. During his long stay he suffered severely from gout and kidney stones. Sometimes he could hardly walk. It is doubtful that he fulfilled his sexual fantasies in any meaningful way. As historian Robert Middlekauff suggests, "Reading his correspondence of this period and remembering what we know of his physical condition, we might conclude that Franklin's sex life was very much like Jane Austen's novels — all talk and no action."²⁴

Franklin was often criticized by contemporary Christians for his heretical religious views. He was not a churchgoer, and had doubts about the divinity of Jesus. But he believed in God. A deist for most of his life, he supported a pragmatic religion that favored good works and charity more than simple faith and hope. And by "good works," he said, "I mean real good works, works of kindness, charity, mercy, and public spirit; not holiday-keeping, sermon-reading or hearing, performing church ceremonies, or making long prayers, filled with flatteries and compliments, despised even by wise men, and much less capable of pleasing the Deity."²⁵ Franklin is justly famous for engaging in innumerable civic and charitable causes throughout his adult life — and into the afterlife, by means of his perpetual fund, established in his will, for the benefit of young tradesmen in Boston.

But to return to the heart of libertarian concerns about Franklin, it can be said that, in many ways, he was America's first champion of free enterprise. Economists of the "Austrian" school, who have been so influential on modern libertarian thought, would be pleased with his emphasis on entrepreneurship, industry, and thrift. Eugen Böhm-Bawerk and Max Weber recognized his genius, and so did American capitalists Andrew Carnegie and Thomas Mellon, who were deeply influenced by the "Autobiography." Franklin anticipated the incredible material and technological progress that America has made in the centuries since its founding. An incurable optimist, he was always bullish on America, and life in general. At the end of the War for Independence, he predicted, "America will, with God's blessing, become a great and happy country." The United States, he said, is "an immense territory, favored by nature with all advantages of climate, soil, great navigable rivers and lakes . . . [and] destined to become a great country, populous and mighty." More importantly, he told potential immigrants that the country "affords to strangers . . . good laws, just and *cheap* government, with all the liberties, civil and religious, that reasonable men can wish for." (He underlined the word "cheap.")²⁶

What were his politics? Franklin was opposed to a strong central executive. In his original draft of the Articles of Confederation, he proposed twelve members of the executive instead of one president, to disperse political power. He opposed

public “offices of profit.” As Bernard Fay concludes, “They [Congress] were directly opposed to Franklin’s philosophical tendency, which might be summed up in this formula: the least government possible is the greatest possible good.”²⁷

Certainly he was no social libertarian, despite his image as a libertine and free thinker. While he is famous for reading books in the nude, frequenting the salacious Hell-Fire Club in London, and flirting with French ladies in Paris, he wrote stern letters to his daughter Sally chastising her for wanting to wear the latest fashions while a war was going on, and he refused to buy his grandson Benny a gold watch while in France. He dressed plainly and constantly preached economy. He always promoted frugality and industry in both public and private life. Readers might be surprised by his attack on the growth of taverns in Philadelphia upon his return from England in 1762. Though a defender of free speech, he railed against scurrilous newspaper reports.²⁸

There is nothing special about this side of Franklin. His distinctive contribution is not found in his lectures on the more conventional virtues but in his openness to the new, entrepreneurial, can-do spirit. He lambasted privileged public offices and aristocracies of birth, and told European immigrants that “in America, people do not inquire concerning a stranger, *What is he?* but *What can he do?*”²⁹

He illustrated what an individual could do by doing it himself, helping to finance good causes with his own business profits. He was civil-minded early in his career, involving himself with the nation’s first fire company; the nation’s oldest property insurance company; and Philadelphia’s own hospital, library, and militia. All were created with mostly private funds. “America’s first entrepreneur may well be our finest one,” concludes John Bogle, founder of the Vanguard family of mutual funds.³⁰

Like all the founders, he had his share of foibles. How should one weigh his mammoth achievements against his in-

scrutable flaws? Before you make up your mind, I suggest you spend a few days reading Franklin’s own accounts of his life. You may see a different Franklin from the man his critics and I have described.

Libertarians are not used to winning. They prefer being in the minority. They figure that if they are victorious, they must be compromising their principles. That may be what galled Murray Rothbard: Franklin was so damned successful

*That may be what galled Murray Rothbard:
Franklin was so damned successful as a scien-
tist, businessman, and diplomat.*

as a scientist, businessman, and diplomat. To libertarians, it may help to know that he wasn’t always successful. He had his share — and perhaps more than his share — of enemies. Here’s his philosophy about his critics: “As to the abuses I have met with, I number them among my honors. . . . The best men have always had their share of this treatment . . . and a man has therefore some reason to be ashamed when he meets with none of it. Enemies do a man some good by fortifying his character. I call to mind what my friend good Rev. Whitefield [the famous evangelist] said to me once: ‘I read the libels writ against you, when I was in a remote province, where I could not be informed of the truth of the facts; but they rather gave me this good opinion of you, that you continued to be useful to the public: for when I am on the road, and see boys in a field at a distance, pelting a tree, though I am too far off to know what tree it is, I conclude it has fruit on it.’”³¹

Now that’s a saying that all libertarians can appreciate. □

Notes

1. H.W. Brands, “The First American: The Life and Times of Benjamin Franklin” (Doubleday, 2000), jacket.
2. Michael H. Hart, “The 100: A Ranking of the Most Influential Persons in History,” 2nd ed. (Kensington, 1992) 516–17.
3. Joyce E. Chaplin, “The First Scientific American: Benjamin Franklin and the Pursuit of Genius” (Basic Books, 2006) 1.
4. Gordon Wood, “The Americanization of Benjamin Franklin” (Penguin, 2004) 196.
5. “The Completed Autobiography, by Benjamin Franklin,” compiled and edited by Mark Skousen (Regnery, 2006) 189, 300.
6. “Completed Autobiography” 148.
7. “Completed Autobiography” 357.
8. “Completed Autobiography” 298–99.
9. Murray N. Rothbard, “Conceived in Liberty” (Arlington House, 1975) 2.64, 67, 172; 3.273; 4.358. My disagreement with Murray Rothbard on his assessment of Franklin, as well as Adam Smith, does not diminish my admiration of Rothbard’s tremendous contributions to economics, including “America’s Great Depression,” “Man, Economy, and State,” “Power and Market,” and “What Has the Government Done to Our Money?”
10. Rothbard, “Conceived in Liberty” 4.359, 4.43–44.
11. Rothbard, “Conceived in Liberty” 3.218, 4.34–35.
12. “Completed Autobiography” 65, 120.
13. “Completed Autobiography” 80.
14. Rothbard, “Conceived in Liberty” 4.232–33.
15. Cecil B. Currey, “The Franklin Legend,” *Journal of Christian Reconstruction* (Summer 1976) 143.
16. Cecil B. Currey, “Code Number 72: Ben Franklin, Patriot or Spy?” (Prentice Hall, 1972) 12, 266.
17. “Completed Autobiography” 130–32.
18. “Completed Autobiography” 26. Waldstreicher ignores this passage.
19. Carl Van Doren, “Benjamin Franklin” (Viking Press, 1938) 91.
20. Claude-Anne Lopez and Eugenia W. Herbert, “The Private Franklin: The Man and His Family” (Norton, 1975) 26–27.
21. “Completed Autobiography” 162.
22. Quoted in “Benjamin Franklin: The Autobiography and Other Writings,” ed. Kenneth Silverman (Penguin, 1986) 206.
23. Hugh Williamson, “What Is Sauce for a Goose Is Also Sauce for a Gander” (1764).
24. Robert Middlekauff, “Benjamin Franklin and His Enemies” (University of California Press, 1996) 115–16.
25. “Completed Autobiography” 387.
26. “Completed Autobiography” 290.
27. Bernard Fay, “Franklin, Apostle of Modern Times” (Little, Brown, 1929) 504.
28. Some libertarians are critical of Franklin for opposing the notorious “outlaw” John Wilkes, a defender of free speech who was imprisoned for libeling the king of England in 1768, and the “drunken mad mobs” supporting “Wilkes and Liberty.” This is another case of Franklin’s social conservatism before the American Revolution. Interestingly, after the war, Wilkes’ sister and mother came over to America and stayed at Franklin’s home in Philadelphia. See “The Completed Autobiography” 59–62, 349.
29. “Completed Autobiography” 292.
30. John Bogle, Introduction, “Benjamin Franklin: America’s First Entrepreneur,” by Blaine McCormick (Dallas: Entrepreneurial Press, 2005).
31. “Completed Autobiography” 44–45.

I Take the Bar Exam

by Bart Kosko

Look to your left and then to your right. Only one of you
three will pass this exam.

I sat for the California bar exam on February 21. The three-day exam is the most difficult law exam in the country. The Los Angeles Times ran a cover story on the first day of the bar with the title “A High Bar for Lawyers.” The article opened with these words of discouragement: “Today 5,260 people begin taking the state licensing exam. More than half will fail. And keep failing. Just ask the mayor of Los Angeles.” Mayor Antonio Villaraigosa gave up after failing four times. Former California governor Pete Wilson passed on his fourth attempt while Jerry Brown passed on his second. Former Stanford law dean Kathleen Sullivan had just failed on her first attempt and was taking it again. The Times article was right: 61% of bar candidates failed the bar in February.

I arrived with my laptop at the Ontario Convention Center about 20 minutes before the exam started at 9 a.m. That was enough time to find my assigned seat in the large conference room that housed hundreds of test takers and several elderly proctors. I brought a cheap analog watch because the bar examiners don’t provide a wall clock and because they ban digital watches such as my dive watch. I made sure the special bar-approved ExamSoft software worked on my laptop. I would likely fail the bar if the software failed because then I would have to handwrite the exam with a damaged right hand. The result would not be legible. The software failed for two people I knew who had taken the previous bar exam in July. One of them still managed to pass. But so far the software appeared to work properly. I had only to type “begin” to start the exam.

The hall grew quiet at 8:59 as all the test takers waited for

the old and very stooped proctor at the lectern to tell us to begin. We would have exactly three hours to complete three essays on any of 14 legal categories that ranged from criminal law and trusts to corporations and evidence. An exam booklet and scratch paper lay on the tabletop before each of us. I sat near the front of the hall at the end of the first section of tables. I turned around to get a good long look at the hundreds of other bar applicants who sat behind me. A sea of faces and eyes turned in varying degrees to return my gaze. The look on their faces was roughly the same: raw fear. Everyone was alone now as he prepared for the moment of truth. Many of them no doubt had jobs on the line or student loans on the order of \$80,000 to \$100,000 dollars. Here there were no friends or mentors or bar-prep instructors. There was no grade inflation or affirmative action. There were only your legal skills and your ability to manage the time pressure. I just wished that I had been able to get more than two hours sleep.

The proctor said to begin.

The room exploded in activity as the examinees tore into the instructions and the three essay exams. That quickly gave way to hurried handwritten outlines of the first essay. Then

came the asynchronous and sustained tapping at hundreds of keyboards. It produced a soft background noise that both masked other sounds and helped energize my own thinking as soft background music tends to do.

The first exam was in the torts subfield of product liability. A young girl had gotten hurt when the car her father was driving hit an embankment. The airbag inflated and smacked

A sea of faces and eyes turned in varying degrees to return my gaze. The look on their faces was roughly the same: raw fear.

the girl. Could the manufacturer have installed feasible safety devices to prevent such harmful airbag inflations? The exam was an homage to Benjamin Cardozo and his theory that a manufacturer could foresee the harm that its products *might* cause when it released those products into the stream of commerce — and so injured plaintiffs could hold the manufacturer liable in negligence. Cardozo unleashed this genie of foreseeability in the 1916 case of *MacPherson v. Buick*: “fore-sight of the consequences involved the creation of a duty.” Thus began the shift from *caveat emptor* to *caveat vendor*. The examiners also wanted you to discuss the doctrine of strict liability in tort that came from the pen of California Judge Roger Traynor in the 1963 case of *Greenman v. Yuba Products* and that ended the swift shift to *caveat vendor*: “The purpose of such liability is to insure that the costs of injuries resulting from defective products are borne by the manufacturers that put such products on the market rather than by the injured persons who are powerless to protect themselves.” Never mind the moral hazard that this creates for the careless consumer. A passing grade required a further discussion of theories of express and implied warranties as well as all relevant defenses to all causes of action.

The second exam dealt with wills and community property. The law here was exclusively California law. California is a code state with a long constitution and 29 codes. The California Probate Code dictates most of the statutory law of wills and trusts in California. The California Family Code likewise dictates most of the statutory law of divorce and community property. The bar candidate still has to know a few famous California court cases that interpret key statutes and that often underlie them. The rest of the bar assumes nationwide common law or federal law. The codes reflect California’s 10th-Amendment reserved powers at work. California could outlaw wills and trusts without running afoul of the U.S. Constitution. There were no such weighty issues here.

The problem involved a dubious prenuptial agreement and a testator who leaves all his property to his previous wife — who has since had a child by him. The task was to distribute the dead man’s estate to the survivors. The writing was straightforward if you knew the California rules.

The third exam was an especially nasty property exam that dealt with leases and covenants and the doctrine of tenant waste. It had a third part on zoning variances that crossed into constitutional law and the usual suspects of equal protection and government takings. Richard Epstein would have devoured it. You had to tell the bar masters what they wanted to hear. They specifically expect you to know that government intrusion into the economy gets less “equal protection” than do matters of race or intrastate travel or procreation. This was no place to launch into a discussion of natural rights or even the utilitarian merits of allowing the state to regulate with relative impunity. You just had to tell the graders that you knew the legal rules and then try to find facts that fit or contravened the rules. I finished with only a few seconds to spare when the proctor called time and we broke for lunch.

The afternoon was a three-hour performance test that focused on professional responsibility. Lawyers have to pass a separate multiple-choice exam on legal ethics to get licensed in California or in most other states. I took and passed it two years ago. This performance test required that the examinee write a persuasive court brief in accord with an instruction set from a mock law partner. The brief could count as much as two of the morning essays. You would likely fail the test if you misread the instructions in the heat of battle. The California bar exam is full of land mines large and small. Your brief had to use the materials in two files. The first was a multipage fact file that contained a variety of memos and transcripts and other documents. The second was a multipage law file that contained statutes and case law from the fictional state of Columbia. The issue was whether your law firm had improperly contacted two witnesses in ongoing litigation. You had to argue that it had not done so given that the other side would argue the opposite on the same facts. Lack of sleep caught up with me. I spent too much time outlining the argument section and then writing the fact summary. I had barely started writing the first of my three arguments when the proctor announced that only a half hour remained. The last 30 minutes flew by in an adrenaline-fed blur of high-

You would likely fail the test if you misread the instructions in the heat of battle. The California bar exam is full of land mines large and small.

speed typing. I got to my prewritten conclusion with again only seconds to spare. But at least I had finished. And the first day of the marathon was over.

I went back to my hotel room and processed emails and phone calls. None of my engineering colleagues or students at USC knew that I was taking the bar. I had worked the week before and would be back lecturing in statistics all afternoon on Friday. My editor at Viking/Penguin thought I was go-

ing over the corrections for my new book "Noise." My friend Mitch and I took our wives to a steak dinner at our hotel next to the convention center. Our wives were managing things for us during the bar. Then I chewed some melatonin tablets and went back to my room and finally got some sleep.

The second day was all multiple-choice questions. There were 100 problems in the three-hour morning session and 100 in the afternoon session. That comes to an average of 1.8 minutes per question. Each question had a tricky "fact pattern" that could run into paragraphs. The subject could be any one of seven legal categories. The hardest were property and contracts. Almost all would-be lawyers around the country had to take the same 200-question test on that Wednesday. That's why they call it the MBE or the multi-state bar exam. Each state creates its own written exam for the second day. California extends it to three days with the two half-day performance tests. Most examinees find the MBE the hardest part of the bar. I had prepared for it for quite a long time: I had worked over 40,000 timed multiple-choice problems and still have the answer sheets to prove it. So I finished early and almost enjoyed the experience. A lot of bar candidates don't finish the MBE and just mark the answer "C" in the last five minutes. My only problem was that there was no background keyboard noise that day. So there were more annoying sounds than on the first day and it was often harder to concentrate.

The third day had the same form as the first. There were three essays in the morning and a performance test in the afternoon. The first essay was the hardest. It was a typical civil-procedure affair that combined the ever-testable issue of a state court's personal jurisdiction over a defendant with the thorny final-adjudication issues of *res judicata* and collateral estoppel. The second essay was an ambiguous contracts problem that involved the buying and selling of widgets. The last part crossed over into professional responsibility because a lawyer had been dealing in widgets with his client. The third essay was a cops-and-robbers problem in criminal procedure. It dealt with a search and potential Miranda violations as well as a suspect lineup and jury instructions. I worked last summer as a bar-certified law clerk for the Los

Angeles District Attorney's Office and prosecuted similar cases in felony preliminary hearings. So I found it the easiest essay exam of all. The final three-hour performance test required the bar candidate to write an appellate mediation

The old proctor read a final set of post-exam instructions and then dismissed us. The large hall erupted in applause. The great dreaded ordeal was over at last.

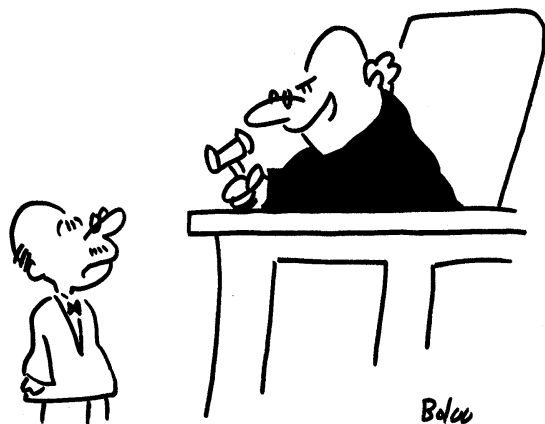
brief to help a widowed client overturn her wealthy husband's will and get a large portion of his estate. There was again a thick fact file and thick law file. But I finished this one with enough time to run the spell-check software.

The old proctor read a final set of post-exam instructions and then dismissed us. The large hall erupted in applause. The great dreaded ordeal was over at last. Mitch and I went to the parking lot where we stood and drank canned beer as if we were teenagers skipping school.

Then came the long wait — and daily bar practice and mounting self-doubt. You have to assume that you will fail such an exam given the low pass rate and given the subjective nature of how teams of lawyers grade the essays and performance tests. Examinees also argue online and elsewhere over which issues they think the examiners wanted you to raise and how to answer them. Everyone sees issues that they missed or argued the wrong way. It's worse than that because it is hard to remember what you wrote during so many hours of high-pressure examination. It gets worse still when the examiners publish the questions about a month later. They don't publish sample student answers until after they announce the results on judgment day. Those who fail get the written portions of their exams back. Those who pass never do — they just know that they passed the bar.

The examiners published the results online at exactly 6 p.m. on May 19. The special bar web site had on that day an hour-by-hour countdown that served as a drum roll. It became a minute-by-minute countdown in the final hour. I joined thousands of other bar candidates and tried to log on at 6 p.m. We jammed the site. I finally got through at 6:07. I typed in my ID number and then there was my name. Below it was the long-awaited legalese: "The name above appears on the pass list for the February 2006 California Bar Examination." I entered my ID again just to make sure. Yes: I had passed the bar. I would not have to sit for it again in July or ever. It was finally and exquisitely over. I soon got my paperwork from the bar examiners and went to Maui with my wife for three weeks of open-ocean snorkeling and the consumption of spirits atop warm golden sand. A local judge swore me in when I got back. I was admitted to the federal court a short time later.

Now I am licensed to sue. The odd thing is that each day I still do a little bar practice. □



"Not guilty"? — Oh, a tough guy, eh?"

Reviews

"H.L. Mencken on Religion," edited by S.T. Joshi. Prometheus, 2002, 330 pages.

God and Mr. Mencken

Garin K. Hovannisian

As Gore Vidal wrote his foreword to *"The Impossible H.L. Mencken,"* he was visited by a temptress — the beckoning spirit of Mencken himself. Did Vidal really believe he could match Mencken's *"Ku Klux Klergy"* with his own *"United States of Amnesia"*? Did he think that his outlandish description of Calvin Coolidge (of all people) as a "gorgeous clown" would convince us that he himself was Mencken reborn? Any fresh reading of Mencken makes the impulse to play with words near irresistible, but lacking his ability, one really ought to resist.

Still, even stern and sober men have been caught in the act. In their reviews of Mencken, we find strange eruptions of words like "pishposh" and "boobs." These are Mencken's words, and it takes a certain type of personality to pull them off; impersonations of him are consistently sloppy and awkward.

But the fact that they are attempted is remarkable in itself, if we consider that Mencken was a pundit — a glorious one, to be sure, but a pundit nevertheless, a writer for his age, America in the first four decades of the 20th century. The quacks he exposed and the events he covered doubtless seemed epic at the time, but they have since

slipped from America's consciousness into the used book stores. And yet, in several compartments of literature, of which the grandest is calumny, Mencken's footprints are unmistakable. It's always worth returning to the scene of the crime, even if the perpetrator has been dead for 50 years (and even if the current collection of his writings has already been with us for four). One always feels that other people need to know about him.

Jacques Barzun, the great literary scholar, has fluently observed that Mencken's style "reveals its subject and conceals its art." This proclamation (like many that Mencken made himself) is so good that it almost excuses its flaw: his art, far from being concealed, is the main attraction, illumined by fireworks. It is an art that charms the plebeian and makes an ape of the pontificator.

The art is, quite simply, the transmission of personality. Its power is in the personality it transmits: H.L. Mencken's. Long after we forget the context and contents of his observations on American life, we still feel that we know — and know intimately — this Mencken fellow. We know his buttons and his appetites and the rocking of his temper. We have a loud, pulsating personality in our midst, a personality whose significance goes far beyond the subjects he reveals. He's here, the great

libertarian journalist, a cigar clenched between his teeth, roaring and dangerous.

The 71 articles in *"H.L. Mencken on Religion,"* edited and introduced by S.T. Joshi, give us the chance to rediscover this personality at the crest of its vibrancy, in 300 pages of commentary drawn from the *Baltimore Evening Sun*, *Smart Set*, the *American Mercury*, and other sources.

Between the covers, we find the Holy Terror in eminent mischief. He blasphemes the gods, and curses the pope and the pulpit. He argues that the common cockroach has more dignity than the human being. He takes in a liturgy at St. Peter's, revels in its "sensual delight," then tells us that he prefers a Brahms symphony. He proposes that Christians issue an affidavit of belief and expects it to look something like this: "I, John Doe, being duly sworn do say that . . . for the high crime and misdemeanor of having kissed my sister-in-law behind the door, with evil intent, I shall be boiled in molten sulphur for one billion calendar years."

If, as Chesterton wrote, "the test of a good religion [is] whether you can joke about it," then Mencken was Christianity's Holy Proctor. Mencken seems to content himself most with sacrilege. And he gives us sacrilege with all the flourish of a master of diverse genres

— parody, sarcasm, irony, and (most famously) downright condemnation.

His side may not always be the right side, but it is the winning side. Like Ayn Rand, Mencken is a tremendous argument from authority. When challenged,

His commonsense libertarianism — rooted in skepticism and nourished by everyday observation — is, even now, as good as it gets.

he is capable of erupting and ridiculing the petty objectors, until everyone is forced to laugh. We laugh when he says of the fundamentalist William Jennings Bryan that he “was a peasant come home to the dung-pile.” We can be assured that Mr. Bryan did not laugh. In his position, we wouldn’t either. But everyone else has.

It was safer, by all accounts, not to disturb Mencken, and it is therefore natural that the pundits of both his age and ours have claimed him as their ally. Too often, however, as in Vidal’s case, these are alliances that endure only because Mencken is too dead to riot.

This is particularly the case with nonbelievers or, as Mencken affectionately called them, infidels. Pick up an atheist reader or quotationary published in the last half-century and there you’ll find Mencken in the company of disbelievers who, as Orwell wrote, do “not so much disbelieve in God as personally dislike him.” You’ll find Vidal, whose own lines (“Christianity is such a silly religion”), if uttered by a civilian without celebrity, would be considered puerile balderdash. And there you’ll find Mencken, ironically defined by association and robbed of context.

Yet you’ll certainly encounter this: “Faith may be defined briefly as an illogical belief in the occurrence of the improbable.” And possibly this: “We must respect the other fellow’s religion,

but only in the same sense and to the same extent that we respect his theory that his wife is beautiful and his children smart.”

The irreverence is charming, despite the fact that it’s sure to work only if we recognize (and many don’t) that Mencken’s personality has bested his ideas, that the spirit of his words has possessed and outshone their meaning. This hardly sounds like the man who, when asked what he would say if he found himself, after death, before the apostles’ thrones, replied, “I would simply say, ‘Gentlemen, I was mistaken.’”

We cannot fall into the trap of calling Mencken a cynic, a misanthrope, or even a pessimist. We must not find in Mencken the loveless creature described in St. Paul’s first epistle to the Corinthians: “If I speak with the tongues of men and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal.” His gongs clash and his cymbals clang — his words can move mountains, but we are not dealing with a man without love or “charity.” He might define romantic love as “the delusion that one woman differs from another,” but behind that persona lives a mama’s boy who proposed to a bedridden, dying woman.

We must allow him the cynicism — cynicism is highly fashionable among the literati — but we must be sure to separate the fashion from the fact. We must allow him the certainty — certainty is indispensable for the pundit — but we must search for the doubts, too. Even in regard to religion, which Mencken seemingly detested, the old curmudgeon had a soft spot. One moment, he might deliver a few thumps to Christendom; but soon, after he had earned himself the right to indulge his happier senses, he lavished it with resurrounding flattery.

The volume’s atheist editor is honorable enough to include these warmer attitudes. In Joshi’s selection, we have Mencken’s hearty defense of a fundamentalist scholar, J. Gresham Machen, who “if he is wrong, then the science of logic is a hollow vanity, signifying nothing.” We read also what are perhaps the most hospitable lines uttered by a heretic:

True or not, this faith is beautiful. More, it is useful — more useful, perhaps, than any imaginable truth. Its

effect is to slow down and ameliorate the struggle for existence. It urges men to forget themselves now and then, and to think of others. It succors the weak and protects the friendless. It preaches charity, pity, mercy. Let philosophers dispute its premises if they will, but let no fool sneer at its magnificent conclusions. As a body of scientific fact it may be dubious, but it remains the most beautiful poetry that man has yet produced on this earth.

The editor’s reliable selection paints for us a character who is far from the deicidal crusader he appears to be on the blogs of his posthumous friends. He is a reasonable man — when we consider the body of his work in full — and by his own description, “a neutral in theology.”

Yet “reasonable” is a word one hesitates to apply; God knows what fate would befall us were we to hurl the accusation in person. Let us content ourselves with the observation that in reading Mencken, we get the sense, beyond the ache or joy he causes us, that we are reading the words of an honest man. There is the unmistakable impression that Mencken writes exactly what he feels. There is no ideological machinery upstairs; no little-minded hobgoblin filters his thoughts. He has actually read the Bible and admires its poetics, especially “the fresh beauties in 1 Timothy 5:23,” the cheekiness of which we would miss had we not memorized the verse: “Drink no longer water, but use a little wine for thy stomach’s sake and thine often infirmities.” Through his

His art, far from being concealed, is the main attraction, illumined by fireworks. It is an art that charms the plebeian and makes an ape of the pontificator.

many tones and styles of humor, his reasoning and motivations remain unguarded.

Mencken’s views were clearly inspired by a hatred of superstition, prudery, and prohibition, especially when

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they smothered science and rational politics. Concerning the latter, Hume's reflection that "the errors in religion are dangerous; those in philosophy only ridiculous" seems to be Mencken's

It was safer, by all accounts, not to disturb Mencken, and it is therefore natural that the pundits of both his age and ours have claimed him as their ally.

central axiom. Christianity in its most contaminated forms — fundamentalism, Protestantism, Christian Science, and Calvinism — might be damaging to the human psychology, Mencken believed, but when they affect the state, they threaten society. In his own time, the passage of the 18th Amendment, banning alcohol, showed the damage that religion could do. Mencken didn't much concern himself with the causes of religion: if you needed religion to rationalize your inevitable death, Mencken wouldn't object. But if your religion trespassed beyond the boundaries of your cranium, it had gone too far.

The libertarian position on religion is perfected in this passage from Mencken's "On Christian Science":

The effort to put down Christian Science by law is one of the craziest enterprises upon which medical men waste their energies. It is based upon a superstition even sillier than that behind the Christian Science itself: to wit, the superstition that, when an evil shows itself, all that is needed to dispose of it is to pass a law against it. This notion is fast making a burlesque of American legislation. It is responsible for an endless series of idiotic enactments, from Prohibition amendments to laws against card playing. One and all they are ineffective and ludicrous. One and all they foster an evil ten times worse than the evils they are aimed at.

By now, the argument may seem tired. Between its publication and the present, libertarianism developed through Mises, Hayek, Friedman, Rand, Paterson, and legions of others.

Mencken was not the beneficiary of an ever-sophisticating libertarian movement. But his commonsense libertarianism — rooted in skepticism and nourished by everyday observation — is, even now, as good as it gets.

Mencken often deals with clichés — or what have since become clichés — but his personality seems always to rejuvenate them. His remarks on religion, for example, regularly rehash timeworn outlooks and arguments, from Nietzsche (by whom Mencken was so impressed that he set his own projects aside to translate the philosopher's seminal book) to Robert Ingersoll to Thomas Huxley. Mencken writes that he does not fear — that, indeed, he welcomes — death; that immortality, even in the Shakespearean "as long as men can breathe" sense, is an illusion; that the many gods once worshipped are now forlorn ashes of memory; that religion and science are incompatible . . . these are all parroting jobs, uncreative in substance and unoriginal in content. Yet we feel that we are reading it all for the first time — because, really, we are.

Mencken is positively at his worst when he ventures into serious religious philosophy. His essay on Nietzsche is hardly more than a faithful summary of the anti-Christ's speculations — in essence, that men devise a set of goods and evils in accord with their times and attribute them to deities; then, when the goods and evils change with the times, they refuse to surrender the gods that they have made. But in the case of Christianity, which evolved not to celebrate

1st-century Judaea but to revolutionize it, the analysis seems remarkably off-base. As does Mencken's observation that "Christianity will survive because it appeals to [man's] sense of poetry," which proves primitive and counterintuitive, if we consider that the village dunces who, Mencken believed, sustain the faith have no sense of poetry at all.

Mencken is at his best when he reports

immediately from Americana. His personality remains, but now the uniqueness of his observations (not just the manner in which he puts them) shines forth; his art and his subject are revealed simultaneously. In his essay "The Schooling of a Theologian," Mencken recalls the Sunday School of his youth, where his father sent him to make time for afternoon naps. (Elsewhere, he defined Sunday School as "a prison in which children do penance for the evil conscience of their parents," a rendering that matches any entry in the "Devil's Dictionary" of Ambrose Bierce.) We are invited to imagine the child skeptic working through his very first doubts, as he sings along with Methodist tunes like "Are You Ready for the Judgment Day?" "It left me an infidel," Mencken writes, "as [my father] was, and his father had been before him."

Joshi's compilation includes the 17 articles Mencken produced in coverage of the 1925 Scopes affair. The trial, which ostensibly pitted evolution against creationism, was covered by more than a hundred reporters — Marquis James of the New Yorker and Philip Kinsley of the Chicago Tribune among them — but only one emerged as immortal. The immortality was cemented by the 1960 film "Inherit the Wind" (and the 1955 Broadway play that preceded it) which features the Mencken-inspired character E.K. Hornbeck, although Hornbeck, like most of the rest of the film, has little to do with reality. Of the 2 million words telegraphed from Dayton, Tenn., to the nation's newspapers,

What better gift could you
give friends and family
than the gift of

Liberty

See page 49 for special
holiday rates!

only Mencken's 25,000 have kept their prominence. No other author had the inimitable personality, the infectious sense of life, the transmittable sensibilities of H.L. Mencken.

We journey with him, because we think of ourselves as the first and closest outlet of his impressions. At the beginning of the trial, Mencken observes that "the Evolutionists and anti-Evolutionists seem to be on the best of terms, and it is hard in a group to distinguish one from another." But Mencken's spirits wane and plummet to this remark a few installments later: "The Fundamentalist mind, running in a single rut for fifty years, is now quite unable to comprehend dissent from its basic superstitions, or to grant any common honesty, or even any decency, to those who reject them." We are sharers in this plummet. Often, it seems as if we were in correspondence with Mencken; that the articles are, in fact, private letters and we are the recipients. It agitates our prejudices to know that someone can be so honest, not just about what he thinks, but about who he is. When we are offended by his rudeness, we are simultaneously enchanted by his honesty.

The honesty is encouraged, it seems, by the fact that Mencken is a master and practitioner of assertion, not persuasion. His specialty is to flog, slam, and blast — not to decorate reasons with reasonability. Ironically, Mencken's actual private letters contain more philosophical and convincing (and painfully sober) discussions of religion. To a lady friend on the frontier of Christian Sci-

ence, he wrote: "The God business is really quite simple. No sane man denies that the universe presents phenomena quite beyond human understanding, and so it is a fair assumption that they are directed by some understanding that is superhuman. But that is as far as sound thought can go. All religions pretend to go further." This is Mencken as persuader (perhaps the real Mencken) — the Mencken wary of his threatening personality. We are pleased to find that in this anthology, Mencken exercises no such caution or temperance.

In his autobiography "Heathen Days," Mencken playfully describes his own reporting on Scopes as "somewhat displeasing to local susceptibilities." We read the damning indictments of the "yokels" of Tennessee's "ninth-rate country town" with eyes agaze. Mencken writes:

They believe, on Bryan's word, that they know more than all the men of science and Christendom. They believe, on the authority of Genesis, that the earth is flat and that witches still infest it. They believe, finally and especially, that all who doubt these great facts of revelation will go to hell. So they are consoled.

But beyond the impish reporter, we glimpse the real-life prankster in Mencken. We are taken by his monkey business, which sent Dayton's residents into spasms over his counterfeit story about a herd of bolsheviki on their way to kidnap the southern hero Bryan. The prank, ultimately, may be played on us — in the golden age of Hearst newspapers, the scoop was more important

than the *fait accompli* — and Mencken has, in his memoirs, taken much credit for cooked-up stories.

But at Dayton, the scene was fantastic enough. The epic battle between Bryan and Clarence Darrow was carried on with the vitality of a cosmic circus. On

Mencken's gongs clash and his cymbals clang. His words can move mountains, but we are not dealing with a man without love or "charity."

Bryan's side, ignorant, vulgar peasants. On Darrow's, the civilized world. So Mencken thought. He battled diligently for the second and visited some of the harshest words ever penned in the English language on the first. On July 27, 1925, the day after Bryan's death, the New York Times ran an article entitled "Bryan is eulogized, even by his opponents." On the same day, the Baltimore Evening Sun headlined Mencken's obituary — the most demoralizing, dehumanizing postmortem one could imagine:

Bryan was a vulgar and common man, a cad undiluted. He was ignorant, bigoted, self-seeking, blatant and dishonest. His career brought him into contact with the first men of his time; he preferred the company of rustic ignoramus. . . . Imagine a gentleman, and you have imagined everything he was not.

Mencken assumed that "condemnation through silence" is merely an excuse of critics too inept to ridicule and too cowardly to make enemies. Silence had no home in his personality; he wrote always, and loudly. He wrote on religion, sometimes with admiration, often with spite, but always in assertive honesty. He asserted both his conviction and his character. More than any other writer he lingers, at least for now, through the distinctive self he stuffed into his words. Read this volume and you will discover Mencken again, snoring thunderously, well into his after-life. □

Calling All Economists!

According to the Wall Street Journal, Global View, August 29, 2006, "income inequality" is the "biggest domestic campaign issue in Japan."

But the libertarians won't touch that hot potato with a ten-foot pole. They're too busy with the "anarcho" world of their dreams for the biggest issue in the real one. Can you imagine "private protection agencies" or "morality in a life boat" being the biggest campaign issue in Japan or anywhere? It's the economy, stupid, and redistribution! But neither a gold coin prize nor wild horses could draw or drag them to the "new idea" of it, that taking from the rich to give to the poor does not reduce but increases inequality, and would demolish the Left.

Those who won't even question the essential assumption of the Left concede it, and, disdaining the strongest argument against it, are its first line of defense.

The anarcho-irrelevantarians complain that the world won't pay any attention to them. Why should it when they won't pay any to its biggest concerns?

For the biggest, in Japan or anywhere else, see the **Open Forum** at intinc.org.

"The Black Dahlia," directed by Brian De Palma. Universal, 2006, 121 minutes.

"Hollywoodland," directed by Allen Coulter. Focus Features, 2006, 126 minutes.

Out of the Past

Eric Kenning

Nobody in America identified "film noir" as a distinct genre when those dark, crime-centered movies, dense with fatalism and cynicism, were actually being turned out by Hollywood in the 1940s and '50s. But now film noir has been excavated and labeled and theorized and homaged to the point that it's like the Museum of Modern Low Life, something you tiptoe through in a reverent hush. It has almost been forgotten that the actual film noirs, many of them marketed as B-movies, introduced some new and disreputable things into American movies, including moral ambiguity; obsessive and perverse eroticism; marginal, antiheroic heroes; and American (not foreign) women who were slinky, treacherous *femmes fatales*. In film noir American movies lost their innocence, or at least a large slice of it.

Some of the darkness was imported. Influenced in both its lighting and its sense of pervasive menace by German Expressionist films, film noir was nurtured by directors with European backgrounds — Fritz Lang ("Scarlet Street," "The Big Heat"), Robert Siodmak ("The Killers," "Criss Cross"), Billy Wilder ("Double Indemnity"), and Otto Preminger ("Laura"). And it was the French critics, sensing an existentialist aura in its trademark loneliness and alienation, who noticed and named it.

But film noir was also as American as apple pie, washed down with bourbon. The movie that's usually taken as the first example of it, John Huston's "The Maltese Falcon" (1941), may have introduced its unforgettable pair of cos-

mopolitan villains (Sydney Greenstreet and Peter Lorre), but Humphrey Bogart as Sam Spade was an already familiar American archetype, the tough-guy private eye. And the dialogue of film noir — curt, sardonic, slangy, and racy — had been incubated in Hemingway's stories and nurtured by masters of the hardboiled detective novel like Dashiell Hammett ("The Maltese Falcon") and Raymond Chandler, whose "The Big Sleep" and "Farewell, My Lovely" (adapted as "Murder, My Sweet") were turned into two of the best noirs. Chandler also teamed up with Billy Wilder to write the seductive, menacing, wise-cracking exchanges between Barbara Stanwyck and Fred MacMurray in "Double Indemnity."

Nobody can write dialogue like that now, maybe because nothing like it is spoken now, as it was then on the waterfront and in the roadside diners and precinct houses. Film noir reflected a time of bitter, last-ditch individualism in American life. You could mouth off, you could see through the lies of corrupt political machines and sadistic cops, you could refuse to swallow the canned optimism of conventional American culture, but if you did, you ended up on the margins of society. You were probably doomed, or you at least got beat up for your trouble, but it was worth it because you were on your own. Today almost nobody wants to risk acting or talking like a thorny individualist. It might affect your credit rating. The FDA wouldn't approve. The federal, state, and local sensitivity police wouldn't like it. You apologize frequently while trying not to offend

anyone, anywhere.

Two new movies set in the shadow of Hollywood of the 1940s and '50s, "The Black Dahlia" and "Hollywoodland," opened within a week of each other in September and seemed headed into prime film noir territory. A notorious real-life unsolved murder, and a notorious real-life suicide that just might have been an unsolved murder. Go-it-alone investigators, one an honest cop, the other a seedy but decent private eye; both getting beat up amid period-L.A. corruption and sleaze.

As it turns out, "The Black Dahlia" overshoots the mark badly, winding up somewhere along the coast of parody, and "Hollywoodland" goes quietly off in a different direction, making it by far the better of the two movies. But neither film is going to satisfy anyone's caffeine-fix craving for strong black neo-noir. For that you'll have to go back to Roman Polanski's "Chinatown" (1976) and Curtis Hanson's "L.A. Confidential" (1997).

Brian De Palma may seem an ideal director for neo-noir. In movies like "Dressed to Kill," "Scarface," and "The Untouchables," he's known for an allusive, homage-paying style that usually involves sensational visuals and sensational violence. "The Black Dahlia" has its share of both, including a long tracking shot over a roof and into an empty lot, where the slashed, cut-in-half body of a young black-haired actress named Elizabeth Short (Mia Kirshner) is discovered. Short, a real murder victim in 1947, was quickly dubbed "the Black Dahlia" in the papers, an allusion to Alan Ladd's hit film, "The Blue Dahlia," — a film noir, in fact. Adding icing to the neo-noir cake, the script, written by

Film noir was as American as apple pie, washed down with bourbon.

Josh Friedman, is based on the novel by James Ellroy, who also wrote "L.A. Confidential."

"The Black Dahlia" does in fact have everything a neo-noir could possibly need, and then some, and that's

the problem. It keeps gilding the lily, or rather the dahlia. It has a polar-opposites pair of police detectives, nicknamed Fire and Ice (Aaron Eckhart and Josh Hartnett), who even go at each other in a boxing match set up by a publicity-hungry assistant DA. It has a blond bombshell ex-hooker with scarlet lipstick played by Scarlett Johansson. It has an elegant, sex-hungry *femme fatale* (Hilary Swank), first spotted in an improbably swank lesbian bar (complete with floor show), who lives in a mansion with her twisted family. And the twisted family money comes, of course, from long-ago corrupt L.A. real-estate deals.

But the movie is all style, laid on thick over a shapeless pile of stock characters and period props and a confusing plot. It's noir atmospherics from a spray can. Yes, the original film noirs were stylized and full of melodramatic exaggeration. Yes, the plots could be hard to follow and harder to believe. (It was said that not even the director, Howard Hawks, could figure out the plot of "The Big Sleep," and when he asked Chandler, who had written the novel, about one puzzling development, Chandler didn't know either.) But the best noir films still had a gritty sense of reality. "The Black Dahlia" never gets near it.

Except for Kirshner, the performances are slightly off. Hartnett isn't bad as the cool-headed cop who solves the case while fielding the come-ons of his fiery partner's sultry girlfriend (Johansson) and sleeping with the slippery bisexual rich girl (Swank), but he's too boyish to be a 1940s L.A. police detective. Johansson gives the same sulky performance she's already given in several other movies. But Kirshner brings out Short's naive desperation as she is glimpsed briefly in screen tests and a cheesy skin flick she made while trying to break into the movies.

"Hollywoodland," instead of overdosing on film noir, just casts a flirtatious glance in its direction. Nobody is going to mistake fragile-looking Adrien Brody (who won an Oscar in 2003 for "The Pianist") for a noir detective like Bogart or Mitchum, but as Louis Simo he does come across as the kind of breezy, gum-chewing loser who might actually be a small-time private eye in 1950s L.A., staking out a plain middle-aged woman because her paranoid hus-

band thinks she's having an affair. Then Simo stumbles onto the case of George Reeves, who played Superman on TV and committed suicide in 1959 under slightly mysterious circumstances.

The movie flashes back and forth between Simo, who has to deal with an ex-wife, their young son, and a girlfriend while investigating the suicide that may be a murder, and the private life of Reeves (Ben Affleck), a handsome but bland actor who never soared beyond the flying superhero to the career he expected.

Reeves had fallen into an affair with Toni Mannix (Diane Lane), an aging, sassy, former beauty queen who's the wife of a Neanderthal studio executive (Bob Hoskins). Did Reeves, whose only brushes with movie fame consisted of walk-on parts in "Gone with the Wind" and "From Here to Eternity," really kill himself out of frustration over the unshakeable Superman persona? Or was he murdered on the orders of Eddie Mannix, the ruthless studio boss who tolerated his wife's affair but may have sought revenge when Reeves casually dumped her for a younger woman?

Or could the younger woman, Leonore Lemmon (Robin Tunney), an embittered gold digger, have pulled the trigger?

"Hollywoodland" leaves the mystery unresolved, letting the movie gravitate instead toward the desperation and disappointment that the Hollywood hothouse breeds like giant orchids. A lot depends on subtle performances by Affleck and Lane, and, along with Brody, they're just right. It's too bad the movie (the debut of director Allen Coulter, written by Paul Bernbaum) didn't get as much of an audience as it deserves. It isn't really a neo-noir, but it works as an affecting, melancholy character study.

In the best film noirs, like "Out of the Past" (Jacques Tourneur, 1947), characters are haunted by their past, by secrets, by might-have-beens. It's not surprising that we seem haunted by the past represented by film noir. We miss those brazen blondes and those tough-talking flatfoots and hoods. We miss their edgy individualism. But we can't even do a good imitation of them, which is why most neo-noirs turn out to be might-have-beens. □

"From Here to Eternity," directed by Fred Zinnemann. Columbia Pictures, 1953, 118 minutes.

We Ain't All Alike

Jo Ann Skousen

When George Reeves first appeared onscreen as Sergeant Maylon Stark in early viewings of "From Here to Eternity," the audience laughed and gasped, "Look! It's Superman!" I sheepishly confess that, when I watched the film a few months ago, I had the same reaction. Reeves, who made 55 films in the dozen years before landing the televi-

sion role that launched him up up up into the sky and down into our living rooms, is remembered for only two of them, "Gone with the Wind" and "From Here to Eternity." And the films are not watched for his small performances. Sadly, his appearance in any of his films today is greeted with those same regrettable words: "Look, it's Superman."

Why couldn't he rise above the persona? The fact is, Reeves was not a great actor. He played every role with

the same sardonic smile of patient superiority. Sean Connery could step out of James Bond's shadow because he is

Prewitt never complains about his punishments, recognizing them as the price he pays for asserting his individuality.

a first-rate actor; Reeves could not transcend the Superman role because he was simply a studio contract player.

The release of "Hollywoodland" in September (see Eric Kenning's review above) prompted me to return to "From Here to Eternity." Remembered mostly in parodies of the sexually charged waves crashing over Burt Lancaster and Deborah Kerr as they make love on the beach, I discovered that, 50 years later, the film is still fresh and timely, and worth a review.

The Army seems an odd place to look for an idealistic individualist, but that's what we find at the center of "From Here to Eternity," the Best Picture of 1953 and winner of seven other Academy Awards, including supporting Oscars for Frank Sinatra and Donna Reed. Based on the book by James Jones, the story takes place at Schofield Military Base in Hawaii during the days leading up to the attack on Pearl Harbor.

Robert E. Lee Prewitt (Montgomery Clift) is a "30-year man in for the whole ride." But he's not really an Army man. He's a soldier who doesn't want to fight, a bugler who doesn't want to bugle, unless he can do it his own way. When his sergeant tells him "in the Army it's not the individual that counts," he responds, "A man who don't go his own way is nothing."

What sets Prewitt apart from the usual insubordinate maverick who challenges authority, questions orders, and expects to get away with it, is that Prewitt calmly accepts the punishments meted out for his disobedience. Even as he is digging ditches and refilling them, pulling triple KP duty, and marching tours with full packs, he is fully in control. He knows that he has the power to stop the brutal treatment at any time,

simply by agreeing to join the boxing team, and that power gives him freedom. Prewitt never complains about his punishments, recognizing them as the price he pays for asserting his individuality.

Set against this idealistic individualism is the company commander, Captain Holmes (Philip Ober), who also asserts his individual goals and desires. He wants to field a championship boxing team, and he needs Prewitt, famed for his skill as a middleweight boxer, to complete his team and secure his trophy. When Prewitt calmly refuses to box, Holmes resorts to unfair punishment and even enlists the boxing team — soldiers all — to tyrannize Prewitt. Such corrupt self-interest, trampling on the rights and personal liberty of another, costs Holmes the respect and allegiance of the men he is commissioned to lead. They do what he tells them, but only because the orders come through his first sergeant, Milt Warden (Burt Lancaster).

Warden is the pragmatist, balancing the two extremes represented by Prewitt and Holmes. He too is motivated by self-interest; he goes along with Holmes because it's best for his own career. He obeys Holmes' orders only after skillfully manipulating the captain to order what Warden thinks is best. As Warden tells another soldier, "He'll sign any paper I put in front of him," and Warden uses that sloppy confidence to run the company his own way.

When the Japanese attack, Warden takes charge. The men respond to him because, even though he is a noncom, he has demonstrated "the first duty of an officer — to take care of his men." The idiocy of Army rules is demonstrated best when the men, following Warden's orders, run to grab some guns and start defending the base. With Japanese planes strafing them from above, the sergeant in charge of munitions adamantly refuses to open the magazine, asserting, "No orders, no

ammo. I gotta obey my orders." Warden quickly ignores the rules and opens the magazine to distribute the guns.

Two women are also important to the story. Director Zinnemann employs traditional symbols of black and white to represent them as iconic contrasts of one another. Karen Holmes (Deborah Kerr), the captain's wife and Warden's lover, is a blonde who dresses in white, while Lorene (Donna Reed), a hostess at the local gentlemen's club, is a brunette who dresses in black. Yet neither woman is truly black or white, good or evil. As the captain's wife, Karen has status and class, but she's a bleached blonde who sleeps with soldiers and officers at every base. Lorene serves the servicemen at the New Congress Club (a brothel in Jones' book, cleaned up as a dance hall and social club in the movie) but her hair is dyed unnaturally black and her name is really Alma ("soul" in Spanish). She's a sweet girl with her heart set on just one man.

In this film the leaders lead the way in breaking the rules. Everyone knows that Captain Holmes delegates his duties to his first sergeant, cheats on his wife, and cares only about boxing, but everyone covers for him. Everyone knows that "Fatso" (Ernest Borgnine) runs the stockade with sadistic brutality, but no one does anything to stop him. Prewitt is determined to be the lone wolf who can serve his country and still maintain his right to choose his own actions, but in the end that idealism is crushed. To the men, Warden is "the best soldier. He'll draw himself a line he thinks is fair and he won't come over it." He breaks the rules, but he doesn't break the men's trust. Maybe



"The era of big government is over! — I've lost 15 pounds!"

that's all we can ask of the Army.

As dark as the film is, Zinnemann had to sanitize the screenplay in order to gain permission to film at Schofield. James Jones' book is an even bleaker indictment of the dehumanizing nature

of the armed services. Personal freedom and the Army just don't mix. As General Patton said, "All this talk about individuality in the Army is a bunch of crap." But Prewitt says it best, "We may seem all alike, but we ain't all alike." □

"Washington's God," by Michael Novak and Jana Novak. Basic Books, 2006, 256 pages.

George Washington, "Infidel"

Jonathan W. Rowe

In "Washington's God," Michael and Jana Novak attempt to overturn the conventional wisdom that Washington was a deist. Rather, they argue, he was a Christian. They succeed in the former attempt, but not in the latter.

They fall prey to a common but flawed method of trying to understand the Founders' religious beliefs — asking the question: *were they Christians or were they deists?* In fact, their religious beliefs fit neatly into neither box, strict deism or orthodox Christianity.

While there were many orthodox Christians among them (such as Patrick Henry, Elias Boudinot, John Jay, Samuel Adams, and John Witherspoon), and a few strict deists (such as Thomas Paine and Ethan Allen), the key Founders, the ones who played the most important roles in declaring independence, constructing the Constitution, and then leading the newly-formed country (Washington, Adams, Jefferson, Madison, Franklin, and a few others), were somewhere between the two camps.

By analyzing Washington's words line by line, the Novaks effectively show that he wasn't a strict deist. A deist, after all, is supposed to believe in a cold, impersonal watchmaker God who

doesn't intervene in man's affairs. And Washington's words indisputably show that he believed in a warm, intervening Providence. Yet the authors fail to consider seriously how Washington's beliefs may, like strict deism, conflict with the tenets of orthodox Christianity. Little if anything that Washington said about God, publicly or privately, could not also have been said by Franklin or Jefferson. But wait . . . weren't they deists? No. Or at least, like Washington, not in the strict sense of the term. They too, like Washington, believed in an active, personal God.

Consider the words of Franklin, at the Constitutional Convention: "The longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of man." Or Jefferson, in his "Notes on the State of Virginia":

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever . . .

Thus, the Novaks are entirely off track when they write:

[Jefferson's] providence was usually consistent with the deist idea of god

— simply a governor of all things, like the designer of the spring and the wheels of a watch. Washington's idea is much closer to that of the Greeks and Romans, but enlarged by the biblical sense of creation and history, whereas Jefferson's seems closer to the mechanics of the European Enlightenment.

The Novaks do none of the line-by-line analysis of Jefferson's statements on God that they do of Washington's. Had they done so, they would have seen that both men commonly invoked a warm, intervening Providence, and made allusions to biblical narratives. Yet, both men almost always spoke of God in a generic sense, eschewing the specific language of orthodox trinitarian Christianity.

Attempting to prove that Washington's God was the biblical God, the authors constantly refer to his letter to the Hebrew Congregation of Savannah, where he stated:

May the same wonder-working Deity, who long since delivered the Hebrews from their Egyptian oppressors, planted them in a promised land, whose providential agency has lately been conspicuous in establishing these United States as an independent nation, still continue to water them with the dews of heaven and make the inhabitants of every denomination participate in the temporal and spiritual blessings of that people whose God is Jehovah.

Out of this, the Novaks conclude that the proper name for Washington's God is "Jehovah." Yet we see Jefferson, in his Second Inaugural Address, saying something remarkably similar: "I

Washington's behavior in church showed he wasn't an orthodox believer: he consistently refused to take Communion.

shall need, too, the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessities and



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—Patrick Henry, 1776*

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The Novaks also fail to appreciate the context of the letter to the Hebrew Congregation. Washington was not indicating that he believed exclusively in the “biblical” or “Judeo-Christian” God. Rather, when Washington, Jefferson, and the other key Founders addressed

a particular community, they customarily referred to God in terms used by the addressees. The only time Washington ever referred to God as “Jehovah” was in his address to the Hebrew Congregation. When he addressed his fellow Freemasons, he referred to God as “The Great Architect of the Universe.” When

addressing the Cherokees, he referred to God as “the Great Spirit,” as they did. In fact, he crossed out the word “God” in one of his speeches prepared for Indians and substituted “the Great Spirit.” When Madison and Jefferson addressed American Indians, they too consistently referred to God as “the Great Spirit.”

This practice sheds light on one of the Founders’ heterodox religious tenets: they believed, contra orthodox Christianity, that most if not all religions were valid ways to God. Their concept of God was universalistic, and though it encompassed the “Judeo-Christian” tradition, it extended beyond such systems. Here, perhaps, we see the influence of Freemasonry, which is also universalistic. In the words of Thomas Paine, Freemasonry “transcends the bounds of Christian and Western civilization; it includes the Moslem, the Hindoo, the Buddhist, and the Jew.” Orthodox Christianity, on the other hand, believes there is just one way to God.

The Novaks have a chapter entitled “A Christian Pro and Con,” in which, after reviewing both sides of the argument, they conclude that a preponderance of the evidence points to Washington’s belief in orthodox Christianity. A fair review of the evidence, however, unmistakably indicates that he believed in the same system as Adams, Jefferson, Madison, and Franklin, which is neither strict deism nor orthodox Christianity.

Scholars disagree on what to call this belief system. It is a form of theological unitarianism, which Gregg Frazier, in a comprehensive study of the key Founders’ religious beliefs (“The Political Theology of the American Foundation,” doctoral dissertation), has dubbed

The only time Washington ever referred to God as “Jehovah” was in his address to the Hebrew Congregation.

“theistic rationalism.” This system has certain basic tenets that distinguish it: 1) that there is a warm, intervening Providence whom men ought to worship and invoke; 2) that Jesus was not

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God, but rather a great moral teacher; 3) that most, perhaps all, religions contain the same basic truth as Christianity and are thus valid ways to God; 4) that salvation is universal, that good people go to Heaven when they die, and bad people are punished temporarily; 5)

Washington's death was entirely stoic. He asked for no ministers and said no prayers.

that although some revelation is legitimate, some is not; in other words, that the Bible is errant; and 6) that man's reason supersedes biblical revelation and determines what revelation is legitimately from God.

While this religion is not strict deism, the orthodox Christians of the day still dubbed it "heresy" or "infidelity." And Washington likely believed in this system of ideas, not orthodox Christianity. Here is why. His church membership was no indicator of orthodoxy, as many church members, such as Jefferson and Madison, disbelieved the official creeds. Washington was a vestryman in the Episcopal church, but so was Jefferson. Even some ministers of orthodox Christian churches adhered to principles of "infidelity." In Massachusetts, many Congregational churches were taken over by unitarian ministers and thus transformed from Puritan to Unitarian congregations. This had happened to John Adams' church by 1750. Madison followed an Anglican minister named Samuel Clarke who was nearly defrocked for promulgating his unitarian beliefs. Thus, a prominent founding-era bishop, discussing Madison's religious beliefs, noted that "[h]is political associations with those of infidel principles, of whom there were many in his day, if they did not actually change his creed, yet subjected him to a general suspicion of it."

Because "infidels" were so common among the elite Virginia Anglican Whigs, anyone who ran in such circles might be accused of being a deist or a unitarian. Patrick Henry was so accused, although he explicitly denied his

infidelity and asserted his belief in traditional Christianity. A group of ministers likewise tried to corner Washington into admitting his orthodoxy. But he, unlike Henry, refused to affirm his personal belief in Christianity. Here is Jefferson, recounting the incident:

Dr. Rush tells me that he had it from Asa Green that when the clergy addressed Genl. Washington on his departure from the govmt, it was observed in their consultation that he had never on any occasion said a word to the public which showed a belief in the Xn religion and they tho[ugh]t they should so pen their address as to force him at length to declare publicly whether he was a Christian or not. They did so. However he observed the old fox was too cunning for them. He answered every article of their address particularly except that, which he passed over without notice.

Jefferson then gives Gouverneur Morris' apparent opinion of Washington's orthodoxy:

I know that Gouverneur Morris, who pretended to be in his secrets & believed himself to be so, has often told me that Genl. Washington believed no more of that system than he himself did.

Indeed, in over 20,000 pages of Washington's known writings, he rarely if ever uses the words "Jesus Christ" and never otherwise professes his personal belief in the Christian faith. When speaking about "Christians" he invariably refers to them in the third person. The following is typical: "I am disposed to indulge the professors of Christianity in the church, that road to Heaven, which to them shall seem the most direct, plainest, easiest, and least liable to exception."

While generous, in this way, to others, Washington was more than just "reticent" to discuss his personal faith. As Paul F. Boller has noted, "When it came to religion, GW was, if anything, more reserved than he was about anything else pertaining to his life." While he had nothing to lose by publicly professing Christian beliefs, if he denied them he would have damaged his reputation with many of his fellow citizens. Few "infidels" wore their beliefs on their sleeves. Paine did so and was publicly ruined. Jefferson was almost ruined for things he wrote in "Notes

on the State of Virginia," which were tamer than what we see in his private correspondence. Most of Jefferson's and Adams' bitterest ridicules of orthodox Christian doctrines were written in their private correspondence. In a letter to a prominent orthodox Christian, Franklin politely notes that he doubts the doctrine of the Trinity, and at the end of the letter asks that its contents remain a secret. In short, having religious secrets during the founding era was a telltale sign that one privately held to "infidel" principles.

Washington's death was entirely stoic. He asked for no ministers and said no prayers. His final words were "'tis well." The Rev. Samuel Miller, a founding era figure, asked: "How was it possible . . . for a true Christian, in the full exercise of his mental faculties, to die without one expression of distinctive belief, or Christian hope?" One answer can be found in Washington's history of church attendance. Though he attended regularly (about once a month), his behavior in church showed he wasn't an orthodox believer. He consistently refused to take Communion.

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As the Novaks observe, he wasn't alone in this regard; the behavior was quite common. It was the kind of behavior, I would add, that one would expect from deists and unitarians in the church.

Washington's own Episcopal priests didn't consider him a "real Christian," but rather a deist or a unitarian. Here is one of them, Dr. James Abercrombie: "I cannot consider any man as a real Christian who uniformly disregards an ordinance so solemnly enjoined by the divine Author of our holy religion, and considered as a channel of divine grace."

In 1963, Boller comprehensively reviewed Washington's religious beliefs in a book ("George Washington and Religion") that is still the authoritative work of scholarship on the matter. The Novaks uncover nothing to refute Boller's summation of Washington's orthodoxy:

[I]f to believe in the divinity and resurrection of Christ and his atonement for the sins of man and to participate in the sacrament of the Lord's Supper are requisites for the Christian faith, then Washington, on the evidence which we have examined, can hardly be considered a Christian, except in the most nominal sense.

If not orthodox Christianity, then what was Washington's creed? Clearly, he believed in a warm, intervening Providence; he was thus not a "deist." He was silent on the rest of the details. Yet his words and deeds were entirely consistent with those of his fellow Whig Founders — Jefferson, Adams, Madison, and Franklin — who were not so silent in their private writings. The preponderance of the evidence thus demonstrates that Washington privately believed in the same "infidel principles" that they did. □

cent, with sweeping desert views and powerful scenes of warfare, accompanied by an incredible score and superb acting.

Last year a movie came out that I thought would be widely hailed as a new classic; but, for reasons I will

Fidel is portrayed as the totalitarian tyrant he is, and Che as the vicious thug he was.

discuss in a moment, it quickly disappeared from the few theaters that ran it. It is now available for rental or purchase, and if you didn't see it during its brief theatrical run, do so now.

Andy Garcia directed and starred in the film, his tribute to his native city — Havana, Cuba. Based on a brilliant script by the Cuban novelist Guillermo Cabrera Infante, the action takes place in Havana in 1958 and 1959, when the Batista regime was in its last days, and various democratic and revolutionary forces were contending.

In a literary device that nicely concentrates the drama and its various effects, the story is built around one family, the Felloves. The group is headed by a democratically inclined father, an esteemed professor who has three sons and two daughters-in-law. Andy Garcia plays the oldest brother, Fico, a nightclub owner and musician. Both younger brothers get caught up in the revolution. One joins Fidel and Che; the other joins a smaller group, and is killed in an attack on Batista. His widow and Fico then fall in love — a literary device that allows us to see the results of the Castro revolution in microcosm, as it affects the two lovers (the device is reminiscent of the Bogart-Bergman romance that forms the center of another classic, "Casablanca"). Garcia looked long for an actress to play the widow (who, personifying Cuba, eventually gets seduced by Fidel's ideology), and he found the perfect one in the beautiful Spanish actress Ines Sastre.

But most impressive are the cinematography, a gift of love to a beautiful city and country, and the music, with

"The Lost City," directed by Andy Garcia. Crescent Drive Pictures, 2005, 143 minutes.

Lost Classic

Gary Jason

There are lousy movies, okay movies, and good movies. And then there are classics. In my view, a classic movie is one that works well on the three levels upon which movies can work: the philosophic, the literary, and the aesthetic.

The philosophic level is the level of ideas: does the movie ask questions and convey some substantive ideas about history, philosophy, political theory, or other intellectual matters? Classic movies instruct us. The literary level is the

level of plot, character, and dramatic dialogue. Classic movies compel. Finally, the aesthetic level is that of specifically cinematic characteristics, most importantly cinematography, music scored for film, and acting. Classic movies entrance us.

To cite one example, David Lean's "Lawrence of Arabia" is a classic. At the philosophic level, it addresses the nature of war, the attraction of war, and the logic of big power conflicts. At the literary level, the character study of T.E. Lawrence is brilliant, and the plot that develops it is arresting. At the aesthetic level, the cinematography is magnifi-

Cuban dancing and singing given a central role throughout. The main cast gives an excellent performance, as does Bill Murray, a kind of comic Greek chorus, commenting upon the action taking place around Fico, and Dustin Hoffman, who plays the gangster Meyer Lansky, deeply involved in building gambling

in Havana and paying off Batista.

At the time of this film's release, I wondered why such an excellent movie wasn't released more widely, and I suspect that it has to do with the dominant mindset in Hollywood. In this film, Fidel is portrayed as the totalitarian tyrant he is, and Che as the vicious thug

he was — not as the hero seen in "The Motorcycle Diaries." Hollywood is predominantly leftist, and still worships Fidel (who, we dare to hope, may soon finally die). I think of another David Lean classic, "Dr. Zhivago," snubbed at Oscar time because of its frank portrayal of the evils of Russian Communism. □

Reflections, from page 18

One inadvertent result of that might be diminishing the influence of lobbyists.

— Richard Kostelanetz

Burning the candle at both ends — I didn't track this scientifically, but it seems that George Bush has taken far less vacation time in 2006 than in, say, 2001. I wonder if he took to heart the constant badgering from the likes of Michael Moore, who say he takes too much time off from his presidential duties. (Of course the likes of Michael Moore say in the next breath that Cheney really runs the whole scam, which appears to be true, so what is the problem if Bush is out of town?) As a result Dubya has been touring the post-Katrina dead zone and giving speeches on Iraq, even though every time he opens his mouth on either subject his approval rating drops again.

There's nothing new about criticism of presidents who take a more relaxed and traditional approach to what is just another government job. Reagan was always sneeringly referred to as a "9 to 5" president. In contrast Clinton was admired for sleeping only two or three hours a night and micromanaging every aspect of his continuing effort to sabotage himself. And I guess with his "youthful vigah" Kennedy was presumed to be on call 24 hours a day, like a PT boat skipper. Realistically, of course, both Clinton and Kennedy were probably prowling the White House in the middle of the night looking for secretaries to schtupp.

— Brien Bartels

Migratory workers — Granted, the U.S. government has the *right* to decide who may and may not immigrate. But it certainly doesn't seem to have the *power* to keep foreigners from entering this country illegally. Thousands cross the border from Mexico every month. Building a high impenetrable wall thousands of miles long will not only be costly but likely also ineffective.

Instead of trying to strengthen the U.S. borders by hiring more border patrols and building longer and higher fences, why not increase immigration quotas many times over? Spend the patrol and fence money instead to establish additional consulates to process immigration applications. The consuls should try to screen out criminals, terrorists, and persons with communicable diseases, as immigration authorities have always done. But they should also try to screen applicants for honesty, reliability, and individual responsibility — and for an understanding of the U.S. Constitution, as required for citizenship. Personally, I should like to make them all study Austrian economics so that they would gain an understanding of the importance of private property. But I know that is not realistic.

To some extent, potential immigrants will screen themselves; the effort it takes to migrate will eliminate most who

lack drive, ambition, energy, reliability, and responsibility. The consuls will inevitably make some errors in judgment, but they should err on the side of admitting rather than prohibiting entry. Increasing immigration quotas legally will not only come closer to the libertarian ideals of free and open borders, increased division of labor, and cross-border trade and exchange, but it will also help to relieve the U.S. demand for workers and reduce economic pressures in Mexico.

In the past, official guest worker programs have helped both U.S. employers and Mexican employees. Similar programs could alleviate the problem of illegals in the future. Before 1964, there was the Bracero program for farmhands. The Simpson-Rodino Immigration Reform and Control Act of 1986 granted amnesty to 2.7 million undocumented workers. "Rodinos" were offered a chance at green cards and permanent-resident status. Subidos, guest workers with green cards who are skilled at continuous-pour construction, for instance, are recruited for big U.S. construction jobs and travel back and forth between Mexico and the United States. They pay state, local, and federal taxes and contribute to workers' comp insurance and so are covered for injuries on the job. They maintain their homes and family in Mexico and so make no call on schools and welfare agencies.

As far as the millions of illegal immigrants now in the country are concerned, some arrangement must be made to allow those who are self-supporting to remain, if they choose to do so, to acquire legal status and, in time, to earn citizenship. The present illegals must be required to pay a substantial price to gain that legitimacy, so that this amnesty will not be interpreted as disrespect for the law. But they should be offered that opportunity.

— Bettina Bien Greaves



"It's sweet of you to offer, Stephen, but I've decided just to rent some Mel Gibson movies instead."

U.S.A.

Novel approach to improving nutrition in schools, conveyed by the *Washington Post*:

"It's like eating an elephant," said Brenda Greene, the National School Board Association's director of school health programs. "You need to do it one bite at a time."

London

Ring the bells of London Town, from the *Sunday Telegraph*:

The Labour Party plans to bring in new laws requiring every bicycle to have a bell and every cyclist to use it to alert pedestrians to their presence. In a message to Parliament, transport minister Stephen Ladyman noted that "[This is] a sensible moment to review our current policies on cycle construction, including the question of bells."

George W. Bush might have been in trouble had such a law been in force last year, when he crashed his bike into a policeman during the G8 summit at Gleneagles. It is not known whether he sounded his bell.

Montevideo, Uruguay

Condolences in a time of hardship, passed on by the *Guardian*:

Former Portsmouth striker Dario Silva has undergone emergency surgery to amputate his right leg after crashing his car into a column of street lights in Uruguay.

Silva played 49 matches for the Uruguayan national team, including the 2002 World Cup in Korea and Japan. He is currently without a club after leaving Portsmouth in February. A statement on the club's website read: "Portsmouth would like to wish him a full and speedy recovery."

Chicago

Foot-in-mouth campaigning, noted by the *Financial Times*:

During an election debate in the outskirts of Chicago, Peter Roskam, the Republican candidate for Illinois' sixth district, trotted out the familiar line that his Democratic opponent wanted America to "cut and run" from Iraq.

His opponent is Tammy Duckworth, a former National Guard pilot who lost both her legs in Iraq last year when her helicopter was shot down by a rocket-propelled grenade.

Rotherfield, East Sussex, England

Laudable commitment to sensitivity in policing, from the *Daily Telegraph*:

The Sussex police force admitted it had sent officers to "diversity training" at an Islamic school that Anti-Terrorist Branch police from London searched as part of a crackdown on jihadist recruiters and trainers. Officers visited the school as many as 15 times to improve their awareness of Muslim culture.

Budapest, Hungary

Transparency in government, from the blog of Hungarian prime minister Ferenc Gyurcsany:

"We screwed up. Not a little, a lot. No European country has done something as boneheaded as we have. . . . We lied in the morning, we lied in the evening. . . . Evidently, we lied throughout the last year-and-a-half, two years. It was totally clear that what we are saying is not true.

"You cannot quote any significant government measure we can be proud of, other than at the end we managed to bring the government back from the brink. Nothing. If we have to give account to the country about what we did for four years, then what do we say?"

Blaine, Wash.

Advance in workplace rights, from the *Vancouver Sun*:

A warning from U.S. authorities that an armed man wanted for murder might be heading to Canada caused guards at all four major British Columbia border crossings to walk off the job, creating traffic chaos for thousands of travelers.

The problem began around 2 p.m., when a notice was given to border guards that an "armed and dangerous" Californian wanted on a homicide warrant might try to enter the country. At 2:15 p.m., ten guards at Huntingdon crossing walked off the job, citing their right to refuse dangerous work under the federal Labour Code.

A vehicle with California plates ran through the Peace Arch crossing heading northbound around 4 p.m. Customs Excise Union vice-president George Scott said staff at the crossing were unable to determine if the driver was the wanted man.

"There's no way of knowing that," he said. "It could be."

Afghanistan

Chemical warfare in the Middle East, from the *Washington Post*:

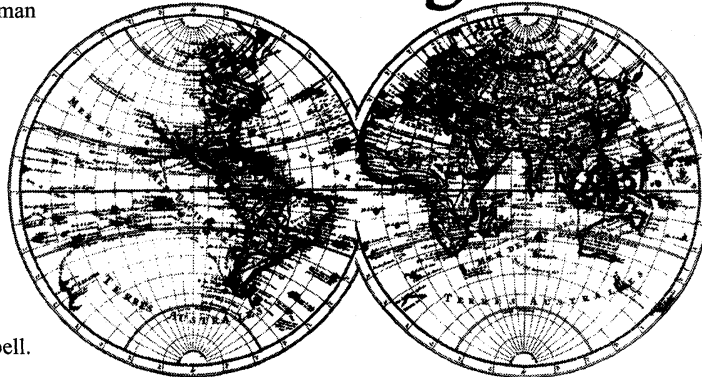
Canadian troops fighting Taliban militants in Afghanistan have stumbled across an unexpected and potent enemy — almost impenetrable forests of ten foot high marijuana plants.

General Rick Hillier, chief of the Canadian defense staff, said that Taliban fighters were using the forests as cover. "We tried burning them with white phosphorous — it didn't work. We tried burning them with diesel — it didn't work. The plants are so full of water right now . . . that we simply couldn't burn them," he said.

Even successful incineration had its drawbacks. "A couple of brown plants on the edges of some of those [forests] did catch on fire. But a section of soldiers that was downwind from that had some ill effects and decided that was probably not the right course of action."

One soldier told him later: "Sir, three years ago, before I joined the army, I never thought I'd say 'That damn marijuana.'"

Terra Incognita



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

Why do the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to abuse power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

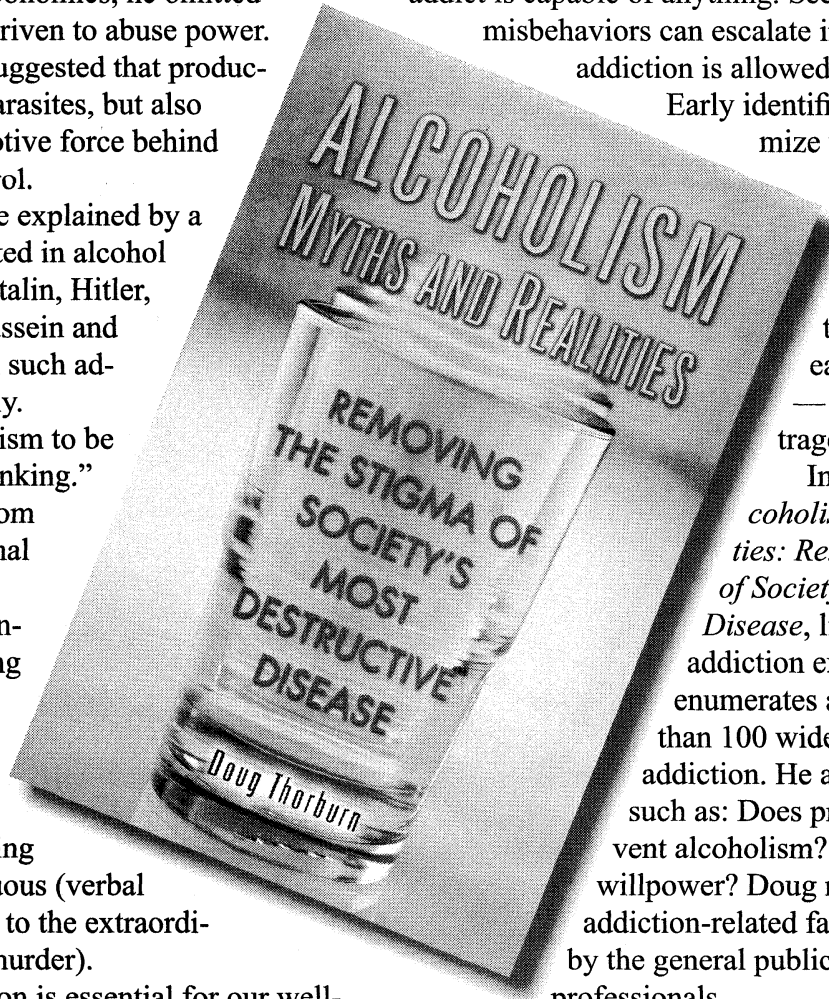
Understanding addiction is essential for our well-

being, both personally and on a geopolitical scale. The addict is capable of anything. Seemingly innocuous misbehaviors can escalate into tragic ones when addiction is allowed to run unchecked.

Early identification can help minimize the effect it has on

our personal and professional lives and, with the right treatment, may get the addict sober far earlier than is common — maybe even before tragedy strikes.

In his latest book, *Alcoholism Myths and Realities: Removing the Stigma of Society's Most Destructive Disease*, libertarian author and addiction expert Doug Thorburn enumerates and dispels more than 100 widespread myths about addiction. He answers questions such as: Does proper parenting prevent alcoholism? Do alcoholics lack willpower? Doug refutes a myriad of addiction-related falsities considered true by the general public and even medical professionals.



Alcoholism Myths and Realities is only \$14.95 at finer bookstores.

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