Liberty

December 2007 $4.00

Cookie Monster Wins

The Mystery of Alan Greenspan

by Bruce Ramsey

Where Have All the Techies Gone?

by Gary Jason

Panama Between Past and Future

by Doug Casey

Also: *Ralph Slovenko* exposes a jury trap, *Dana Peterson* remembers the two masters of European modernism, *Stephen Cox* takes opera out to the ballpark . . . plus other articles, reviews & humor.

12

0 74470 80199 3

US $4.00 / Canada 5.95

"To renounce Liberty is to renounce being a man." — Rousseau

John Galt is calling you to...

FREEDOM FEST 2008

"The World's Largest Gathering of Free Minds"

July 9-12, 2008 ■ Bally's/Paris Resort ■ 7-11 in Las Vegas!

www.freedomfest.com

Dear fellow libertarians:

FreedomFest 2007 was a great success, with 1,017 attendees, 80 speakers, and 55 exhibitors. **Governor Schwarzenegger's team** came to check us out and to hear **John Mackey**, CEO of Whole Foods Market. **C-SPAN 1 and 2** were there to cover several authors and the Big Debate between **Dinesh D'Souza** and **Larry Abraham** (the conservatives) vs. **Congressman Ron Paul** and **Doug Casey** (the libertarians). It was the best debate I've ever seen! (To see it on YouTube, go to www.freedomfest.com).

Next year's FreedomFest will be even bigger, with hundreds of freedom organizations, exhibitors, speakers, and attendees. Confirmed speakers include **Jeremy Siegel**, "The Wizard of Wharton" and author of the bestseller "Stocks for the Long Run." **Nick Gillespie**, editor of **Reason** magazine. Plus these experts are coming back by popular demand: **Charles Murray** (American Enterprise Institute), **Steve Moore** (Wall Street Journal), and **John Mackey** (Whole Foods Market).

For the first time the **Fraser Institute** and **Heritage Foundation** are platinum sponsors among the 100-plus exhibitors expected at FreedomFest 2008. **FLOW**, John Mackey's organization, will also be there, along with speakers from **Reason** and **Cato**, among many others. And, as before, **Laissez Faire Books** will be the official bookstore.

Special Event at FreedomFest 2008:
The First Induction Ceremony of the Free Market Hall of Fame!

At the Saturday night banquet, July 12, 2008, FreedomFest will honor the first inductees of the Free Market Hall of Fame — teachers, journalists, business leaders, government officials and organizations that have advanced the cause of liberty. Nominations are now open, and so far there's been ten lead changes! To vote for your favorite free-market advocate, go to www.freedomfest.com/halloffame.

FreedomFest is an Open Forum!

If you or your organization would like to speak, exhibit or sponsor a session at FreedomFest, please contact us immediately. Topics include geo-politics, history, philosophy, economics, science & technology, healthy living, and arts & literature. Call Tami Holland at 1-866-266-5101, or email her at tami@freedomfest.com.

Sign up NOW for "Early Bird" Registration and Receive a free American Eagle Silver Dollar!

The "early bird" registration fee for the 3-day conference is $395 per person/$595 per couple (after March 15, 2008, the price goes up to $495 per person/$795 per couple). This fee includes all sessions, cocktail parties, luncheons, and the sumptuous Saturday night gala banquet.

But hurry: The first 100 attendees to sign up for FreedomFest 2008 will receive a brilliant uncirculated American Eagle silver dollar.

For more information, or to register, go to www.freedomfest.com, or contact Tami Holland, our conference co-ordinator, at tami@freedomfest.com, or toll-free 1-866-566-5101.

See you in Vegas on 7-11!

Mark Skousen, *Producer*

- "WOW!! I'm still just so gob-smacked by the amazing experience of FreedomFest that I'm having trouble finding my words....I have always loved argument and debate, and can honestly say that I have never had such agreeable disagreements as in those fantastic three days in Las Vegas."

  —Professor Clive Wynn
  Professor of Psychology,
  University of Florida

- "A world-class event, the best I've ever attended."

  —Alex Green
  editor, Oxford Club Communique

- "I feel an excitement here I haven't felt in years."

  — Nathaniel Branden

- "Thank you, thank you, thank you! Next year I plan on bringing at least 10 friends."

  — Chuck Moore
  Reno, Nevada

- "I turn down hundreds of invitations to speak each year, but FreedomFest is one I'd pay to attend. I wouldn't miss it!"

  — John Mackey
  CEO, Whole Foods Market

Liberty

R.W. Bradford
(1947–2005)
founder

Stephen Cox
editor

Patrick Quealy
publisher

Andrew Ferguson
managing editor

John Hospers
Bruce Ramsey
Jane S. Shaw
senior editors

Jo Ann Skousen
entertainment editor

Kathleen Bradford
Jim Walsh
assistant editors

Brien Bartels
David T. Beito
David Boaz
Alan W. Bock
Douglas Casey
Eric D. Dixon
Brian Doherty
Lanny Ebenstein
David Friedman
Bettina Bien Greaves
Ronald Hamowy
Gene Healy
Robert Higgs
Gary Jason
Bill Kauffman
Dave Kopel
Bart Kosko
Richard Kostelanetz
Sarah McCarthy
Wendy McElroy
William E. Merritt
Robert H. Nelson
Randal O'Toole
Ross Overbeek
Durk Pearson
Scott J. Reid
Ralph R. Reiland
Sheldon Richman
Jeff Riggenbach
Timothy Sandefur
Sandy Shaw
Mark Skousen
Tim Slagle
Fred L. Smith Jr.
Martin M. Solomon
Clark Stooksbury
Thomas S. Szasz
Martin Morse Wooster
Leland B. Yeager
contributing editors

S.H. Chambers
Rex F. May
cartoonists

Inside Liberty

December 2007
Volume 21, Number 12

Features

Reviews

Letters

Robert's Rules for Godhood

The excellent articles by Leland Yeager and Stephen Cox ("Is There a God?", October) pose the question of whether it is possible for a progressing society to exist without some moral basis. I contend it is necessary to answer a prior imperative: is man a stimulus-response animal or does he have spiritual aspects? If the former, Pavlovian methodology will suffice to ensure future generations conform to society's moral standards. The question of a god is moot. If man does have a spiritual aspect, if he is an autonomous being (spirit, soul), it would require reason and discourse to bring about a personal understanding of his moral responsibilities as a member of society. This would, however, require thought by all parties involved, something that seems to be lacking in too many cases.

My personal observations of the universe, flowers and fleas, waterfalls and cancer, have led me to think that, if there is a god, it must be a committee.

Michael Carraher
Martinez, Calif.

Hitler's Creed

In Stephen Cox's article "Skepticism, and Beyond" (October), he claims that Adolf Hitler's "private conversations showed him as much an enemy of Christianity as he was of Judaism," citing the Norman Cameron and R.H. Stevens translation of Hitler's "Table Talk," a document transcribed from notebooks of Hitler's secretaries Heinrich Heim and Henry Picker and edited into multiple versions by Martin Bormann and Henry Picker. However, as Richard Carrier points out with detailed textual comparisons in his article "Hitler's Table Talk: Troubling Finds," (German Studies Review, October 2003), there are significant discrepancies between the available versions and translations of this document, with the German of Henry Picker's notes and the German edition of Bormann's text by Werner Jochmann being the most reliable and the version relied upon by Cox being the least reliable. The Stevens and Cameron translation, edited by Hugh Trevor-Roper, contains passages not found in the original German and mistranslations of the German that appear to be derived from Francois Genoud's French translation. In particular, many of Hitler's attacks on Christianity appear to be based on incompetent translation and outright fabrication by Genoud. The result is that Hitler, while not espousing an orthodox form of Christianity, still is a believer in God and divine providence, the authority of Jesus, and the immortality of the soul whose views are Christian in the broadest sense.

A more popular version of Carrier's article, without the German text, was published in the November 2002 issue of Freethought Today.

Jim Lippard
Phoenix, Ariz.

Into the Highways and Hedges

Contrary to Professor Cox's claim about the uniformly peaceful message of Christianity, I wish to submit this piece of evidence: "Compel them to come in" (Luke 14:23).

Tibor R. Machan
Silverado, Calif.

The Role of Religion

As a philosophy professor (retired), I was pleased to read the Yeager-Cox exchange. Both men provide humane, civilized, learned, and eminently readable discussions. It's obvious that both

Liberty (ISSN 0894-1408) is a libertarian and classical liberal review of thought, culture, and politics, published monthly except February by the Liberty Foundation, 1018 Water Street, Suite 201, Port Townsend, WA 98368. Periodicals Postage Paid at Port Townsend, WA 98368, and at additional mailing offices.

POSTMASTER: Send address changes to Liberty, P.O. Box 1181, Port Townsend, WA 98368.

Subscriptions are $29.50 for eleven issues. International subscriptions are $39.50 to Canadian and Mexican addresses and $59.00 elsewhere.

The editorial offices can be reached at (360) 379-0242. Please do not call with proposals for articles. Rather, request our writer's guide, which includes manuscript submission guidelines, by sending a SASE to Writer's Guide, Liberty, P.O. Box 1181, Port Townsend, WA 98368. It is also available at our website, libertyunbound.com. For information about advertising with *Liberty* or about reprints, email patrick@libertyunbound.com or call (206) 367-0454.

have given the subject careful and extensive thought. The questions they address are very old and their answers and arguments are mostly familiar. Though they come to different conclusions, they both consider the issue of God's existence as fundamental to dealing with the subject of religion and its relation to morality and related social concerns. They draw upon science, philosophy, and history to support their positions. How many minds are changed as a result of debates like this? I doubt that many are, which leads me to wonder whether another approach is worth a try. Marshalling arguments and providing evidence for and against God's existence have been relatively fruitless if an intellectual resolution of the proper role of religion is what is sought.

Is there any other way that stands a better chance of success? For starters, how about trying a Toulminian functional approach — by which I mean seeking to provide literal (not figurative!) definitions of the distinctive functions of religion, morality, science, and history, and the modes of reasoning peculiar to each? One of the keys to the success of this project is to take on the question of the use of that pesky word "reality," which haunts the traditional approach and seems to cause endless bickering. I didn't mention philosophy because it's so diverse that I doubt it has a distinctive function. Nevertheless, some philosophers might be willing to help with the task. Stephen Toulmin has paved the way.

Jan J. Wilbanks
Marietta, Ohio

Jesus and Jupiter's Brain

Stephen Cox, a skilled writer and editor, produced an essay that seems to obfuscate on the question of a supreme being.

He begins by dismissing science as an inadequate tool for determining the existence of a god or creator. Over the march of time, however, it has been science that has provided the answers to the questions posed by our species. Because of the scientific quest we have learned the earth isn't flat and is not in the center of the universe. Science has shown how many human illnesses, thought for millennia to be punishment from a wrathful creator, are the effects of bacteria and viruses. Scientific evolution demonstrates how species, including humans, are created without the necessity of a conscious creator. As scientific knowledge has accumulated, the inclination to posit the existence of a supreme creator has diminished. I expect this trend will continue, leaving ever-narrowing gaps of ignorance for the presumption of a god.

Cox bases much of his faith on "God's intervention in history through the life of Jesus." It seems the author and I are reading diametrically opposed sources regarding the authenticity of the New Testament stories. To cite one example of the contradictions among the four gospels, Matthew tells of the resurrection of the dead from cemeteries in the vicinity at the time of Jesus' crucifixion. None of the other three gospel writers mention this startling event. Also, secular historians then living in that area of the world make no mention of this momentous happening. Of course, they would have done so had so many dead people actually risen from their graves.

And how can one ignore the bizarre nature of a central tenet of Christianity,

About Your Subscription

Q: When does my subscription expire?
A: Please look to the right of your name on your mailing label. There you will find (except in some cases when receiving your first issue) the number of issues left in your subscription, followed by the word "left," as in "3 LEFT."

Q: I've moved. How do I change the address to which my magazines are sent?
A: Write us at the postal or email addresses below. Be sure to include your previous address, your new address, and a telephone number or email address where we can reach you if we have questions. It's best to send us your current label and your new address. Allow 4–6 weeks to begin receiving Liberty at your new address.

Q: How can I buy gift subscriptions for friends and family?
A: Call the toll-free number below. We'll be happy to assist you.

Q: Is Liberty on the Web?
A: Yes. Selected articles from each issue are published online. Visit our website at libertyunbound.com.

Q: Is an electronic version of Liberty available?
A: You may receive Liberty conveniently by email each month, in PDF format, either instead of your paper subscription or (for a nominal fee) in addition to it. Call or email us for assistance.

To subscribe, renew, or ask questions about your subscription

E-mail: circulation@libertyunbound.com
Write: Liberty Circulation, P.O. Box 1181, Port Townsend, WA 98368
Call toll-free: (800) 854-6991 during regular West Coast business hours
Outside the U.S., call: (360) 379-8421

the redemption of sinners through the death of Jesus? Isn't it strange to believe an all-good and all-loving creator required the blood sacrifice of his supposed son to assuage his feelings? If one ponders this question it is difficult to come away with any faith in Christianity.

Thomas Jefferson, in a letter to John Adams, said it well: "The day will come when the mystical generation of Jesus, by the Supreme Being as his father, in the womb of a virgin, will be classed with the fable of the generation of Minerva in the brain of Jupiter."

I much appreciate Liberty publishing both essays on the topic. It is a subject worthy of additional exploration in Liberty.

Edward Scherrer
Eau Claire, Wisc.

Reverent Tolerance

Leland Yeager's case for being a "reverent atheist" ("Reverence for Skeptics," October) was well conceived until I came to the final paragraph where he advocated censuring teachers in public schools for praying or teaching "intelligent design." I thought Professor Yeager, a teacher himself, would support the right for teachers to say whatever they wish, within reason (and surely Christian beliefs fit in this category) and be held accountable.

When I was a student at Sunset High School in Portland in the early 1960s, I well remember a history teacher (Merrill Cressey) who made it clear in class that he was an atheist. He influenced hundreds of students and caused me to question my faith. But would I prohibit him from expressing his views in class? Did my parents complain to the principal? Absolutely not. As a libertarian, I believe in maximum freedom of speech, even in public schools. If a teacher is a believer in intelligent design, or in God, then why not let him express his views in class? It's vital that students be exposed to a variety of views, and I've met some very bright people (such as Dr. Michael Denton at FreedomFest) who teach some form of intelligent design, and are prayerful people. It's not any different than letting an atheist teacher say what he thinks.

In conclusion: we need more liberal libertarians who are more tolerant of alternative views.

Mark Skousen
New York, N.Y.

Cox responds: Mr. Lippard is right about the vexed question of the text of Hitler's "Table Talk." It's vexed, all right. And certainly Hitler believed in what he called "God" and "providence," as all versions of his "Table Talk" make clear, together with the fact that he violently hated Christianity in both versions with which he was familiar, Lutheranism and Roman Catholicism. Neither Lippard nor the "Freethought" writing he cites com-

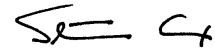
From the Editor

Presidential candidate Rudy Giuliani has recently provoked criticism by interrupting his own speeches by taking calls on his cell phone.

The calls purportedly come from his wife, and I assume that his willingness to keep his audience waiting while he repeats endearments is designed to show that he is a devoted family man. Perhaps, however, it also shows how desperately bored even a leading light of one of the nation's great political parties can become with his job.

The authors who appear in this issue of Liberty do not suffer from that disability. They may be saucy, contentious, contrarian, embarrassingly erudite, and, occasionally, just plain wrong (whenever they disagree with me), but they are not in danger of putting themselves to sleep. Or anyone else, either. Many readers report that it's Liberty, not their cell phone, that keeps them awake, entertained, and unwilling to be interrupted.

For Liberty,



Stephen Cox

municates any evidence for the idea that Hitler believed in "the authority of Jesus."

Dr. Machan has the distinction of providing a wholly original exegesis both of my essay and of the poetic language of the parable in Luke. As far as I can tell, nobody ever thought of this before.

Mr. Scherrer appears to believe that if one ancient account of an event includes details that do not appear in other accounts, then all the accounts of that event are wholly fallacious. He also appears to believe that if any of the possible theological implications of an event seem bizarre to us, the event must not have occurred.

Most important, however: I thank all correspondents for their attentive kindness to my essay. As William Blake said, "Opposition is true friendship."

Yeager responds: Mr. Carraher asks "whether it is possible for a progressing society to exist without some moral basis." No, I think not; and precisely for that reason it is important to understand the sound, and not merely faith-based, grounding of morality. (See my "Ethics as Social Science," Elgar, 2001.)

Professor Wilbanks wonders about "the proper role of religion." The answer depends largely on how well supported its doctrines are.

I applaud Mr. Scherrer's recognition that science keeps on narrowing the gaps of ignorance that supposedly bolster religious belief. It shows irreverence for the wonders and mysteries of our awesome universe to preach "faith," a pretense of knowledge, as a substitute for their continuing exploration. Mr. Scherrer also doubts whether a collection of dubious and mutually contradictory documents provides an adequate basis for religious belief, specifically Christianity.

Contrary to Professor Skousen's assertion, I did not advocate "censuring teachers in public schools for praying or teaching 'intelligent design.'" To suppose so is a grievous misreading of my appendix. There I criticize federal government meddling with the schools. Most of us libertarians presumably favor private schools, including religious schools. Any school, private or public, requires some sort of owner or governing body to decide on curriculum and see that deviations from it do not go too far. If I were a member of a state legislature or school board, I would, as I said, vote against prayer and "intelligent design" in public schools; but I would not try to force my views on others.

I would not censure teachers for incidentally expressing their religious views, but I do think that they should not depart from the curriculum so far as to proselytize their young captive audiences. Understanding the rationale of academic freedom, I would tolerate such abuses further among university professors than among teachers in public grade schools and perhaps high schools.

I meant my appendix not to advocate censure but to express libertarian and constitutional views on the line between federal and state and local authority.

The Trouble With Justice

Leland Yeager proposes a puzzling view of the concept of justice in his review of Tibor Machan's new book, "Liberty and Justice" ("Noble Abstractions," July 2007).

He states, "Justice, like freedom, is best interpreted as a negative concept. . . . Justice is the absence of unjust acts." Somewhat further along he says, "The question to ask about a word is what one or more interpretations best fit its use in its usual contexts. So conceived, justice is best interpreted negatively, as the absence of unjust acts, which, although numerous and varied, are relatively readily identified as such. Justice does not have a single correct positive meaning." There are at least two logically troubling issues here.

First is the problem of circularity which arises when attempting to define justice by using a form of the same word. Justice is obviously about the just and the unjust. But what are they? Can justice be defined meaningfully without reference to some underlying moral system? And what is that? How can it be validated? Answering those questions would seem to be a rather positive enterprise.

Secondly what about the issue of redress? In my view justice certainly is not only about reprehensible acts against others but also the issue of how to make the victim of injustice as whole as possible. This is almost as large an issue as what is an unjust act. This also doesn't seem to fit comfortably into the "negative" concept approach.

Freedom (in the political context) may be viewed as a "negative" concept profitably, but I don't think this approach works well with the concept of justice. You can discuss what freedom is politically without reference to a value system (although justifying it as the "proper" social arrangement cannot). But you cannot discuss what justice is without such reference.

Wendl Thomis
Acton, Mass.

Yeager responds: Unjust acts are indeed those that violate some underlying moral system. Identifying them does indeed presuppose a moral code, but cataloguing all of them and devising a definition that would cover all of them would exceed the scope of any dictionary. Redress is an attempt to undo unjust acts, at least partially. Justice is the absence of (unredressed) unjust acts. I challenge Mr. Thomis to frame a definition that better fits the contexts in which the word appears.

Euro Trash

Jacques Delacroix touched on a subject ("Why I Don't Like Europeans," October) I have been aware of since the 1950s. In my late teens, I spent several years on that blood-soaked continent called Europe, a continent I have returned to many times. I have family and friends in and from Europe and know them up close: listened to them, talked to them, argued with them, endured their smirks, bristled at their anti-American sarcasm. Delacroix got it mostly right.

The long and short of it is that Europeans have never wished this country well, unless, of course, it was convenient to do so.

And not too long ago it was convenient to wish us well when our blood and treasure were needed to rescue them from the evil ingenuity of the political systems they were so highly talented at inflicting upon themselves — systems that created a continental graveyard and caused the death of

continued on page 33

"Give me Liberty or Give Me Death."

—Patrick Henry, 1776

When it came to Christmas presents, old Pat sure was an extremist! But even so, he had a pretty good idea. This year, give your friends and family the gift of the world's leading individualist thought — and help spread the seed of **Liberty**!

Why not give a special friend the sheer pleasure of individualist thinking and living . . . the state of the art in libertarian analysis . . . the free-wheeling writing of today's leading libertarians . . . the joy of pulling the rug out from under the illiberal establishment.

These are a few of the little pleasures we provide in each issue. Wouldn't it be fun to share them with a friend?

Liberty is the leading forum for writers like David Friedman, Thomas Szasz, David Boaz, Stephen Cox, Dave Kopel, Jane Shaw, David Beito, Mark Skousen, Doug Casey . . . the most exciting libertarian writers, providing a feast of good reading!

You pay us a compliment when you give the gift of **Liberty**. Send us your gift list today, and your gift will greet friends and loved ones in the mail every month! We'll also send a gift card in your name to each recipient.

This is the ideal gift . . . it is so easy, and so inexpensive.

Special Holiday Offer!

To encourage you to give the gift of **Liberty**, we offer gift subscriptions at a special rate: one year of **Liberty** at up to 40% off the newsstand price!

First Gift (or your renewal) $29.50

Second Gift $27.50

Each Additional Gift $26.50

Act Today! These special rates are available only if you mail or call in your subscriptions by January 31, 2008. And remember, your own subscription or renewal qualifies as one of the subscriptions.

Use the form below, or call this number with your gift and credit card instructions:

1-800-854-6991
(9am–4pm Pacific, weekdays)

What could be easier — or better!

Yes! Pat Henry was right! Please send **Liberty** to my gift list as directed below.

☐ I enclose my check in full payment.
Charge my: ☐ Visa ☐ MasterCard ☐ Discover

Card number _____ Exp date _____

Signature _____

Please tell us about yourself, so that we may tell the gift recipient about your gift and contact you with any problems or questions.

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Additional gifts may be listed on a separate page!

First Gift (or your subscription or renewal):

Name _____

Address _____

City _____ State _____ Zip _____

Second Gift:

Name _____

Address _____

City _____ State _____ Zip _____

Send to: Liberty Gifts, P.O. Box 1181, Port Townsend, WA 98368

Reflections

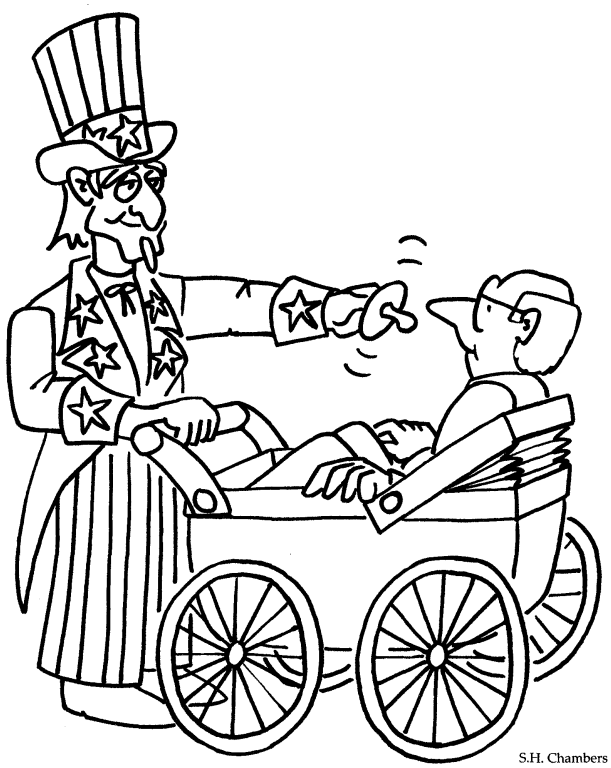
Can you take me higher — Congress has spent us up to the previously legislated debt limit of $8.9 trillion. So they are going to have a vote in order to raise it higher. Can someone explain to me how the distinguished members of the U.S. Congress are any different from a drunken redneck with a platinum card? Now that I think about it, the difference is that once the redneck hits the credit limit he has to stop spending.

— Paul Rako

Senator from Pluto — The AP summarized Hillary Clinton's latest proposal in this way: "Every child born in the United States should get a $5,000 'baby bond' from the government to help pay for future costs of college or buying a home. . . . Clinton said such an account program would help people get back to the tradition of savings that she remembers as a child, and has become harder to accomplish in the face of rising college and housing costs."

So, according to Hillary, the best way to get back to learning how to save is for the government to hand you $5,000. Remind me, what planet is she from?

— Michael Schein



S.H. Chambers

In good company — Just when I was beginning to wonder what the old boy would find to do with himself, former Defense Secretary Donald Rumsfeld has been named a visiting fellow at liberal Stanford University's conservative Hoover Institution.

And there was a great howling and a gnashing of teeth.

I, for one, find a certain poetic justice in his appointment to this particular locale. Rumsfeld and liberal academics deserve each other's company. And, besides, aren't the names Hoover and Rumsfeld both linked with political failure?

— Brien Bartels

Don't get carried away — With Myanmar in turmoil, Western democracy-lovers are celebrating. With Buddhist monks at the forefront, it is difficult to avoid feeling romantic. How deeply spiritual Burmese must be for so many of them to become monks!

Alas, that would be a very narrow view. The current turmoil in Myanmar has its roots not in love for liberty but in the increasing costs of living. A visitor to Myanmar doesn't take too long to realize that becoming a monk is perhaps the second best profession in Myanmar (after working for the military). Myanmar is littered with religious places, though it is difficult to see much sign of spirituality. In one monastery, when I was visiting the country, I was taken to a living room where the incense was burning, but on the TV; the monks were running a semi-pornographic film, while smoking cigarettes.

Not that I have anything against pornography or smoking, but having romantic notions about Burmese spirituality certainly feels a bit far-fetched. Neither should it be forgotten that, behind the calm exterior, Burmese are an extremely fractious society, with various regions harboring animosity against one another. People of Indian and Nepalese origin are easy scapegoats for any crimes.

If democracy arrives in Burma, will it sustain itself? And if it does, is Burma going to be a freer society than it is now? I seriously doubt it.

— Jayant Bhandari

A little ahead — The town I live in, Belmont, Calif., just passed (by unanimous city council vote!) an ordinance outlawing all smoking of tobacco anywhere except in the interior of private homes, because of the alleged relationship between second-hand smoke and illness. Violators will be fined.

Presumably, if you are a law-abiding citizen driving through town, you will be required to extinguish your cigarette for a few miles ("Welcome to Belmont. Stop smoking!") before re-igniting once you arrive in a more benighted city.

I had no idea that Belmont was any more "liberal" than any other part of the San Francisco peninsula; perhaps it is not. We're just a little "ahead" of everyone else. Said one councilman, "What if every city did this, imagine how many lives would be saved!"

I plan to attend the next council meeting to demand that the following proposals be considered:

- Because sleep is so important for health, everyone will be encouraged to get a full eight hours by

means of a law requiring that all sources of light be turned off, in all abodes, between the hours of 11 p.m. and 7 a.m.

- Because diet and health are so closely related, all Belmont grocery stores and restaurants will be required to report the purchases of Belmont residents. These shall be reviewed by a newly constructed Belmont Board of Health. People found not to be in compliance with its recommended dietary guidelines will be fined.
- Fitness and good health are also closely related, so all Belmont residents will be required to attend city-sponsored fitness workouts three days a week.
- I almost forgot! The sale and consumption of alcoholic beverages will henceforth be illegal.

I encourage you all to propose such legislation to curb the bad habits of your neighbors and yourselves. Imagine how many lives would be saved!

As I am eager to comply with the wisdom of my local government, I regret that I must file this report anonymously, because I hear that next on docket is "hate speech," and . . . well . . . you never know. — Anonymous

Stevens v. Constitution — Jeffrey Rosen wrote a long article about Supreme Court Justice John Paul Stevens for the Sept. 23 issue of the New York Times magazine. It was a profile of Stevens' life and a review of the moments that shaped his legal philosophy; and it was quite well written.

Word Watch

by Stephen Cox

"Look out!" your mother yelled, snatching you out of the way of the bus that was barreling down on you. Then, when she got you back on the sidewalk, she delivered the moral: "From now on, watch what you're doing!"

"Watch what you're doing" is a phrase that keeps coming to mind as I scan the daily news (or news and opinion, or just plain opinion, regardless of how it happens to be labeled). "Look out!" I yell at the invisible author. "Can't you see that bus?" The difference between a good writer and a bad one is that a good writer sees danger approaching and gets out of its way.

Some writers are a little too good at that. They foresee trouble, and they sidle away from it, slippery as successful burglars. Here's a report from USA Today (Aug. 17) about Sen. Biden, who is once again a candidate for the Democratic presidential nomination. The article is subtitled, "Dem candidate's run in 1980s was marred by illness and controversy." "Controversy?" the normal reader wonders. "What controversy was that?" "Illness" may not occasion as much concern.

Yet "illness" comes up in paragraph 2, where it's used to arouse sympathy for the presidential candidate (he once suffered a "life-threatening brain aneurysm"), while "controversy" is made to wait till paragraph 16, which contains a discrete reference to the episode in which Biden "borrowed a long speech from British politician Neil Kinnock but failed to attribute it in the Iowa debate in 1987. Biden withdrew during the resulting controversy."

That's it. That's all. The big, ugly bus called "Plagiarism" was ready to claim its victim — until the writer pushed the endangered statesman back on the sidewalk. Whew! That was a close one. Only suspicious brains, like yours and mine, would ask whether anyone who *borrowed* another person's speech ever intended to *give it back*. Did any politician ever provide a concluding footnote: "I've borrowed this speech from someone else"? But at least USA Today is watching what it's doing. It won't let any little politicians get run over.

At the other end of the rhetorical spectrum is a hapless editorial writer for the Vincennes, Ind., Sun-Commercial (Sept. 1, 2000), discussing Labor Day festivities on the banks of the Wabash: "Of course food . . . is a big part of all of these hometown celebrations and you'll find it in great variety in Bicknell right on through the weekend including catfish, chili, pork chops and grilled children." Oh yeah! Kids are so much tastier than chicken. Which would you like, the leg or the thigh? I also like 'em boiled.

One has to pity a writer like that. He was just trying to cross a country road, and blammo! That was the end of him. He didn't *watch what he was doing*. And it's not enough to pay attention to what you say; you've also got to be careful about the way you say it. You even have to worry about grammar.

This annoying hindrance to journalism is much in evidence in the news coverage of O.J. Simpson's latest adventures, reports in which there's a close correlation between pretentious reporting and ignorant syntax. A typical report characterized O.J. as "the fallen football star" — a poetic description requiring the work of *two* (count 'em, two) Associated Press writers. But these stargazers forgot to check their subject-verb agreement, referring to the sports "memorabilia" (plural) that according to Simpson "was [singular] stolen from him."

Ah, there are none so blind as those who pretend to see. Another classic example from the files of Word Watch — files that are much more extensive, and embarrassing to their subjects, than those of the FBI — appears in a ceremonial address once delivered to the American Prison Association (a coven of high-class "correctional officials"). The president of this group solemnly warned against any attempt to predict the future of his profession, alleging that "the future . . . is completely unstable." Well, yes. If you try to lean on one of those God-damned futures, it always collapses under your weight. The prison pundit might have observed that we don't know the future, because it doesn't yet exist, but he was too busy putting on his rhetorical top hat and spats to see the trouble that he was about to bring upon himself.

Some writers and speakers have a harder problem. They're

Rosen clearly reveres his subject. One aside near the end of the nearly 8,000-word article is indicative: "I was especially impressed with Stevens's character: his engagement, curiosity, combination of toughness and vision, strong internal compass and refusal to go along with the crowd, his decisiveness, analytical power, modesty (but not false modesty), devotion to the court as a steady institution and sense of wonder and gratitude for the remarkable opportunities that had come his way."

That explains why the article treats Stevens so gently on some of the recent low points of his career. Those include his view that Congress has the power to ban flag burning and his decision to write the deeply disturbing majority opinion in *Gonzales* v. *Raich,* the medical marijuana case — two views that a New Republic contributor like Rosen might reasonably find questionable.

But the tepid critique of a sitting justice became most obvious toward the end of Rosen's article in a discussion of the *Kelo* v. *City of New London* case. In one paragraph, Stevens justifies his decision to write *Kelo's* majority opinion as what Rosen kindly calls a "textbook example of judicial restraint." Stevens is quoted as saying: "I thought that was a clear case of what the law compelled."

The next paragraph begins: "Stevens's final judicial theme is that the court has an obligation to protect ideals of equality and liberty. . . . "

The juxtaposition of the two sentences is telling. First, it shows that Stevens' crabbed view of liberty does not include the freedom to own a house safe from the predations of local governments in cahoots with developers. Second, one recalls that Stevens is happy to strike down abortion restrictions, sodomy restrictions, and so on — even when they're textbook examples of "clear cases of what the law compels."

Translation? Stevens cites "judicial restraint" if he likes the law on the books. If he doesn't like the law, though, "judicial restraint" doesn't matter. It all comes down to his personal preferences.

That might be fine if these personal preferences were grounded in the U.S. Constitution but, as the article makes clear, they stem from Stevens' father's legal woes, his own experiences in World War II, and so on. The best that can be said is that he's honest about it. The worst might be, as one law review article has argued, that this is a justice with an "ambitious moral agenda" who uses lifetime appointment on the Supreme Court to advance the "overconfident imposition of highly debatable personal preferences." — Declan McCullagh

Gorey details — The Norwegian Nobel Committee has awarded the 2007 Nobel Peace Prize to the IPCC (Intergovernmental Panel on Climate Change) and Al Gore. Some will no doubt assume that this demonstrates the veracity of Gore's apocalyptic slideshow "An Inconvenient Truth." It does no such thing.

The Nobel Peace Prize has only a tenuous connection to peace or even accomplishment, as a cursory perusal of past recipients will verify. The pantheon includes many great individuals (to name just one, Norman Borlaug), but it also has plenty of worthless clowns who managed to tickle the committee's fancy (to name just one, Kofi Annan) and at least a few truly despicable individuals (again I'll name just one, Yasser Arafat). The pantheon also permanently excludes many individuals who have, by any objective standard, actually earned the laurel (once again limiting myself to a single example, Mahatma Gandhi).

As regards Gore's slideshow, however, a more telling point is that his co-recipients' assessment of the problems posed by global warming is not even close to his. This is because the IPCC, despite being formed by the UN, has competent scientists working to reach accurate conclusions. In keeping with the pattern set earlier, I will give only a single example: Gore claims that sea levels will rise by 20 feet this century; the IPCC expects a rise of a single foot (but allows that a two-foot rise is within the realm of plausibility).

Does this mean that next time someone claims that "An Inconvenient Truth" is scientifically justified (or even plausible) you'll be able to put them in their place? Of course not. Faith is subject to neither logic nor reason, and environmentalists

---

not trying to cross a country road, dressed in their evening wear; they're trying to beat it over a ten-lane highway, with no protective gear at all. You've got to feel sorry for Michael V. Drake, Chancellor of the University of California, Irvine, who was recently flattened in this attempt. He wanted to explain why he chose a law school dean and then decided to unchoose him — probably because he discovered, a little too late, that the guy was a jerk. Unfortunately, Drake's attempts to defend himself, in both speech and writing, looked more like attempts at suicide. His most effective self-defense came in a newspaper interview where he said, "This is certainly something that I bungled, and I regret it completely and totally." He didn't need both "completely" and "totally" — the redundancy made him sound like a Valley girl — but there was no possibility of misunderstanding his sentence.

He found it tougher, however, to get across the next nine lanes of the interview. It must have occurred to him, sometime in the process, that he should never have gotten started. But he was trapped; he couldn't turn back, and he couldn't just come right out and say what he thought. So he burbled things like, "The why of it is straightforward, but I think it's going to be unsatisfactory." Huh? Before reading that, I'd never realized what a mysterious word "it" is. He dodged toward the shoulder: "I don't want to talk about it." But he *was* talking about it. Then he tried a hackneyed metaphor, hoping to put everyone to sleep: "There's no particular smoking gun." Oh, the audience decided, "he's admitting that there *was* a crime!"

We all blunder when we talk, although we don't all choose to talk to the LA Times. And Chancellor Drake had already shown that he was stumbling in a verbal darkness when he committed his thoughts about the prospective dean to writing. Something had convinced him, he said, "that Professor Chemerinsky and [he] would not be able to partner effectively to build a world-class law school at UC Irvine. That is my overarching priority."

I invite you to picture an *overarching priority.* Can't do it? But I don't think you'll have much trouble picturing the kind of person who would think and think and think some more, and finally come up with a metaphor like that. He's the same kind of person who would use "partner" as a verb, a wonderful new verb to describe the peculiarly intimate relationship between a chancellor and his dean. Sort of a weird picture, isn't it? But universities are weird places.

Incidentally, Drake went back on his own opinion and hired the guy after all. That meant he had to explain himself all over again. In other words, the bus hit him the second time.

who are both willing and able to actually think already know that Gore's take on global warming is mostly hot air.

— Mark Rand

Ĉu vi parolas la anglan? — According to a recent story by the AP, "While there are an estimated 7,000 languages spoken around the world today, one of them dies out about every two weeks."

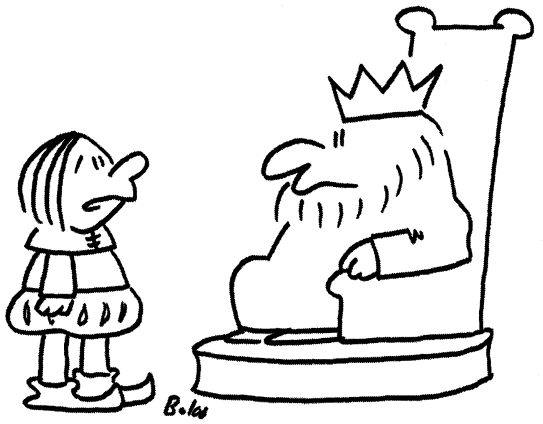
Not sure I see the problem. I think the ability to communicate with the entire world is a good thing. Peace and understanding were the goals when Dr. Ludovic Lazarus Zamenhof constructed Esperanto, a bizarre amalgam of languages that many once hoped would be the first imposed world language.

Language is fluid and changes over time. The history of the world has been a chain of languages dying out. (Even Catholic priests rarely speak Latin.) I think what's bothering people is not the languages themselves dying; it's that the world language isn't going to be Esperanto, or French, or any other of the historical attempts to impose a language on the citizens of the world. The intelligentsia cannot stand that the world language is going to be American English — the language of capitalism. The wave of English-speaking across the globe is just one more defeat for socialism.

— Tim Slagle

A license to protect — I am always intrigued by the multifarious means that special interest groups employ to protect their incomes. I have to thank Adam B. Summers of the Reason Foundation for analyzing in detail a protectionist tool not mentioned often enough: occupational licensing. (Disclosure: I am a contributor to the Reason Foundation.)

Summers' study, "Occupational Licensing: Ranking the States and Exploring Alternatives," is a real eye-opener. It turns out that state governments regulate entry into over 1,000 occupations. This represents more than a four-fold increase of licensing over the last half-century. In the 1950s, less than 5% of the American labor market needed a license to work; now, over 20% does. Summers' survey reveals that the states average 92 occupations that require a license. California leads the pack by requiring licenses to work in 177; Missouri requires the fewest with only 41.



"Let's just say, Sire, that the moderates favor abdication."

Licensing laws appear arbitrary — if not outright insane. Summers has a list of the crazier vocations for which licenses are required in various states: athletic trainers, auctioneers, barbers and cosmetologists, casket sellers, chimney sweeps, elevator operators, florists, fortune-tellers, interior designers, junkyard dealers, motion picture projectionists, photographers, prospectors, quilted clothing manufacturers, reptile catchers, upholsterers, sheep dealers, ticket brokers, turtle farmers, and manure applicators. Perhaps my favorite: Arizona requires all rainmakers to have a license — because of the global warming crisis, I guess.

Few of the regulated occupations even remotely involve danger to public health. Even if you accept the need for licensing of physicians, nurses, dentists, etc., there is no excuse for frivolous licensing of innocuous lines of work.

The cost is not trivial. Summers estimates that licensing, which retards job growth by 20%, costs between roughly $35 and $42 billion yearly. He also makes the point that the poor are hit hardest, being kept out of well-paying occupations by asinine regulations — generally created by those in that occupation who want to keep competitors out.

Summers would like to abolish all licensing laws. But, recognizing that this is not feasible in the near term, he suggests periodic review of existing licensing schemes — and sunsetting all new licensing laws, forcing them to be voted on every time they are up for renewal.

— Gary Jason

No such thing as a free house — The papers these days are full of the problems created by subprime mortgages. For years banks have been helping people attain the American dream of owning their own home by lending them money to buy more expensive homes than they could afford. This has now become a national problem? Why?

If an individual who has saved some money wants to lend to another individual to buy a house, he asks about the potential borrower's reliability, his earning power, and also whether the money he will receive when the mortgage is paid off is expected to buy more or less than the money he lends. A private banker who lends his depositors' funds must consider the same questions. People lend cautiously because they know they will suffer consequences if they over-lend.

But this situation changes when government is involved — when the government encourages low-interest lending to poor risks and then prevents lenders from suffering the consequences of their mistaken judgments. And the government has been deeply involved in mortage-lending for decades.

The situation changes when government permits and even encourages banks to increase the number of dollars they can lend by reducing the reserves they must hold and by expanding credit so they can lend more money than their customers have actually deposited in savings accounts.

The situation changes when possible risks are insured by government-backed (FHA or FNMA) mortgages. Banks may then make larger loans than they would have otherwise, at lower interest rates, or to less reliable borrowers, or both.

It is these government interventions that have led to the present crisis.

The Fed is well aware of this. Its officials understand that they are 'twixt a rock and a hard place. If they allow the expansion to continue indefinitely, it will lead to more and more inflation, which they want to avoid. If they stop the expansion,

"Guilty But Mentally Ill"

by Ralph Slovenko

The other week Jennifer Kukla, who killed her two young daughters, was found "guilty but mentally ill" by a jury in Michigan. What kind of verdict is "guilty but mentally ill" (GBMI)? Did the jurors think it was a compromise between "guilty" and "not guilty by reason of insanity" (NGRI)? As in other cases, the jury was not informed of the consequences of a GBMI verdict.

The GBMI verdict was first adopted in Michigan in 1975 and then in some 15 other states. Whenever a defendant pleads NGRI, the jury may return a verdict of GBMI. Proponents of GBMI claimed that it gives the jury the opportunity of agreeing that the defendant is mentally ill, yet holding the defendant criminally responsible. Supposedly, GBMI provides a middle ground and avoids the either-or approach of guilty or not guilty.

Michigan's enactment of a GBMI verdict was a reaction to a decision in 1974 by the Michigan Supreme Court in *People* v. *McQuillan*. In that decision, followed by a number of other states, the Michigan Supreme Court held that after an initial period of 60 days, during which the insanity acquittee is evaluated, further confinement has to conform with the procedures and standards of the civil commitment process. The case gave rise to the perceptions that there were too many insanity acquittees and that they were not being kept in detention. Within a year of the decision, 64 persons who had been found NGRI were released, and within another year, two of the 64 had committed violent crimes — Ronald Manlen raped two women, and John McGee killed his wife. Public outrage moved the Michigan legislature to promptly adopt the new verdict of GBMI.

According to a study in 1982 of the effects of the *McQuillan* case in Michigan, out of 223 defendants found NGRI over a five-year period before GBMI was enacted, 124 were released, following a 60-day assessment period, as noncommittable according to civil standards. Almost half of the remaining acquittees had been released within five years of acquittal, after an average of nine and a half months of post-evaluation hospitalization. This represented a substantial decrease in periods of confinement from the rate during the pre-*McQuillan* years. The GBMI verdict would circumvent that trend.

In a much publicized case in 1982 in Detroit, Robert Harrington went on a rampage in a law office, leaving one person dead and more than 30 others injured. The experts for both the prosecutor and the defense testified that he was mentally ill. (I was an expert in the case.) Given the totality of the evidence, without a GBMI verdict, the jury would have had to return NGRI or ignore the law. GBMI gave them a way out. Because the evidence pointed to insanity, the prosecutor — not defense counsel — beseeched the jury to return GBMI. He was well aware that GBMI amounted to a guilty verdict. In the second hour of their five-and-a-half-hour deliberation, the jury asked for clarification. They wanted to know, "What's the difference between 'guilty but mentally ill' and 'not guilty by reason of insanity'?" None was given. As in other cases, defense counsel, at trial, was not allowed to comment on the consequences of GBMI. The jury returned GBMI. The prosecutor was elated.

In another much publicized case in Pennsylvania, John E. du Pont of the du Pont fortune, although obviously psychotic, was found GBMI, not NGRI, in the fatal shooting of David Schultz, a wrestling coach at du Pont's farm. Defense counsel tried to convince the U.S. Supreme Court to review the quirky nature of a GBMI verdict.

The GBMI verdict accomplishes its goal of avoiding an NGRI verdict by muddying the water. It appears to be a compromise verdict, but in fact, it has the same consequences as a guilty verdict — detention in the penal system. It is a second guilty verdict.

The GBMI verdict hoodwinks the jury. Juries think that GBMI is a compromise or middle ground because it sounds exculpatory — "guilty but mentally ill." It would sound more condemnatory if it said "guilty and mentally ill."

The guilty but mentally ill verdict could just as well be "guilty but flat feet." The defendant is found guilty, convicted, and imprisoned. Jennifer Kukla, ruled GBMI, is in prison, serving a life sentence.

Given two guilty verdict options (guilty or GBMI), the odds are increased that a jury will return a guilty verdict, in one form or other. Thus, when an accused person pleads NGRI, the possible verdicts may be:

1) Not guilty
2) Not guilty by reason of insanity
3) Guilty but mentally ill
4) Guilty

In reality:

1) Not guilty
2) Not guilty by reason of insanity
3) Guilty
4) Guilty

In death penalty states (which Michigan is not), individuals have been sentenced to death even though ruled GBMI. William F. Smith, when U.S. Attorney General, urged states not to adopt GBMI on the ground that it is misleading.

The GBMI verdict misleads not only at trial but also in the plea-bargaining process. It is illusory because it makes a false promise. It delivers nothing that is not already available for any prisoner. Every jurisdiction now can assure the outcome of what is allegedly the purpose of the GBMI verdict: treatment for those individuals who are found guilty and who are mentally ill. Every state has a prison transfer law that allows an individual who is convicted of a crime to receive appropriate treatment.

it will lead to a contraction and a crisis as borrowers are unable to repay and must declare bankruptcy; they also want to avoid that. So they have adopted a stop-go policy, alternating a little inflation with a small contraction, hoping that neither the small inflation nor the small contraction will lead to a serious crisis.

The problem is that our entire system of banking, the Federal Reserve itself, is based on the fallacy of encouraging "easy money" and easy lending. The original Fed included some built-in limits on expansion: the Fed required that the banks hold substantial reserves in gold and commercial paper and offered loans to member banks in need only at a penalty rate — that is, at above-market interest rates. But those limits have long since been relaxed or repealed. The result has been one expansionary "bubble" after another. Another serious consequence has been the effect on economic calculation; all entrepreneurs, businessmen, accountants, etc., must try to calculate costs and expenses in a fluctuating, unreliable dollar; this has led to the distortion of production and of international trade.

There is no way to go back. The least destructive way to cope with the situation would be to *stop* inflating, to *stop* all credit expansion, and to let the chips, and the bankruptcies, fall where they may.

That would mean a crisis and perhaps a temporary economic stagnation. But the world would then be assured that there would be no further inflation or credit expansion. Trade and commerce would be allowed to continue with only the present stock of money. If a gold-dollar exchange ratio were established, that would be a powerful incentive to recovery. In time, prices would adjust until finally business owners were once again ready to resume operations and to embark on new enterprises.

This is the only economically feasible development. But it would be unpopular politically. And the present Fed officials would be extremely unlikely to approve.

— Bettina Bien Greaves

Embracing the inner MBA — In the waning days of his administration, Bush seems to have gotten in touch with his inner MBA.

He has been threatening for months to use his hitherto quiescent veto pen to strike down any bills that call for spending in excess of his targets, as well as any tax increases the Dems might send his way. He just carried through on his threat by vetoing the bill to expand the State Children's Health Insurance Program (SCHIP).

This was an act of political courage. While the bill was a Democrat-initiated bill, it wound up with bipartisan support, passing the House by 265–159, a large margin (though not enough to override the veto). The bill would have expanded the SCHIP program from covering low-income families (its initial focus) to covering families with annual incomes as high as $82,600 for a family of four.

Ironically, it would have covered tens of thousands of families rich enough to be subject to the Alternative Minimum Tax, a tax passed years ago by the Democrats to tax the rich who are "not paying their fair share."

SCHIP spending would have gone up by $35 billion over the next five years, hitting a high of $60 billion, and would have been financed by a huge increase in cigarette taxes — which most affect the poor.

Democrats were delighted to have yet another chance to bash Bush. Senate Leader Harry Reid (D-N.Y.) screamed that Bush "is denying health care to millions of low-income kids in America." (By the way, the bill would have covered "kids" up to 21 years of age!) And the Dems, delighted to have an issue for the 2008 election, have vowed to keep reintroducing the bill endlessly.

Of course, Bush had not only urged that the SCHIP program continue but had even proposed a 20% increase in its funding. Still, it was nice to see a flash of what might have been. It would have been much nicer to see that flash, say, five years ago. Now, with the Dems holding Congress and Bush on his way out, it's little more than symbolic. — Gary Jason

Brokedown palace — Cook County, the home of Chicago and the second most populous county in America, is flat broke. Even though revenue for the county is close to $3 billion per year, it just isn't enough. So the board proposed a sales tax increase, which would put the Chicago sales tax up to 11%.

The measure was so wildly unpopular that the increase was never voted on; for the time being, Cook County sales taxes are still under 9%. But now that the double-digit barrier has been threatened, I'm thinking that the only limit on taxes is the ability of people to get outside the county to do their shopping. I live outside of Cook and I see a lot of residents coming to my grocery store. Cook County retail is becoming like a convenience market. Yes, it's more expensive to shop there; but, if you need something right away, you buy it. — Tim Slagle

Oral report — Oral Roberts University may be a dry campus — but that hasn't kept a scandal from brewing in that corner of Tulsa, Okla. The school (known mostly for its titanic statue of two hands supposedly praying but, to my eyes, held in a "plotting" pose) built off the hucksterrific TV ministry of the Rev. Roberts stands accused of squandering its endowment on utterly middle-class clothes, furniture, and vacations.

Unlike many con artists, Oral Roberts had the sense to get while the getting was good. After visions of 900-foot-tall Jesuses and divinely-issued death threats, he skedaddled into a sedate "semi-retirement," punctuated only by the occasional false prophecy. Unfortunately for him, he handed over his empire to a natural-born son — a model distinctly discouraged by the Romans (at least there was no battle for succession: his other son committed suicide decades ago and his other surviving child is unsuitable because female). This son — Richard, disappointingly, not Oral Jr. — and his family seem to have a taste for the blander things in life. The wife ran up quite a tab at cankle-haven Chico's (reportedly claiming she could write anything off as long as she wore it once on TV); the daughter and some friends took the university jet on a vacation to Orlando. The Roberts home is a perpetual remodeling project (you'd think by now they'd have gotten that Thomas Kinkade painting just right). The university has even allegedly been funding Mrs. Roberts' mother's little helpers: not pills, mind you, but rather hundreds of late-night text messages sent to "underage males who had been provided phones" and, incidentally, "non-academic scholarships."

All this comes from an internal report prepared by Richard Roberts' sister-in-law — a document found on her computer during a routine repair. The administration, of course, is stone-

walling, refusing to acknowledge the document or any of the allegations, beyond Roberts accusing (from the pulpit) the complaining faculty members and students of "intimidation, blackmail, and extortion." The professors are trying to tip his hand with a lawsuit. The regents are preparing an independent audit. It all makes for juicy Bible-Belt theater, and I will enjoy watching it proceed.

I am a bit bemused by one thing, though. The AP found a student who says he is transferring, or threatening to transfer (perhaps it is like actors moving to Canada when their candidates lose elections), claiming the scandal has "severely devalued and hurt the reputation of [his] degree."

When, exactly, did an Oral Roberts degree provide entry to the highest level of society? Entry to Chico's? Now, that's another matter . . . — Andrew Ferguson

Yankee come home — Barely a week after Gen. David Petraeus and Ambassador Ryan Crocker visited Washington to extol the progress of the surge, a tragic but revealing incident occurred in Baghdad. Private security guards from Blackwater USA killed several Iraqi civilians after a U.S. diplomatic convoy they were protecting supposedly came under fire.

After the incident, the Iraqi government moved to ban Blackwater from its soil. It turned out, though, that it lacked the power to do this. Before we handed the Iraqis back their sovereignty in 2005, the U.S. occupation authority promulgated an order giving the security companies immunity from Iraqi law. Neither the "sovereign" Iraqi government nor the United States has rescinded that U.S. decree. Further complicating the situation was the fact that Ambassador Crocker had publicly praised Blackwater just a few days before the shootings occurred.

What is revealing about this? First, it shows that the U.S. armed forces are not capable of handling Iraq on their own. There are some 30,000 private security personnel in Iraq, representing almost 15% of the Coalition's total armed forces. Considering the limited and fragile successes achieved by the surge, one shudders to think what might happen if some or all of these hired guns had to depart the country. The continued occupation of Iraq would be impossible without them. (The Iraqi government admitted on Sept. 23 that the departure of Blackwater would create a "security vacuum" in Baghdad.)

The incident further highlights the fact that Iraq is a neocolonial enterprise, rather than a war of liberation. That the Iraqis cannot legally dismiss Blackwater from their territory speaks volumes. The American forces in Iraq contain a high percentage of mercenaries (contractors and noncitizen soldiers) — a hallmark of colonialist ventures. Then there is the matter of the occupiers' deplorable treatment of the civilian population.

Although the circumstances remain cloudy, it appears Blackwater's personnel may have fired on the Iraqi civilians without provocation. If so, it wasn't the first time. Last Christmas Eve, a drunken Blackwater employee killed an Iraqi (a bodyguard of one of Iraq's vice presidents) in the Green Zone. He was allowed to leave the country without further investigation. There have been other incidents involving both contractors and uniformed U.S. personnel. Four U.S. Army soldiers pled guilty this year to charges stemming from the 2006 incident at Mahmudiyah. There, U.S. troops murdered an Iraqi family in order to facilitate the rape of a 14-year old girl.

Total civilian deaths since the war started are unknown; the lowest figure that has been put forward is 70,000. While the majority of these died at the hands of other Iraqis or foreign jihadis, the occupiers' hands are dirty, too. It is not enough to say that the vast majority of our troops have behaved honorably. The fact remains that the nation's honor has been sullied by repeated brutalities committed by U.S. personnel — uniformed as well as contractors.

What is truly puzzling is why the U.S. feels it needs to practice neocolonialism in the Middle East. The richest country on earth can well afford to buy the Middle East's oil, and those who sit on that oil are happy to sell it to us, at least so

News You May Have Missed

Giuliani: "Excuse Me, I Think That's My Phone"

NEW YORK — Rudy Giuliani interrupted a major cellphone call from his wife, Judith, in New York yesterday to deliver a speech outlining his foreign policy to the Council on Foreign Relations. The former New York City mayor was right in the middle of the call, in which he pledged to pick up some hot dog buns and nonfat vanilla yogurt on the way home, when he said, "Oops, excuse me, dear, I think there's a large group of people in front of me and they may want me to say something. It'll only take a minute." Giuliani, leading polls for the Republican nomination, then quickly summed up his approach to foreign policy, carefully distancing himself from the Bush administration's policies while not openly breaking with them by declaring, "I can invade more countries than Bush can and alienate more people around the world than Bush ever did and if foreign leaders want to criticize me for that they are just going to have to wait while I take a phone call from my wife." He then quickly returned to his cellphone and apologized profusely to Judith for the rude interruption, remarking, "Sweetie-pie, I'm really sorry, don't be mad, it'll never happen again . . . yes, I promise."

It turns out, however, that this wasn't the first time Giuliani interrupted an important phone conversation with his wife to give a speech. In late September he was in the middle of a long call to Judith outlining his position on the dripping showerhead in the bathroom when he suddenly broke off to deliver an address to the Council of Former Giuliani Wives and Their Dependents and Lawyers, an organization with roughly 1,500 members headquartered on Park Avenue in Manhattan a few doors down from the Council on Foreign Relations.

Giuliani's campaign slogan — "As I Was Saying, You Have My Undivided Attention" — seems to be playing well with voters in the remoter rural areas of Iowa and New Hampshire, where erratic cell-phone service has so far prevented him from taking any calls. — Eric Kenning

long as we refrain from interfering in their affairs. Yet we go on interfering. The overthrow of a democratically elected government in Iran in 1953, the 1983 Lebanon intervention (which led to the deaths of 241 U.S. Marines, soldiers, and sailors in the Beirut barracks), the 2003 invasion of Iraq — how have these strengthened our security or improved our standing in the region and the world? I wish the U.S. government had a reasonable answer to that question. — Jon Harrison

Phony outrage — The falsity of mainstream political debate grows.

In early October, American talk radio was concentrating on self-centered controversies. Notably, Sens. Harry Reid and Tom Harkin took time to denounce talk radio host Rush Limbaugh from the floor of the U.S. Capitol — during business hours. Reid (the Senate Majority Leader) was angry that Limbaugh had called certain veterans opposed to the war in Iraq "phony soldiers." He called for the corporation that distributes Limbaugh's program to take action; and he produced a document signed by some 40 colleagues condemning the radio host.

Harkin followed with a sarcastic reference to Limbaugh's history of dependency on prescription pain medication.

In a minor-league version of that dispute, the San Francisco Board of Supervisors condemned the lesser-known talk radio host Michael Savage (whose program originates in the Bay Area) for using "hate speech" about illegal immigrants. Supervisor Gerardo Sandoval made fascistic threats like: "This attempt to vilify Latino-Americans will not be tolerated."

Yah, Herr Supervizor!

Both Limbaugh and Savage responded, as any cynic would predict, by turning up the intensity of their rhetoric. The standard model of policy-makers floating above the din of commentators and pundits has disintegrated. Elected politicians used to believe that the best way to deal with their media critics was to ignore them or dismiss them as trivial; now, politicians believe they can rally core supporters by engaging in crude back-and-forth with . . . paid entertainers.

This is a sign of poor judgment on the elected officials' parts. The main reason: media characters like Limbaugh and his many imitators (whether on the Right or Left) live by the feud. Traditionally, these feuds were with other entertainers; and that can be a hollow thing. But a feud with an elected official is a publicity bonanza for a pundit. At least one Capitol Hill staffer recognized this, insisting that the Senate would not answer Reid's calls for action — because to do so would only give Limbaugh "the kind of attention he craves."

Does Reid care? Probably not. Why not? Because there's more than just bad judgment afoot in these recent controversies.

As establishment politicians flee actual political beliefs for focus-group-tested platitudes, they lack the philosophical basis to engage in real debate. And, as these pols run campaigns designed not to offend (rather than to achieve), they sound and act increasingly alike. No matter what their nominal party affiliation.

So, there's a certain kind of savvy in battling with the popular media's cartoonish stars. For Reid, Harkin, Sandoval, et al., mixing it up with a cartoon is a shorthand way for identifying themselves. It doesn't take an advanced degree from the Kennedy School to know that Rush Limbaugh supports the president and the Iraq war. So, by bashing Limbaugh, Reid and his fellows position themselves against all of that.

But there's a hollowness — maybe a greater hollowness — to the Senate Majority Leader feuding with a man who's paid to make funny noises and say outrageous things.

One way that people define themselves is by the enemies they make. If you pick fights with cartoon characters, you become a cartoon character yourself.

As unlikely as it is for me to say this: Reid and Harkin's behavior isn't becoming of their offices. If they're going to "mix it up" with opponents, they should focus on others who have real positions of power — Bush, Cheney, Rice, etc. — and leave the class clowns in their corner. — Jim Walsh

Where do you want to archive today? — Here are two recent news stories about Microsoft.

1) CNET reports that Vista, the new version of Windows, is so slow and riddled with technical problems that users who buy Vista on new computers are "downgrading" en masse to Windows XP.

2) On Oct. 4, Microsoft opened a new website that, according to AP, is "tied to a health information search engine the software company launched at the end of last month" and "gives users a repository for health-related data."

Who wants to sign up first? — Patrick Quealy

To tap the unexceptional — One of the many lamentable trends in American life is the tendency of "public" cultural institutions to forget what they're supposed to be doing — to replace the reasons for their existence with almost anything else they can get themselves involved in.

I put "public" in quotes because no "public" institution actually belongs to the general public, or even to its identifiable "public constituency." It belongs, instead, to the people who run it. Yes, sad to say, those people who "work" at the DMV are the people who, de facto, own it.

Now, the people who own our "public" cultural institutions are generally much more susceptible of influence by their funding agencies, their professional associates, and their own ambitious egos than they are by the unfortunate folks who try to use their services.

"Nice try, but Puritans don't believe in reincarnation."

In 2006, editors and friends of Liberty gathered in Las Vegas for one of our famous Editors Conferences. If you missed the fun, or if you want to experience it again, you can hear selected events on CD or audiocassette — just $7 each!

Liberty Lives!

Libertarianism and Religion • *Jo Ann Skousen, Charles Murray, David Friedman,* and *Stephen Cox* discuss the nuanced and sometimes tempestuous relationship between religion and the freedom movement.
CD A-102*
Cassette B-102*

Liberty in Film • In this installment of a beloved, traditional Liberty conference panel, *Jo Ann Skousen, Jack Pugsley, Tim Slagle,* and *Gary Jason* talk about why film is important to libertarians, and which films recommend themselves to libertarians.
CD A-103*
Cassette B-103*

Ben Franklin (Warts and All) Takes On His Libertarian Critics • Franklin was one of America's greatest champions of liberty, says *Mark Skousen,* despite what many libertarians think.
CD A-104*
Cassette B-104*

The Best Laid Plans • *Randal O'Toole* surveys the damage wrought by the imposition of urban planners' morality on construction, traffic, and transit.
CD A-106*
Cassette B-106*

What's With the Cost of Gas? • Government conspiracy, market forces, or market failure: what really causes changes in consumer gas prices? *Mark Skousen, Randal O'Toole,* and *Bob Beers* look for an answer.
CD A-107
Cassette B-107

Taxes *Can* Be Cut! • *Bob Beers, Jack Pugsley,* and *Mark Skousen* look for ways to cut taxes and keep them low.
CD A-108
Cassette B-108

Keynote speech • *David Friedman* discusses how changes in technology will affect government power over the individual — and whether the effect will be for better or worse.
CD only.....A-109

How to Reform the Drug Laws • *Randy Barnett, Patrick Killen,* and *David Friedman* relate their work on drug-law reform and their ideas for bringing about change.
CD A-110
Cassette.....B-110

In Our Hands • *Charles Murray* describes his controversial plan to replace all wealth-transfer programs with one yearly payment to citizens 21 and over.
CD A-111
Cassette B-111

Should Libertarians Ally With Conservatives? • *Bruce Ramsey, Tim Slagle, Stephen Cox,* and *David Friedman* consider this perennial question.
CD A-112
Cassette B-112

Libertarians and the Constitution: A Love-Hate Relationship • *Randy Barnett* tells how the writings of a 19th-century anarchist convinced him the Constitution was illegitimate — and what changed his mind.
CD A-113
Cassette B-113

The Ideal Communist City • *Randal O'Toole* compares the means and ends of Communist planning with those of "smart growth."
CD A-114
Cassette.....B-114

Libertarian Comedy • *Tim Slagle* brings down the house at dinner Saturday evening!
CD A-115
Cassette.....B-115

What is the Optimal Size of Government? • *Mark Skousen* searches for the sweet spot between anarchy and statism.
CD A-116
Cassette.....B-116

The Future of Liberty • What are the prospects for freedom? *David Friedman, Jack Pugsley, Mark Skousen, Durk Pearson,* and *Sandy Shaw* offer different perspectives in this panel, consistently one of the most popular at our conferences.
CD A-117
Cassette.....B-117

Tribute to R.W. Bradford • Friends and family of Liberty's founding editor share their memories of one of the great men of the libertarian movement.
CD only.....A-118

* Most events were recorded digitally; items marked with an asterisk were not.

Yes! Send me these tapes or cassettes:

Item no. Description

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Attach a sheet to list additional items if necessary!

Number of items ordered: _____ x $7.00 per item = _____

Shipping: $3.00 for one item, $5.00 for two or more items: _____

Washington state residents, add 8.4% sales tax: _____

Total: _____

☐ I enclose my check in full payment.

Please charge my:
☐ Visa ☐ MasterCard ☐ Discover

name

address

city, state, zip

phone

email

credit card number exp date

signature 1207

... or simply call toll-free!
1-800-854-6991
(9 a.m. – 4 p.m. Pacific Time, Mon–Fri)

Mail to: Liberty, P.O. Box 1181, Port Townsend, WA 98368

That is why museum directors stage "blockbuster" exhibits, designed to clog their galleries with tens of thousands of visitors who are wholly uninterested in art, so museum personnel can report to the city or some tax-free foundation or federal granting agency that they are bringing the artistic experience to that many more dopes and dupes.

That is why you can't sit in a public library and try to read a book without being rousted from your seat by meetings of folk dancers, genealogy clubs, community (i.e., political activist) groups, or gangs of pre-literate children who are given free babysitting by "professional storytellers" and other well-paid ninnies and charlatans.

That is why you can't get to a public park without bucking a foaming tide of do-gooders conducting yet another disease awareness walk, ethnic self-congratulation ritual, patriotic rally, or health and wellness clinic.

That is why statues are no longer erected on city streets unless they are also funny, funky, and safe to play on. Forget the idea that they're popularly supposed to represent art and history.

That is why churches (primeval instances of tax-free public institutions) spend most of their time hosting political meetings, running tai chi classes, and handing out sandwiches to the mobs of winos in recognition of whose likely depradations all "worship areas" are permanently closed except from 10 to 11 a.m. on Sunday.

And that is why, to top it off, the San Francisco Opera recently put "a major-league twist on the efforts of U.S. opera companies to bring art to the masses" (AP). Crowds were summoned to the baseball stadium, where a "jumbo video screen" was set up to provide a good ole look at one a them big ole European opra shows — broadcast right from the opra house hisself, downtown.

The Opera's general director promised to incite the crowd to throw tailgate parties and sing "Take Me Out to the Opera." He said that "we" were going to "load up on the garlic fries, get our blue bloods here clotted up."

Two centuries ago, William Hazlitt said that his fellow Englishmen had but one thought while attending the opera: "I am at an opera." That's dumb, but it's not dumb enough for the San Francisco Opera. According to its management, San Franciscans should have but one thought: "I am at a ball game."

I sometimes attend the opera. What I want to see while I am there is an artificial performance, presented in approximately the way it was originally designed to be presented, with due regard to the decencies of the artistic medium. I want to be able to hear it in silence, unaffected by belchings induced by garlic fries or by the predictable conduct of sports fans who have to be lured to an artistic event by the promise that it will resemble the events they really like. When I attend an opera, I want to see the singers' beautiful costumes and enjoy their studied poses and their superbly trained voices. Unlike an SFO stage director (noted for having worked with the Grateful Dead), I do not fall into ecstasies about the prospect of being able to "see every pore" on a jumbo screen.

Pores, if you like that kind of thing, are for a certain kind of movie. If the SF Opera wants pores, I suggest it go into the pores business, and stop calling itself an opera.

No, I am not a snob. The problem isn't baseball, or baseball's audience. The problem is people who have no respect for their own business, their own work, in this world. Suppose that baseball fans were invited to observe a game staged inside an opera house, and the audience for this spectacle was expected to attire itself in formal dress? Might that possibly be harmful to the spirit of baseball, or would it be a welcome opening of the barriers between the masses and the classes?

I have been unable to learn exactly what happened on Sept. 28, 2007 — a date which will live in infamy — the day appointed for San Francisco's wedding of opera and baseball. I do know that about 20,000 people registered for *free* tickets. If you're a public institution, and you want to know how many people really want your product, how do you find out? In San Francisco, the answer is: *give it away.* Do *anything* to get those people inside your tax-entitled doors.

The only good feature of this idiocy is that the opera scheduled to open the satanic tryst between the musical theater and the tailgate party was Saint-Saens' "Samson and Delilah." Saint-Saens was a great composer, but "Samson" is startlingly bad. It's just what the "public" deserves. — Stephen Cox

Pro patria nookie — We have fresh ironic news from European states adjusting to their declining populations.

First, Germany is beginning to open up to skilled immigrants from Eastern Europe. Until now, pressure was put on German firms not to hire foreign engineers and other highly skilled workers, for instance by requiring firms to pay such foreign workers a minimum of $115,000 yearly salary. But demographic reality is forcing the German government to rethink such labor protectionism.

One expert with the German Chambers of Industry and Commerce has calculated that by 2015, if not sooner, the demand for skilled labor in Germany will exceed the domestic supply. Indeed, economist Oliver Koppel of the Cologne Institute for Economic Research has identified roughly 110,000 high-skill jobs that that have gone unfilled for want of qualified applicants. Most of these jobs are in the information technology and engineering sectors. He estimates that the shortage of skilled labor is costing Germany some $27 billion a year.

Turning now to the nascent fascist system of Russia, again we see some interesting demographic scrambling. Putin is rolling in petrodollars (thanks in great part to our refusal to develop our energy resources, such as existing oil reserves in ANWR and offshore, not to mention nuclear power). But he is facing a rapid demographic collapse. Russia has a population of 141 million spread over one-seventh of the planet, and its population is due to plummet over the next 50 years unless something is done. The Putinists are scrambling accordingly.

Russia already pays women cold cash for having larger families. But the government of the region of Ulyanovsk has gone one step further: it has designated Sept. 12 "The Day of Conception." Couples get time off work to, well, couple. And those who have babies on the following June 12 receive neat prizes, such as cars and refrigerators.

But the Putinists have recently gone even further. Putin — always ready to learn from Stalin and Hitler — has created a youth organization called "Nashi" (Russian for "Ours"). At its yearly camp near Moscow, over 10,000 young people (in uniforms, konechno!) get a couple of weeks of indoctrination and physical fitness. And, in a new nod to demographic virtue, the kids are encouraged to have sex without contraception. Partying without the booze, so to speak.

The Putin Youth also have mass wedding rites, à la Reverend Moon's Unification Church. Dozens of couples marry during the two-week camp, with the weddings conducted by a handy onsite civil official. All of which gives new meaning to the phrase, "Do it for your country!" — Gary Jason

Yakko's choice — Once again, "the whole world is watching" television images of horrific abuse by an Asian military junta. Once again, Americans are confronted with the vexing choice of a response to this crisis.

The choice is this: what do we call this place? Myanmar? Or Burma? Is it always going to be known by America's schoolchildren as "Myanmar, formerly known as Burma?" U.S. officialdom, which refuses to dignify the "Burmese" junta by referring to their state as "Myanmar," did this very same prissy semantic mummery with another nearby and tortured country in the 1980s. You say Kampuchea, I say Cambodia, let's call the whole thing off.

This is important. We absolutely have to get this worked out before the neocons find some vital national interest (perhaps a few million barrels of vital national interest under the Bay of Bengal) that requires military intervention. We know from previous Asian adventures that the American people deserve to know what to call a place, as well as where exactly it is located, before their sons and daughters go to fight and die there. So, why not just call the nation in question Myanmarfor merlyknownasBurma? Certainly that's not much harder to say than Burkino Faso. Or Lesotho. Or Islamic Republic of Iran.
— Brien Bartels

GM to America: drop dead — Don't dread Hillary-care; it's already here. On Sept. 26, 2007, General Motors and the United Auto Workers reached an agreement that will begin the process of nationalizing the health-care liability for millions of Americans. Here are the details:

- GM had more than $50 billion in health-care related liabilities for present and former employees on its books; the company's total market capitalization was only $21 billion. These liabilities were like a cancer on the company's balance sheet. They made raising capital difficult and pushed GM's average man-hour labor cost to an uncompetitive $75. If GM didn't find a way to get rid of the liabilities, it faced the prospect of filing bankruptcy.
- The UAW agreed to take over responsibility for the health-care liabilities in exchange for promises of job security for its members. (It also agreed to give up scheduled raises and some other cash benefits.)
- GM and the UAW agreed to form a voluntary employees' beneficiary association (VEBA) that will be funded with $35 billion from GM but managed by the union. Creation of the VEBA will be monitored by a judge and the Securities and Exchange Commission staff.
- The VEBA will take over all financial responsibility for employee health claims, which now cost GM $3.3 billion per year (and claims from retired hourly workers account for three-quarters of the annual cost).
- According to the union, the VEBA is designed to appreciate in value and pay health-care benefits for retired workers for at least the next 80 years.

Benefits experts and economists say that the GM deal will not only be a model for the UAW's coming negotiations with Ford and Chrysler but also for other large U.S. industries with heavy health-care costs — such as the telecommunications sector.

This isn't good. Look at the numbers from the VEBA again: $3.3 billion a year in outlays, $35 billion in endowment capital. That means the VEBA will have to generate net returns of about 9.43% per year to stay even. That's *net* returns. Union pension funds do not have a strong history of generating net returns on investment.

GM had booked the cost of its health-care liability at $51 billion. Are the UAW honchos such good money managers that they can cover the obligation with only two-thirds of the capital? The answer is *no*, even if — as some experts predict — their VEBA will get some sweetheart tax advantages.

A prediction: Retiree claims will be higher than projected and the VEBA's net ROI will be lower. This "burn rate" won't last 80 years; it'll last something more like six to ten years. So, starting soon — like this election cycle — the VEBA administrators will be supporting candidates who support nationalized health care. Then, the administrators will only have to make the money last until Uncle Sam takes over.

And GM will have wrangled a $16 billion subsidy indirectly from the federal government.

You're welcome. — Jim Walsh

Send the Marines — Every fan attending games at both New York City major league baseball stadia should notice that uniformed New York City policemen are far more visible in the Bronx (at Yankee Stadium). Outside the stadium before and after the game, the NYPD is directing traffic. (Until recently its finest could also arrest scalpers.) In the bleachers for the entire game stand several cops at the bottom edge of the seats, checking out the audience unless they turn around to look at the game. In the upper tier that has reserved seating the cops voluntarily look at fans' tickets and direct them to their proper seats, essentially doing ushering work as well. It is the NYPD, rather than unarmed house security, that collars not only errant cigarette smokers but the occasional lunatic who runs out onto the field. At the end of the game a row of cops appears along the sidelines to keep fans in the stands. Need only libertarians object to perhaps a hundred uniformed city employees working for a private, decidedly forprofit company?

Why does the NYPD work so visibly for the Yankees and not the Mets? Fans in the Bronx haven't rioted in recent memory. Does some NYPD genius imagine a ballpark in our poorest borough more vulnerable to terrorism or local hoods than the stadium adjacent to LaGuardia airport (and the world-class tennis courts nearby)? That perhaps accounts for why front-door security at Shea is, by contrast, more permissive.

My suspicion is that some arrangement was made by our previous mayor, Rudy Giuliani, Yankee Fan Numero Uno during his reign, who is now a Republican presidential candidate. I recall him appearing in the upper deck around the fourth inning, while several NYPD sharpshooters went with rifles to the stadium roof. Most egregiously, Rudy would appear whenever he wanted, it seemed, on the live radio broadcast from the stadium as a kind of extra color commentator, so to speak.

The Village Voice's ace investigative reporter, Wayne Barrett, has recently documented how Rudy joined Yankee players in receiving World Series rings during his administration and then failed properly to account for them as gifts to a city official. The presence of the NYPD as Yankees suprasecurity probably reflects his enthusiasm for one New York team over the over.

Why our current mayor, Michael Bloomberg, has not killed this sweetheart deal mystifies me. Since he aggressively terminated other Giuliani improprieties, the persistence of this remains inexplicable. Were Rudy to become prez, don't be surprised to see the United States Marines replacing the NYPD at Yankee Stadium. — Richard Kostelanetz

Queen City of the Jersey Coast — AOL headlined its Oct. 5 story: "Atlantic City Mayor Drops Out of Sight." Copying an AP release by Wayne Parry, datelined Atlantic City, the story began: "Under federal investigation for embellishing his Army service in Vietnam, a groggy-sounding Mayor Robert Levy called in sick at City Hall, climbed into his city-issued Dodge Durango and seemingly dropped off the face of the Earth."

The story continues with a reminder of the city's "long history of corruption, with four of the last eight mayors busted on graft charges and one-third of last year's nine-member City Council in prison or under house arrest."

First, doesn't this mean the story is not newsworthy, a typical dog-bites-man type of story? Reporting corrupt officials in Atlantic City is like reporting cold weather in Anchorage.

"'It's a national embarrassment,' said City Councilman Bruce Ward." But it's hard to believe, in this day and age, that political corruption can attain this status. Corruption is the status quo. You'd think the public would get the picture by now. Running for office is prima facie evidence you are not fit for office.

Ward went on to say: "We have entertainment companies that are considering investing billions of dollars in Atlantic City. They need to know there is stability in Atlantic City. And we have 40,000 residents here who need to be protected."

Is this at all credible? Atlantic City was founded 143 years ago. As the story indicates, it seems to have weathered 50% of the last eight mayors being arrested for graft and 33% of the City Council being in jail or under house arrest. So are billion-dollar businesses really going to be scared off by a mayor's scandal? Especially businesses, like the gaming industry, which have experience dealing with issues of corruption? And how seriously should we take the claim that 40,000 residents of a major American city feel "unprotected" because their mayor can't be found?

If ever there was a case to be made for anarchocapitalism, Atlantic City would seem to be a great place to start.

— Ross Levatter

Praising with faint praise — Former Watergate conspirator John Dean is generally a down-the-line Democratic Party apologist but occasionally he surprises, most notably by penning a favorable biography of Warren G. Harding. Now, he gives some faint, but still welcome, praise for libertarian Republican Ron Paul.

Dean states that while he is "very concerned about the current attitude in the Republican party . . . there are candidates on the Republican side who are not quite as frightening

as Giuliani." When asked who these were, he specified "Ron Paul" (The Nation, Sept. 28). — David Beito

Keep our checks coming or we'll shoot these children — As the holidays approach, the strategically hapless George W. Bush plays Scrooge and chooses to battle with Congress over reauthorization of the State Children's Health Insurance Program (SCHIP). Bush has vetoed the bill and invited an override.

SCHIP, funded jointly by the federal and state governments, was created in 1997 from the ashes of the Clinton administration's more ambitious plans to "reform" health care in the U.S. The program's purpose was to provide health insurance to children whose families were struggling — but making too much to qualify for Medicaid. In some states, families with annual household incomes as high as $72,000 could qualify for SCHIP coverage.

Bush explained his veto as follows:

> I happen to believe that what you're seeing when you expand eligibility for federal programs is the desire by some in Washington, D.C. to federalize health care. I don't think that's good for the country. . . . I also believe that the federal government should make it easier for people to afford private insurance. I don't want the federal government making decisions for doctors and customers.

These words hint at the Bush who might have been: a free market advocate with a compassionate style. But, if the actual Bush has been a stumbling disappointment (even to low expectations), some of his opponents on the SCHIP issue are flat-out dark.

Aligned against him is a collection of statist advocacy groups and marketing firms. And one of these groups — the AARP — produced an "issue ad" called "Way Too Important" that's nominally in support of an SCHIP veto override and a related bill called the Children's Health And Medicare Protection (CHAMP) Act. It's so mendacious it would make the Ministry of Truth cry foul.

In the television version of the ad, a series of children's portrait shots is shown. Each child says a few words of a short speech about keeping Medicaid and Medicare "safe" for kids, seniors, and families.* Here's the text:

> This is a message for political candidates. Don't tell us you'll improve health care, just so people will vote for you. Don't tell us you'll fix Social Security, just so you get elected. Don't tell us that unless you really mean it. Because it's way too important. Too many families can't even afford to get sick. Too many people can't even save enough for their future. Please. Don't tell us you'll fix things unless you really mean it. Because it's way too important.

Double plus good. Virtually all of AARP's public policy agenda — from keeping insolvent benefit programs in place, to establishing "anti-forfeiture" standards, to supporting rigid anti-age-discrimination rules — works against young Americans. It's perverse . . . and maybe brilliant . . . to have little children mouthing support for one program that's intended to help them and several that directly hurt them.

Note to AARP: state benefits are a zero-sum game. Every dollar taken by people over 50 is a dollar that people under 18 don't have.

*You can see the ad at http://youtube.com/watch?v=KSTtFmuWQic or http://dividedwefail.org.

To call "Way Too Important" a triumph of form over substance doesn't do it justice. It's vaguely menacing. And, after a couple of viewings, it's simply surreal. — Jim Walsh

Completing the set — On Oct. 12, Al Gore won a third prize to keep his Emmy and Oscar company: the Nobel Peace Prize. Supporters claim that such an award will give Gore the credibility he needs to pursue more global warming legislation.

Of course, if credibility is involved, Gore shouldn't even have been in the running for the prize, since his Live Earth shows made a mockery of climate change and his wanton use of private planes and electricity has made him quite buffoonish of late. Gore was a co-author of the failed Kyoto Accord, which would have done nothing to curb global warming, since China (the No. 1 producer of carbon dioxide) was exempted. So his leadership credentials are questionable.

But does the prize even bring respect anymore? Yasser Arafat got one. So did Jimmy Carter, who many agree was the Worst President Ever. Past nominees for the prize include Hitler, Stalin, and Mussolini . . . on second thought, I wonder how Al Gore hadn't gotten one already. — Tim Slagle

The trillion-dollar question — For several years, Comptroller General of the United States David M. Walker has been an ignored prophet as he identifies looming fiscal problems for the U.S. government. He heads the Government Accountability Office (GAO, formerly the General Accounting Office), which frequently updates computerized forecasts of coming financial disaster and produces the annual Financial Report of the U.S. Government — listing all major federal assets and liabilities, including the present value of unfunded Social Security and Medicare obligations. As Gary Jason pointed out in a recent issue of Liberty, federal liabilities now exceed $50 trillion. GAO also calculates the "fiscal gap," the amount by which we would either have to cut spending or have to raise taxes permanently to make the government financially sound. That gap is now about a trillion dollars per year.

This gap is much more than the current "unified" deficit of less than $200 billion annually because of the coming retirement of the Baby Boom generation, nearly 80 million people who will go from paying trillions of dollars in taxes to collecting tens of trillions of dollars in Social Security and Medicare benefits. The first Baby Boomers retire in 2008. GAO's projection of current policy shows deficits reaching much higher levels by 2016 and unsustainable levels by 2021, shortly after Social Security starts adding to the unified deficit rather than reducing it.

To close the fiscal gap, we need a trillion dollars in annual federal spending cuts. Such cuts would eventually reduce federal spending by 40%, compared to current practice. And we can do it.

We can save a trillion dollars by stopping government giveaway programs that generally help special interests; ending our current wars and cutting military spending; gradually raising the Social Security normal retirement age from 67 to 75; making Medicare a high-deductible health plan; ending many federal grants to state and local governments; converting Medicaid-SCHIP to block grants; and ending unneeded federal programs, including NASA. If implemented, these proposals would immediately save more than $700 billion per annum, and more than $300 billion in the annual value of long-term savings in Social Security, Medicaid, and Medicare-SCHIP. The cuts would leave most of the federal government intact, including most programs for the poor and the large federal regulatory apparatus.

If the next Congress adopted these proposals in 2009 (a prospect that is admittedly very unlikely) we could also pay off the federal debt held by the public by 2022. Paying off our public debt would save us hundreds of billions of dollars in annual interest costs. Finally, I recommend the enactment of a balanced budget amendment and several other measures to make fiscal discipline permanent. These massive fiscal reforms are unlikely today, but the consequences of not changing are dire: either tax rates could nearly double, killing economic growth; or we could follow nations like Argentina into hyperinflation and default. — Martin L. Buchanan

Double, double toilet trouble — What drives a pretty young man to sit on a public toilet for hours each day, enticing other men to make a gesture so he can issue them a ticket? Is he keeping society safe from other young men sitting on toilets, willing to do more than issue citations? If that's the case, why not simply stand in open view, wearing a uniform? Or better yet, hire a private security guard to protect the bathroom, and let this policeman spend his time chasing real criminals?

Sen. Larry Craig is being forced out of office for tapping a foot and making a hand gesture that the average citizen would not even have noticed or understood — until now. Thanks, Boys in Blue. He did not do anything illegal, nor did he say anything illegal. He was coerced into signing a hasty guilty plea in order to avoid being arrested and subjected to public embarrassment. And then that guilty plea was made public. I'm not a fan of Sen. Craig, but I don't believe this is the way to remove him from office.

Don't get me wrong. I'm pretty conservative. I do not believe private expressions of affection are appropriate in public places — even in semi-private bathroom stalls. I'm not a member of the Mile-High Club, nor would I ever consider it. In fact, the thought of "Club members" preceding me makes me squeamish about using airplane bathrooms. But that's the point — the public laughs and even brags about the Mile-High Club because it's a heterosexual conquest. Larry Craig is being forced out of office for making a pass at a man who made a pass first — by signaling through his long "enthronement" that he was available. And that's despicable. — Jo Ann Skousen

Read her the RIAA act — A federal jury in Minnesota recently handed the major record labels a $222,000 verdict against a single mother accused of file swapping. While she was initially accused of making 1,702 songs available through the Kazaa network, the Recording Industry Association of America focused on only 24 songs during the trial.

The jury awarded $9,250 in statutory damages for each of the 24 songs. The crucial point is that, under the judge's interpretation of U.S. copyright law, the RIAA wasn't required to prove that Kazaa users actually downloaded songs from Thomas' computer. All the RIAA needed to do is claim that Thomas left the songs in a publicly accessible directory where

continued on page 30

Where Have All the Techies Gone?

by Gary Jason

It isn't "America" that produces the world's goods; it's American workers, and especially the combination of workers and thinkers known as technicians. But where will these workers and thinkers come from?

It is a truism that the American economy is increasingly based on technological knowledge. Our economic strength lies more and more in our scientific, engineering, computing, and medical industries. I say this objectively: as a philosopher myself, I know what I love, but I also understand that it doesn't make our economy run. And I am concerned with the growing evidence that our technological edge is eroding.

If this is true, we should think carefully about the basic questions: Why is it? What can be done about it?

That there is an increasing shortage of technically skilled workers is indicated by a variety of facts. First, consider the recent H-1B visa lottery. Under our screwy immigration system — which favors family ties over valuable skills in determining who gets a green card — we allow high-tech businesses to bring in engineers and other tech workers under a special category (the H-1B visa), but limit their numbers. The current limit is 85,000 such visas per year. In April, on the *first day* for H-1B visa applications (for issuance in October), there were 123,000 applicants — so the government held a lottery. This is the fourth year in a row that the supply of visas was exhausted before the start of the employment year.[1]

Industry is feeling the pinch. Microsoft CEO Steve Ballmer recently testified before Congress that his company alone has 3,000 tech openings it can't fill, even though Microsoft is generally viewed as a great place to work.

A broader indication of the shortage is the widening gap between wages paid to highly skilled workers and wages paid to those less-skilled. Reflect on the difference between what the average college graduate with a four-year degree earns and what the average high-school graduate earns. A quarter century ago, the former earned 40% more than the latter; today the difference is 75%, and increasing. Unemployment stats reflect a similar huge disparity. The March federal unemployment report showed that those without a high-school diploma averaged 7% unemployment; the rate drops to 4.1% for those who have completed high school, and to an astounding 1.8% for those who have completed college.

Fed Chairman Ben Bernanke made this same point earlier

this year when he emphasized disparity of education as the cause of the disparity in wages between high- and low-income workers.[2]

The education-skills gap is especially worrisome when you consider that our major trading partners are beginning to surpass us. The most recent OECD (Organization for Economic Cooperation and Development) survey shows that over a dozen countries now have a greater proportion of young people with college degrees than the U.S. Fifteen years ago, there were only two.

Add to the equation the fact that even nominally "low skilled" jobs are becoming more technologically demanding, and the urgency of the problem becomes clearer still.

The point was brought home in a recent major and massive report by the New Commission on the Skills of the American Workforce (a study completely ignored in the mainstream media). The NCSAW report showed that the American share of the global college-educated workforce dropped from an amazing 30% in the 1970s to only roughly 14% today. In absolute terms, countries like India are beginning to produce more college grads than the U.S. The report glumly concludes, "Whereas for most of the 20th century the United States could take pride in having the best-educated workforce in the world, that is no longer true."[3]

Moreover, we face a major demographic challenge as the Baby Boomers, some 28% or so of the entire population, begin to retire, starting this year. In my home state of California, Boomers are nearly half of all workers.[4] We are confronting the fact that half the entire highly-educated tech workforce will retire over the next decade, in a state that prides itself on being the cradle of high-tech industry. So if we have a serious shortage now, it will grow to crisis proportions over the next decade.

The shortage of highly-educated workers in America is anomalous — it cries out for explanation. After all, don't we pay the highest amount per capita of all industrial nations for K-12 education, much more than nations such as Germany, Japan, and Korea? And don't we have a huge number of educational programs, from Head Start to No Child Left Behind to Pell Grants? Didn't we set up a federal cabinet-level Department of Education, and boost its funding by nearly 50% since passing the No Child Left Behind Act?

The explanation involves several factors.

First, in American colleges the percentage of students majoring in technical fields is going down, and in some cases there is a decline even in absolute numbers. For example, the number of new computer science majors dropped from 16,000 in 2000 to fewer than 7,800 in 2006. Yes, the "dotcom bomb" was damaging, but other technical fields have also seen relative if not absolute declines.

And keep in mind that, as the Wall Street Journal noted,[5] more and more of our technical degrees are going to foreign nationals. In 2006, for instance, more than 50% of the master's degrees and 70% of the Ph.D.s in electrical engineering were awarded to students from abroad.

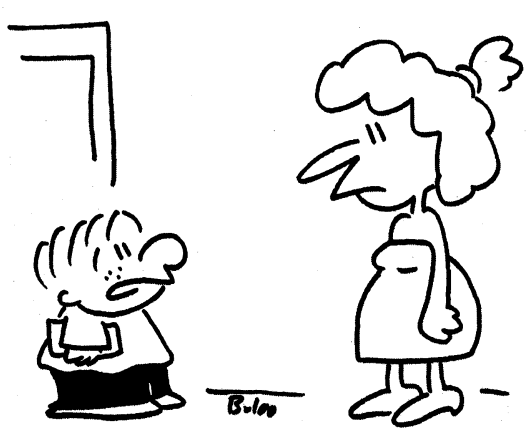
It is unlikely that the drop in American students pursuing technical fields results from some precipitous drop in wages for those fields. The U.S. Bureau of Labor Statistics has listed average annual salaries as follows (by field, for 2001): management, $70,800; legal, $69,030; computer and mathematical, $60,350; architecture and engineering, $56,350; business and financial operations, $50,580; education, training, and library, $39,130; construction, $35,460; social services, $34,190; protective service, $32,530; sales, $28,920. So some students may have chosen to pursue careers as CEOs and lawyers because of the higher pay, but the average pay for technical fields is higher than for most other professions.

Second, there is an increasing problem of college students failing to matriculate. Currently, 43% of those between age 22 and 34 who went to college didn't complete a degree, and 13% of them didn't even finish a year. Things are especially egregious here in California. A recent report by the Public Policy Institute of California, a report that caused quite a stir, showed that only 10% — one in ten! — of students who enroll in the California Community College system *ever* complete a two-year degree, and only about another 10% transfer to a four-year institution.[6] This means that 80% of students in an incredibly expensive, 100-campus system *that accounts for 70% of all California college students* just take some courses and leave. This is intolerable.

Third, more general and even more problematic, there are the obscene dropout rates in our high schools. Roughly 30% of all high school students drop out, but their numbers are not uniformly distributed among ethnic groups. Roughly 50% of black and Hispanic students drop out, and those are two of the most quickly growing segments of our population.[7]

For those inclined to say, "So what? Those who drop out aren't those who will excel anyway!" there are two points to be made. For one thing, it is likely that at least a few (and possibly many) who drop out do so not because of their inadequacies but because the schools they attend are inadequate. Why waste their talents if it is possible not to do so? Besides, to reiterate what I said earlier, there are fewer and fewer jobs that don't require some technical competence. Every student who drops out is another person more likely to be unemployed.

Fourth, there is the continuing mediocrity of our K-12 system generally. Too many even of those who graduate from high school have poor basic skills. We must confront the fact



"I think my teacher is a terrorist — she keeps talking about Arabic numerals!"

that we are educating large percentages of students for workforce obsolescence and financial defeat.

One indication of this is the consistently low scores our students get compared to those from other industrialized countries. Our kids consistently rank highest on self-esteem but near the bottom in reading and especially math ability.

On the first day for H-1B visa applications, there were 123,000 applicants. The current limit is 85,000 such visas per year.

As the NCSAW report puts it, "While our international counterparts are increasingly getting more education, their young people are getting a better education as well. American students and young adults place anywhere from the middle to the bottom of the pack in all three continuing comparative studies of achievement in mathematics, science, and general literacy in the advanced industrial nations."[8]

Another indication of the general weakness of the American K-12 public school system is the high percentage of entering college freshmen who have to take remedial math or English. Again, looking at my home state, roughly half of all incoming freshmen at the various colleges of the California State University have to take remedial classes. In other words, half the students who have grade averages and college entrance exam scores high enough to get them into the second-tier university system still need remediation. What then about the high school grads who can only get into community college? What must their skills be like? And how about those who can't make it into college at all? And what then about the dropouts?

I suspect that the scandalous lack of decent math education and motivation ties in with the decline in the percentage of college students pursuing technical degrees. Engineering, computer science, and the natural sciences are out of the question for those who are weak in math, and a formidable challenge for those who are only mediocre.

How can we deal with the growing shortage of technical and other highly educated workers? Well, to begin with, we need to do as many of our competitors are doing, and *encourage* legal immigration of the highly skilled. We certainly need to up the H-1B limit dramatically, keeping in mind that it once was as high as 195,000 annually, and prior to 1999 there was no set limit. I would urge that the limit rise to a half-million at least, if we can't just remove it altogether.

We also need to remember how many high-tech (and other) firms, such as Intel, were either founded or cofounded by immigrants. A recent U.C. Berkeley study (coauthored by Dean AnnaLee Saxenian of Berkeley's Department of Information) showed that immigrants founded or co-founded 25% of all startup companies nationwide, 40% of all California startups, and an incredible 50% of all Silicon Valley startups.

Increased legal immigration faces fierce protectionist opposition. Socialist Sen. Bernie Sanders (I-Vt.) in particular has bitterly fought to keep the H-1B visa quota low and to tax companies stiffly that hire the workers in question — calling the tax a "training and scholarship fee." In the comprehensive immigration reform bill recently killed in the Senate, there was an attempt to move away from basing immigration on family ties to basing it on points for such things as skills and education. It was a sagacious idea. Even though that point-based approach was rather tame, and the bill kept quotas on tech workers in place, Sanders still helped to kill it. Protectionism grows apace, fanned by writers such as Pat Buchanan and Lou Dobbs and talk-show hosts such as Laura Ingraham and Michael Savage.

The idea that classical liberals must keep ramming home to the protectionists is that if you refuse to allow in the high-skilled workers that our high-tech industries need, you shouldn't start screaming when those firms start outsourcing jobs to places the skilled workers live. It is of course the same Buchananites and Dobbsians who want to keep foreign techies out who lambaste the "vile capitalist pigs" for sending tech work abroad.

However, even supposing that we can convince the American public that the shortage of tech skills is real, immigration is only a partial cure, for reasons ironically beyond the ken of protectionists. Remember that highly skilled immigrants typically come to America from countries where they are not welcome or can't find work. America received a big wave of Jewish scientists and scholars, thanks to the vicious, racist fools in Nazi Germany. And we have traditionally picked up many technically trained people from countries with screwed-up statist economies, such as doctors fleeing countries with socialized medicine and entrepreneurs fleeing Marxist or other hopelessly corrupt regimes.

But classical liberal reforms are sweeping the planet, with China and India liberalizing rapidly (and consequently growing rapidly), the former East European communist states embracing capitalism, and welfare states like Sweden, Denmark, Ireland, and (perhaps) now even France beginning to relax their statist strangleholds. In short, we can no longer count on being handed free gifts in the form of educated people much longer, *because there is a growing shortage of screwed-up statist economies.*

Compared with kids from other industrialized countries, American kids consistently rank highest on self-esteem but near the bottom in reading and especially math ability.

You already see this in stories about countries that formerly exported people now trying desperately to get them

back — Ireland comes to mind here. And you are seeing some immigrants begin to return home to countries that finally liberalized their own economies — Indian pharmaceutical researchers returning to India are an example in this case.[9]

In fact, the converse effect threatens us. As our economy continues to move toward a welfare state — in particular, as we rapidly approach socializing our health care — we may see our educated best start to move abroad, or an increasing number of highly productive immigrants return to their countries of origin.

I suspect that the scandalous lack of decent math education and motivation ties in with the decline in the percentage of college students pursuing technical degrees.

This is by no means an impossible scenario, as many American exceptionalists might like to believe. Socialist Germany, for instance, has seen a dramatic loss of highly trained professionals (academics, engineers, and doctors in particular). This emigration is accelerating, increasing from roughly 115,000 in 2002 to about 145,000 in 2005.[10] The high taxes, excessive regulation, and high unemployment that the Germans' welfare state has brought them has created a brain drain, as adopting their welfare state would surely do for us.

So, while allowing more skilled immigrants is vitally necessary, we also desperately need to fix our educational system by bringing to bear classically liberal principles.

Here I can only briefly sketch the sorts of reform I think will work. Regarding the high incompletion rate in community colleges, for example, I have argued elsewhere[11] that per-unit tuition rates should be increased the longer a student remains past the equivalent of two years, to encourage students to get their education done expeditiously.

Regarding high school dropout rates, I have argued before in these pages that the situation will be improved if we move to free choice in education — vouchers being, I believe, the most practical and achievable mechanism for free consumer choice in education.[12] Vouchers will allow parents to set up more focused schools, such as arts schools, schools emphasizing business, trade schools, and (more to the point) schools devoted to science and technology, such as the highly acclaimed Bronx High School of Science.

Similarly, I would argue that by allowing free consumer choice in education, we would see less mediocrity. As I have noted elsewhere, the experience of Sweden is that when vouchers are introduced, some parents opt for private schools, but the remaining public schools quickly clean up their acts, and all the children benefit.[13] And Jay P. Greene, in a book I reviewed for these pages, pointed out that all random-assignment studies done on voucher schools show that they improve scores.[14]

With more private control, schools would be in a better position to do what private industry does in hiring: pay more for scarce workers. For example, given the deplorable state of math education, it would be useful for schools to be able to pay trained mathematicians and engineers higher salaries than, say, philosophy teachers, to get them on board.

With a proliferation of schools for kids inclined to technical subjects, and the rest of the schools beginning to improve math education, you would begin to see colleges draw more technical majors from our own population.

Also worth exploring are the various proposals of the NCSAW report. It recommends, among other things, eliminating local political control of public schools, replacing it with management by private contractors; requiring mandatory entrance exams for public colleges; increasing salaries for new, talented teachers; cutting the pensions of retiring ones. The two members of the bipartisan commission who dissented from the recommendation to privatize the management of public schools were, of course, precisely the two members with ties to organized labor; one was Dal Lawrence, past president of the Toledo Federation of Teachers. You can see why the report got little play in mainstream media, which is heavily pro-teachers' union.

Short term, we need an immediate and dramatic increase of immigration by skilled workers. Long term, we can get back to self-sufficiency in producing technically trained employees only by bringing the free market to K-12 education. ❑

Notes

1. "The Legal Visa Crunch," The Wall Street Journal, May 30, 2007.
2. "Bernanke Suggests How to Narrow Wage Gap," New York Times, Feb. 7, 2007.
3. The entire report, published Dec. 17, 2006, can be downloaded from http://www.skillscommission.org/study.htm. My quotation is from p. 4 of the Executive Summary.
4. Dan Walters, "California May Face a Triple Blow," Sacramento Bee, June 11, 2007.
5. "The Legal Visa Crunch," The Wall Street Journal, May 30, 2007.
6. Ria Sengupta and Christopher Jepsen,"California's Community College Students," "California Counts" 8.2 (November 2006). The entire report is downloadable from the PPIC website.
7. Data downloadable from www.childtrendsdatabank.org, as of 2005, fertility rates per 1,000 women: non-Hispanic whites = 58.4; non-Hispanic black = 67.2; Hispanics = 99.1.
8. *Op. cit.*, 4.
9. Peter Wonacutt, "Patent Remedy: Indian Scientists Return Home As Economy Moves a Step Up," The Wall Street Journal, Dec. 14, 2006.
10. Joellen Perry, "Exodus of Skilled Workers Leaves Germany in a Bind," The Wall Street Journal, Jan. 3, 2007.
11. Gary Jason, "College Students Need Incentive," Los Angeles Daily News, Jan. 2, 2007.
12. Gary Jason, "Free to Choose," Liberty (October 2006) 16.
13. Gary Jason, "'Voucher' is Swedish for Success," Orange County Register, Dec. 8, 2006.
14. See Chapter 13 of Jay P. Green, "Education Myths." Rowman & Littlefield, 2005.

Panama: The Western Hemisphere's Dubai

by Doug Casey

U.S. thinking about the Panama Canal was military. The Panamanians see the marketing potential of what they have.

I spent some time in Panama recently. I've been to the country several times over the years, but this time I was most favorably impressed. The country has definitely become one of my top five places on the planet. Here's why.

History and the Canal

When Bolivar, San Martin, and others led revolutions in the 1820s to separate Latin America from the corrupt and decadent Spanish Empire, Panama became a province of Colombia. But it wasn't a comfortable fit, and Panama had a simmering independence movement for the next 80 years or so, eventually brought to a boil by America's most imperialistic president, Theodore Roosevelt. I've always had mixed feelings about the man. On the one hand, on a personal level, he was quite something: athletic, courageous, adventurous, intellectual and charming. Philosophically, however, he was just another busybody fascist. Unfortunately, people tend to conflate his laudable personal charisma with his deplorable politics. When it comes to Americans meddling in Central America, I'm much more of the William Walker school myself. But that's another story.

In any event, Roosevelt bullied the Colombians into granting Panama independence in 1903 and started work on the canal in 1904. I won't go into the details of that undertaking; they're well known. What's less well known is that in 1880, a private French consortium had attempted to build a sea-level canal along the same route but was forced out by huge cost over-runs and the deaths of over 20,000 workers, mainly from yellow fever and malaria. The U.S. canal project benefited from the mistakes the French had made and also from the work they had done, about 40% of all the earthmoving that was needed.

Panama, because of the canal, has always been a veritable U.S. colony. In fact, about 20% of Panamanians are dual nationals with the U.S. But there was a natural resentment on the part of the locals to the huge U.S. military presence in the Canal Zone bisecting the country and the fact that the U.S. alone benefited from the canal. About 15,000 ships a year use it, paying fees based on tonnage. It's a trivial amount, say, $500, for a yacht, and up to $250,000 for a fully loaded container ship. Total revenues are about $4.5 billion annually, equaling about a third of Panama's GDP. When the U.S. military ran it,

the canal operated like a military camp, and economics were never an issue. Which is to say it was highly inefficient.

In 1968, Omar Torrijos, a flamboyant general with populist leanings, took control of the government and brought about a canal treaty with Jimmy Carter that required the canal to revert to Panama by 2000. Torrijos died in a suspicious airplane crash in 1981. Some think the crash was arranged by his lieutenant, Manuel Noriega, while Noriega was still on the CIA's payroll. Who knows?

Omar was the father of the current president. It would appear that, all over the world, voters go for a "name brand." Bad news in the case of Bush; good news in the case of Torrijos — as I'll explain in a moment.

The transfer of the canal outraged many nationalistic Americans. After all, the U.S. did pay for it and arrange for the country's independence. On the other hand, the Panamanians at the time weren't in a position to negotiate; they were simply told what they were going to get.

The transaction was hardly quid pro quo.

What should have happened? The answer is that governments shouldn't build, own, or control any productive assets. If the canal were to be built, it should have been with private capital. And the owners of any edifice should be solely and completely responsible for how it's run, defended, and otherwise disposed of. Productive people need government regulation and taxation as much as a fish needs a bicycle.

Manuel Noriega, who conveniently arrived on the scene just as Omar Torrijos was looking like a threat to U.S. government interests, started out as a CIA asset but then turned on his masters. I think that's the real reason the little country was invaded in 1989, much more than the four embarrassingly transparent reasons given by George H.W. Bush.

The Invasion

About six hours after launching a surprise attack on Dec. 20, 1989 (termed "Operation Just Cause" with the Orwellian use of words typifying these operations), the Elder Bush gave four reasons for the invasion. I think they're worth looking at,

Panama appears to be one of the very few instances where U.S. meddling has actually inured to the good of the target country. But that's basically the law of large numbers at work.

simply because very few people ever do. When the president says something, citizens reflexively assume it's both true and makes sense — when often neither is the case.

1. "Protect American lives." That always sounds good. What right-thinking American could possibly be against his government safeguarding his fellow citizens abroad? Well, me, for one. Governments, including the one in Washington, couldn't care less about their subjects — except when it's politically expedient. But that's beside the point: no Americans were ever threatened, nor was it ever reasonable to believe they even might have been.
2. "Promote freedom and democracy." Well, that's arguably a reason for invading at least two-thirds of the world's countries at any given time, today possibly including the U.S. itself And, while Panama under Noriega was no paragon of liberty, neither was it nearly as bad as most places.
3. "Fight drug trafficking." It seems certain that Noriega was on the payroll of the Colombian cartels for transshipment of both cocaine and cash. But the U.S. had known this for years. The War on Drugs could serve as an excuse for invading lots of places. I hope it doesn't, because if it does, the Army will become as corrupt as the DEA or the numerous Third World armies supposedly tasked with drug interdiction.
4. "Safeguard the Canal." Like the other three excuses for invasion, this sounds reasonable on the surface. But the U.S. government was entitled to full control of the canal until 2000. And even if Noriega were still in power today, what could he possibly have done if the U.S. government had wanted to delay the turnover?

The only item missing was something to do with terrorism, which is now appended to every laundry list of pretexts. What could have been the real reason for the invasion? For all anyone knows, it might have been as thoroughly trivial and ridiculous as that given in John Le Carré's 1995 "The Tailor of Panama." I highly recommend both the book and the movie.

There was certainly no good reason for an invasion, whose whole objective was to take out Noriega. The 27,000 U.S. troops who invaded sustained only 24 deaths, making it about as costly as a major training exercise — which in some respects it was. The Panamanian forces suffered somewhere between 50 and 450 deaths. The real open question is how many civilians died. The lowest estimate, from the U.S., is 514 deaths. Other estimates range up to 4,000. I tend to credit the higher figures simply because when an invading army is using weapons like the AC-130 Spectre gunship, jet fighter bombers, attack helicopters, and armor in an urban environment, it's inevitable there's going to be huge collateral damage. Not to mention that most soldiers — in all armies — are scared, but very aggressive, teenagers. The situation is, in many ways (though not the outcome), comparable to Iraq. And there's some reason to believe the Baby Bush saw Panama as a template for Iraq.

The Organization of American States and the UN General Assembly both passed resolutions condemning the invasion, but such things are meaningless from a practical point of view, except when used as cover for a major power. Americans who even noticed the invasion didn't care, since the road to war was well paved with a PR campaign depicting Noriega (accurately) as a fat, unappealing "pineapple face." The fact he was an ally of the U.S. for years and a paid stooge for the CIA apparently did him no good at all.

The war was over in a couple of days, hardly time for outrage to build. And, anyway, the U.S. has a long history of sending the Marines south of the border (the Halls of Montezuma,

etc.). Although I disapprove of gratuitous violence (except in movies), Panama appears to be one of the very few instances where U.S. meddling has actually inured to the good of the target country. But that's basically the law of large numbers at work.

The President

Over the last 25 years, I guess I've met about a dozen heads of state. Frankly, I'm not sure what purpose it serves, other than to give me something to chat about at the occasional cocktail party. Can you "see into someone's soul" in the course of a brief meeting, as Baby Bush idiotically claimed he did when he first met "Putie Poot," as he calls Russia's president? My own experience, throughout my life, is that when I first meet someone and don't like him, I'm never wrong. If I do take a liking to the person, I can be either right or wrong, simply because some sociopaths are highly skilled at putting on an appealing social veneer.

Unfortunately, people tend to conflate Theodore Roosevelt's laudable personal charisma with his deplorable politics.

I had a meeting with the president of Panama, Martin Torrijos, and I took a real liking to him. He's a very affable, unassuming man of 44. He carries on a good two-way conversation, and in excellent English (as you'd expect of someone who's spent years in the U.S., including time in the management of McDonald's). Unlike the last head of state to whom I broached the idea of Dubai as a model for a small country, he was open to the concept. Obviously because that's how Panama is evolving.

One subject we discussed was their national currency, the Balboa. In Latin America, Panama, along with Ecuador and El Salvador, use the U.S. dollar. This has clear advantages. And clear disadvantages, to do with the eventual dismal fate of U.S. currency. I suggested that, especially since Panama is a world banking center, the Balboa be defined by, and completely redeemable in, a specific amount of gold.

The advantages to Panama and to the world at large would be huge. The Balboa would become the easiest way to own the metal and would draw in scores of billions of new deposits. It would give the right signals to the world. It would be a gigantic PR coup, truly putting Panama on the map. It would give the average Panamanian a true refuge from monetary chaos. And there are no disadvantages to doing it. Torrijos seemed interested in the idea, which was new to him.

Will anything come of it? It is, of course, impossible to predict if or when an acorn may sprout. But I'm encouraged by my belief that it was a conversation I had years ago with the head of the Dominica Development Bank that led to its current status as the world's largest purveyor of economic citizenships.

My guess is that Martin Torrijos will be reelected for at least one more term. Unless politics corrupts him completely, this will be a very good thing. For better or worse, a president offers the public face of his country. And Torrijos offers an excellent one. Everything I've seen indicates he's trying to point Panama more firmly in the right direction.

The Future

When I first visited Panama City over 25 years ago, it was a nice, quiet tropical city. A few high-rises, but not much activity. It was just becoming a banking and corporate haven. At the time, Costa Rica was about the only place in Central America that was getting any attention. I've always been a big fan of Costa Rica, and the place has done extremely well, especially the beach resorts on the west coast. But now Costa Rica is fully discovered and fully priced. It's still nice, but no bargain and completely overrun with gringos. If I wanted a cheap, quiet place on the beach — the kind of place that made Costa Rica so popular — I'd go to Nicaragua. Or Panama. All things considered, Panama is now the place to be if you want a crib outside the U.S., but still only a couple hours from Miami. The only drawback is that it's in Central America.

The problem with Central America has always been, simply put, a lack of class. Banana republics full of Central-American Americans, middle-aged men who couldn't make it in the U.S. and are there for the cheap beer and the things that go with it. That's one reason I prefer Argentina. It's cosmopolitan, sophisticated and, at the moment, even cheaper. Its only disadvantage is that it's farther away. But in today's world, that's also an advantage.

If, however, I were to grow disenchanted with Argentina (not likely, for numerous reasons), Panama would be a top choice to replace it. The city has become quite sophisticated, to match the roughly 150 new skyscrapers that are currently under construction. It's a construction boom in a class with only Shanghai and Dubai. The city has an excellent skyline now but, very soon, it's going to be truly spectacular. One sign of the times is that Donald Trump is building an eponymous 65-story tower. Not that The Donald is my idea of polish, but it could be that Panama is finally solving its perennial Central American lack-of-class problem.

Who's going to live in all this new construction? Prices, even after doubling in the last few years, still average only about $300 per square foot. I don't think they're going to have any problem filling them up with gringos and Europeans. And with Chinese, who are already over 5% of the small population (3.2 million — the smallest in Latin America).

Manuel Noriega started out as a CIA asset but then turned on his masters. I think that's the real reason Panama was invaded in 1989.

But, more importantly, it will be rich Latin Americans who previously would have gone to Miami. Anyone with sense can see that Panama is on its way up, and Miami on its way down. First, property prices are half Miami's levels, and the market

isn't floating on a sea of debt. Second, the cost of living is less than half that in Miami. Third, it's a tax haven and has minimal crime. Fourth, the canal guarantees a steady stream of income and low-cost goods. Fifth, it's not in the U.S.

Americans don't realize it, but many foreigners with money don't like coming to the U.S. anymore. They don't like the hassles with Customs and Immigration. They don't like the aggravation of banking in the U.S. They don't like the hassles at the airports (which are largely peculiar to the U.S. and the UK). They like Americans, but they don't like supporting the U.S. government with their spending. It's true that Miami used to be the capital of Latin America, and Latinos liked it because it was so close to the U.S. But that's changing.

One incident illustrates well why I'm so bullish on Panama. One day I had lunch in a new museum overlooking one of the locks. It was a beautifully catered affair, with many local dignitaries and business people present, affording a fantastic view of the container ships as they passed through. However, before the U.S. turned the canal over to the Panamanians, all there had been on the spot was a set of old bleachers, erected who knows how many years ago by the Army Corps of Engineers.

Think about that contrast for a moment. U.S. thinking about the canal was (and still is) primarily military. The Panamanians see the *marketing* potential of what they have. Everything was like that. From the virgin forest to the high-tech high-rises, there is an energy about the place that speaks of a people who know they have an edge in the global marketplace — and the will to exploit it.

The world needs two, three — many Dubais. Panama City is clearly on the road to becoming the Dubai of this hemisphere. ❑

Reflections, *from page 22*

they *could* have been downloaded. That's a big difference.

So were the damages justified? If you don't believe in copyright law at all, it's a meaningless question. (It's like asking an abolitionist how many lashes a slave should receive for misbehavior, and insisting that "none" is not an option.)

But, if you do agree with the premise of copyright law, it's reasonable to say that the amount of damages awarded should be related to any harm committed. If the defendant shared those 24 songs with one person and the songs are valued at a dollar each, then this is a case for small claims court — not a full-blown federal jury trial with depositions, expert witness testimony, and forensic examinations.

Unfortunately, the vast expansion of federal copyright law — with a truly worrying set of new criminal penalties — over the last decade has abandoned any sense of proportionality. It's an example of rent-seeking and special-interest politicking at their finest; and it's led to bizarre outcomes like this.

Congress shows no sign of reining the copyright juggernaut that clueless (or simply corrupt) politicians have created over the years, which means we'll see more laws, more lawsuits, and more file traders abandoning easily-monitored networks like Kazaa and turning to anonymous, encrypted ones where they can happily share files without worrying very much about the RIAA at all. — Declan McCullagh

And a trillion more there — In a recent reflection ("A Trillion Here, a Trillion There," October 2007), I ruminated on the challenge that the massive unfunded liabilities of Social Security and Medicare pose for Democratic dreams of a socialized health system. I did not address Medicaid, because I didn't have a useful source for the facts and figures. Thanks to the Cato Institute, that ever-helpful thinktank, I now do.

Medicaid, of course, is the program (established by the federal government during the Great Society era) that provides health care for the poor and disabled; it is jointly funded by the federal government and the states. About one-fifth of all Americans use the program at some point during the year — a percentage that rises when the economy is in recession.

Cato economist Jagadeesh Gokhale has released a report on the state of Medicaid, "Medicaid's Soaring Cost: Time to Step on the Brakes" (Cato Policy Analysis no. 597). Gokhale forecasts that Medicaid is headed for fiscal crisis. Last year, the program was 11.9% of the federal budget, or about 1.5% of GDP. Even under very conservative projections, the program as constituted will grow over the next century to become about 48% of the federal budget, or about 7.4% of total GDP. In other words, by 2106, almost half the budget will be consumed by Medicaid alone!

That won't leave much for Social Security and Medicare, much less for such irrelevancies as, say, national defense.

Note that this considers only the *federal* contribution to Medicaid. If you factor in the matching contributions from the states, by 2106 Medicaid will consume one-eighth of the total national GDP. And Gokhale makes the point that to keep the current ratio of return to the average male taxpayer of Medicaid benefits to federal taxes paid, the total lifetime taxes paid will have to rise by nearly 80%. In other words, to keep the program as is would require massive tax increases.

Again, given the crushing burdens of the New Deal and Great Society programs, the demand by Democrats for a nationalized health care system appears ridiculous.

— Gary Jason

Statement of Ownership, Management, and Circulation

PS Form 3526-R. (1) Publication title: **Liberty.** (2) Publication number: **002–132.** (3) Filing date: **Oct. 1, 2007.** (4) Issue frequency: **Monthly except February.** (5) Number of issues published annually: **11.** (6) Annual subscription price: **$29.50.** (7) Complete mailing address of known office of publication: **1018 Water St, Ste 201, Port Townsend, WA 98368.** Contact person: **K. Bradford.** Telephone: **(360) 379-0242.** (8) Complete mailing address of general business office of publisher: **Liberty, 1018 Water St, Ste 201, Port Townsend, WA 98368.** (9) Full names and complete mailing addresses of publisher, editor, and managing editor. **Publisher: Patrick Quealy. Editor: Stephen Cox. Managing editor: Andrew Ferguson. Mailing address of all three: 1018 Water St, Ste 201, Port Townsend, WA 98368.** (10) Owner: **Liberty Foundation, 1018 Water St, Ste 201, Port Townsend, WA 98368.** (11) Known bondholders, mortgagees, and other security holders: **None.** (12) Tax status: **Has not changed during preceding 12 months.** (16) Statement of Ownership, Management and Circulation printed in **December 2007** issue.

	Average number of copies of each issue during preceding 12 months	Number of copies of single issue published nearest filing date
(15)(a) Total number of copies	6,996	6,714
(b)(1) Outside county paid/requested subs	3,680	3,523
(2) In-county paid/requested subs	0	0
(3) Other paid/requested distro outside USPS	1,676	3,196
(4) Requested copies disributed, other classes	7	0
(c) Total paid/requested circulation	5,363	6,449
(e) Total nonrequested distribution	0	0
(f) Total distribution	5,363	6,449
(g) Copies not distributed	1,633	265
(h) Total	6,996	6,714
(i) Percent paid/requested circulation	100	100

L'Eclisse: Bergman and Antonioni Die on the Same Day

by Dana Peterson

"So they traded stories,
the two ghosts standing there in the House of Death,
far in the hidden depths below the earth."

— Homer, The Odyssey
(24.224–226)

I was on a Maine island when I found out. Woefully out of touch by design with current events, the news for me came via a handwritten sign in the window of the island's small video store on a late night walk with my dog: "We have two Ingmar Bergman films and one Michelangelo Antonioni film."

My thoughts went directly to one of my favorite films, Bergman's "The Seventh Seal," a film that for me is like Francis Ford Coppola's "The Godfather": I start watching and I can't stop. I start trying to fool myself into thinking it will end differently this time — the Knight will live, Sonny won't go that way into the city that day — but, alas . . . I knew this obscure sign in a tiny video store on a remote island could only mean one thing: the two masters of European Modernism had, like Bergman's Knight and Coppola's Sonny, lost their last games of chess. We walked on.

It would be days later before I would encounter these two filmmakers again. August 12, to be precise. Back to routine with my weekly Sunday derailment, reading The New York Times, there was Martin Scorsese writing about Antonioni in a piece titled "The Man Who Set Film Free" and Woody Allen on Bergman with "The Man Who Asked Hard Questions." Both men had known the great artists; and each had what comes across as a visceral understanding of their works and a profound acknowledgement of their genius.

But, of these two tributes, it was Scorsese's that struck a chord in me. He talked about how Antonioni's films had "changed [his] sense of perception about film and the world around [him]" and how he wanted "to keep experiencing his films then and now as well." That was all I needed to take the plunge with both directors, bracing myself for Bergman.

(I don't know if I've ever really recovered from my first intimidating viewing of "Persona" in a freshman humanities class, followed by Alain Resnais' formalistic "Last Year at Marienbad," which left me even more confused.)

I began with Antonioni's trilogy, "L'Avventura," "La Notte," and "L'Eclisse." After watching these films, I thought I knew — or at least approached knowing — what Scorsese meant. On one level, the films simply knock you out by their look: it's Italy, the Aeolian Sea, Rome, beautiful people, sports cars. But, for all that, it's never comfortable; this is the good life with major schisms. The films are inhabited by characters not connecting, often expressed by Antonioni's famous two-shot technique, wherein the characters don't look at each other when they talk. It's all about alienation. Sometimes his camera even focuses mid-torso or on the back of a head, emphasizing the disconnection even more.

The singular film critic Andrew Sarris in his "Interviews with Film Directors" (unfortunately out of print) writes that Antonioni's aesthetic "led [him] to abandon the lower and middle classes in which lives are constricted by necessity and to concentrate on the idle rich who have time to torture each other." Scorsese in his Times piece points out that F. Scott Fitzgerald's "Tender is the Night," a work that mines similar territory, was one of Antonioni's favorite books. (I had an idea it was, since Antonioni puts the book in the hands of one of his characters on the Lepari Island in "L'Avventura.")

But what is different — so very different, in fact, is the dynamic of the times that makes its way into the two works; this gives, for me, Antonioni's work more edge than Fitzgerald's. Antonioni's torpid rich inhabit a world in a time when there was so much uncertainty — nuclear uncertainty. His Italy was a post-WWII economic miracle; but it was the Cold War period and many lived with the fear that one day the button was going to be pushed and all would be gone in a flash. It seems that for Fitzgerald's characters the overarching fear was of going simultaneously broke, sober, and sane. (That said, Fitzgerald is still an important American writer.)

The tension of the times is also addressed in Bergman's films. In "Persona" he includes a clip of the 1963 self-immolation of Thich Quang Duc, the Buddhist monk, still one of the most disturbing images ever recorded on film. There is also the well known black-and-white still shot in the film of a small boy wearing an oversized hat with his arms raised, being rounded up in the Warsaw Ghetto, more disturbing still. But as disturbing as the Saigon clip is — and here, I think, is an example of Bergman's genius — he makes it even more powerful by showing us the horror of it all expressed in his now-trademark close-up on Liv Ullman's face. In the end, you remember her face almost as much as you do the image of the charred body in the flames.

Antonioni's torpid rich inhabit a world in a time when there was so much uncertainty — nuclear uncertainty. Many lived with with the fear that one day the button was going to be pushed and all would be gone in a flash.

Aristotle writes that "in drama the episodes are brief, but epic poetry gains its length through its episodes. The story of the Odyssey is not a long one."

Neither director offers solutions to these problems; it's more a presentation, a provocation really: "here it is, talk about it, we don't have the answers"; morality plays with no clear outcomes for the audience set up by the directors and actors on the screen. They introduced a new cinematic language: in a word, *modernism*. Highly experimental, their work was a break from traditional narratives built on logic. What the audience at least thought was logic was now gone. The old way of talking about post-WWII Europe would no longer do. This was not dissimilar to the post-WWI Europe that launched James Joyce and the other great literary modernists.

To talk about Bergman's and Antionioni's films as stories seems impossible to me, as they're more a collection of random bits. Antonioni made documentaries before feature films, which may be why in his movies you see examples of fact blending with fiction, neo-realism. I know that the highly avant-garde Bergman believed that art lost its power once it broke from religion. His work may in large part be read as trying to put the two together again — with examples such as the nailing of the hand in "Persona" and the title of "The Seventh Seal" which is a reference from Revelation (the seventh seal being opened leads to the silence of God, followed by the wrath of God).

Maybe the best way to view and discuss the works of both these directors is to take a cue from Antonioni's painter in "Blow-Up," his 1966 dissection of the narcissistic pop culture in swinging London in the '60s. In that film, a photographer visits the studio of a friend who is an abstract painter of sorts. He says of his work in the scene: "They don't mean anything when I do them, just a mess. Afterwards, then I find something to hang onto, like that leg there, then it sorts itself out. Adds up. It's like finding a clue in a detective story."

In "The Poetics," Aristotle writes that "in drama the episodes are brief, but epic poetry gains its length through its episodes. The story of the Odyssey is not a long one." That seems true of these films as well. Using "Blow-Up" as an example, the story is really quite simple: a man who is liv-

ing a bored but swell life stumbles onto what might have been a murder. But the story ends without anything being resolved. The movie is really about the episodes that take place between the events; how closely can you watch to catch all Antonioni's clever tricks? In the end, does it add up?

Often, it's hard to tell where you are in these films, past, present, or future (a technique reminiscent of Faulkner). Characters who seem important sometimes simply drop out of sight — the most famous example being Lea Massari's character in "L'Avventura," who simply disappears early in the film and never reappears. The New Wave French director Jean-Luc Godard quipped famously about New Wave films that they often have a beginning, middle, and end. But not necessarily in that order.

They didn't abandon Aristotle's rules completely.

Bergman and Antonioni, linked in work and now in death, remind me of the story that Shakespeare and Cervantes supposedly died on the same day. It's an interesting coincidence, when you think about it: Bergman, who brought so much from the theater into his films, and Antonioni, whose art has been said to share characteristics with the modern novel. But, thinking about Shakespeare and Cervantes, it also occurred to me how much easier it is to take a plunge into their works than Bergman's and Antonioni's — you can read the plays, watch the plays, and find the books. For this article, it took me some time to cobble together the movies, bought and borrowed from friends, libraries, and three video stores.

All of this leads to what the future might portend for Bergman and Antonioni's art. In part, I began this process with the notion that the demise of Bergman and Antonioni marked the end of something. I actually believe now it marks the beginning of something, a new generation perhaps discovering these films, or rediscovering as I have.

I had a conversation with Ned Hinkle, creative director at the Brattle Theater and cofounder of the Brattle Film Foundation (the Harvard Square art house in Cambridge, Mass., that brought the Bergman phenomenon over here back in the '50s). Hinkle believes that the future of film and of theaters like his looks bright. He believes that the way DVDs are made now, with directors' commentaries, deepens the appreciation of the "seventh art" — creating new and returning audiences who will want to see these films on the big screen. Certainly, anyone wanting to watch these films who doesn't have access to the equivalent of a Brattle Theater (which is currently showing a new 35 mm print of Godard's "Pierrot Le Feu") can have a terrific experience with the Criterion Collection, which offers many of the great New Wave films. The commentary on these discs is first rate.

Hinkle also believes that film as an art form will continue to find new languages, citing Peter Fonda's and Dennis Hopper's "Easy Rider" in the late '60s (a new western, in which cowboys ride Harleys rather than horses) and Jim Jarmusch's films in the '80s, perhaps most notably his "Stranger Than Paradise" (a minimalist, absurdist comedy shot entirely in long takes with static scenes). With great films and people like Hinkle, there is hope that film will keep recreating itself as an art form — despite Hollywood's distribution system with its business-first, art-second mentality.

Hinkle wonders whether directors like Bergman and Antonioni could even get financing and distribution deals if they were starting out now.

Good news came out of Sweden in early September with the Swedish government donating $2.9 million to preserve the works of Bergman; the money will be used to support an international theater festival in Bergman's honor and to create digital copies of his films as well to buy the copyright of his films.

For my final word on these two singular artists and the future of the world's interaction with their works, I turn to the final words of the last movie I watched in preparation for this article, Bergman's life-affirming "Fanny and Alexander." Taken from Strindberg's "A Dream Play," the movie ends with these lines: "Anything can happen, anything is possible. Time and space do not exist on a flimsy ground of reality. Imagination spins out of control and weaves new patterns."

We won't see the likes of Bergman and Antonioni ever again, but we have their work. As Allen wrote in his Bergman article, addressing those who make a lot about Bergman's influence on his work: "Genius cannot be learned or its magic passed on." Their heyday, as brief as it was, has been over for some time. Their deaths simply bring that loss into a sharper focus. Some believe these two were too modern for their own good, doomed to become old-fashioned fast. This sentiment notwithstanding, the work they did is the benchmark in their medium. They are the directors' directors, the first names in the canon. The patterns they wove were — and are — the stuff of genius. ❑

Letters, *from page 7*

between 50 to 75 million humans during the last century.

One doesn't have to be omniscient to sense that some Europeans have never forgiven Americans for saving them from themselves. (France, Germany, and Great Britain come to mind.) Sometimes in deep bitterness I wonder if it was a mistake to do so. But that would be petty, wouldn't it? Actually probably distastrous.

In the dark surrealistic comedy of the European mind, however, what is often overlooked is that most Europeans don't care for other Europeans (European Union, my ass). To a point it is quite funny to listen to them pontificate about each other, funny simply because of the twisted richness of their unconscious humor. Self-satirization is one of their other high talents.

Arthur Whitaker
Novato, Calif.

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Send email to:

letters@libertyunbound.com

Or mail to:

Liberty
P.O. Box 85812
Seattle, WA 98145

The Half-Open Door

by Bruce Ramsey

Open immigration is a fundamental tenet of the libertarian program. But does it *really* make sense?

This essay by senior editor Bruce Ramsey ran in Liberty's February 1993 issue. As time has passed, it has grown steadily more relevant to American debates.

— Stephen Cox

HONG KONG — When I moved here in 1989, I thought it was a disgrace that so few Chinese were sympathetic to the Vietnamese boat people. More than 55,000 Vietnamese were penned up in camps, and more were arriving each week. "The average Hongkonger," I wrote, "would shove them all back out to sea if he had anything to say about it" (Liberty, March 1990).

From time to time some U.S. congressman come here and says the same thing. The Vietnamese are running from communism. So are the 60,000 Hong Kong Chinese who emigrate each year, fearing China's domination after 1997. How can the Hong Kong people expect any sympathy if they show none toward people, however poor, who are their moral equivalents?

The Hong Kong people I knew didn't look at it that way — and I don't either, after living here three years. The Hong Kong people are emigrants, not refugees. They have money. They have professional qualifications. They speak English. And they have played by the American rules. They have filled out pages of forms. They have answered all sorts of questions the U.S. government never asks its own citizens, such as the name of every social, political or community organization they have ever joined. They have certified that they have never been convicted of a felony. They have disclosed their finances, and taken medical exams. And they have waited patiently to get their turn under the hugely oversubscribed quota. The line for Hong Kong brothers and sisters of U.S. citizens is about nine years long.

Refugees are different. They are emergency cases, exceptions to the rules. U.S. policy is to accept only those screened as political — people who can prove they have a "well-founded fear of persecution" if they go back. Most cannot prove this. More than 90% of the Vietnamese boat people are routinely screened out as "economic migrants." The U.S. will not accept them, nor will any other country.

To the Hong Kong Chinese, the Americans have every right to shut their own door on such gate-crashers. When George Bush sends Coast Guard cutters to shove the Haitians back into the knives of the *tontons macoutes*, he's doing just what Malaysia or the Philippines or Japan does. Shouldn't the U.S. be polite enough not to lecture other countries?

Some of my readers, I suspect, will argue that America should let them all in: immigrants, refugees, everybody. This is pretty much the view among libertarians. Every political question is to be decided by reference to first principles. According to their moral axioms, immigration restrictions are as difficult to justify as apartheid, or a quota on men's shirts.

But free immigration is difficult to argue for in today's world. No rich country allows it. States that have given up quotas on goods retain them on new residents. True, the European Community is on the verge of allowing the free movement of labor. Portuguese and Greeks will be allowed to work in England and Denmark — something not certain to be welcomed by the English and Danes. The proposal does not apply to non-EC peoples such as the Turks, Algerians or Poles. The U.S. and Canada have agreed to free most trade over a 10-year period. They did not free labor, residence or citizenship. In the proposed North American Free Trade Agreement, they are not even discussing doing these things with Mexico.

It's a similar tale with refugees. The Germans, who take as immigrants only those of German blood, are bound by their constitution to take all refugees. It's an unusual offer for a rich country to make, and thousands of Vietnamese, Romanians, and Gypsies have taken them up on it. One result has been widespread resentment and roving gangs of neo-Nazi "skinheads." Germany's open door for refugees is about to slam shut.*

When the subject of immigrants and refugees comes up with libertarians, it's usually in an argument with someone who wants to stop them. With gusto, libertarians cite studies that show that immigrants and refugees have been a benefit to America. They argue that America ought to "keep the door open." But the door is *not* open. It is half-open, with entry controlled by the government.

The real question of immigration is not about principles; it's about numbers. U.S. law allows 700,000 immigrants a year. That's less than three-tenths of 1% of a 252-million population. These slots tend to go to the affluent and educated. They can read the rules, hire the lawyers, fill out the paperwork. A lot of them come over as students and figure out a way to stay on. Some, like a former South African colleague of mine, go through a long rigmarole. He had to find an employer to swear he had skills not available in the United States. He had to move across country and change careers to get his green card. An uneducated man could never have done it.

*It did, soon after this was written.

Of the 700,000, 74% are being admitted simply because they have a relative in the United States. One man gets in and petitions for his wife and kids, brothers and sisters, and their kids. Only 20% of slots are for people with needed job skills. Canada and Australia are more open than the U.S. in this regard; America could follow their lead and let more people in as investor-immigrants. It could let in only those with money, skills, or PhDs.

But under free immigration it would take everybody.

The flow of refugees has been about 30,000 most years — a small fraction of the immigrants. How these fare in the U.S. depends mainly on the kind of life they had before. Some, like the middle-class Cubans, have been successful. Others, like the Hmong, a 16th-century people from Indochina, haven't. In early 1988, of the 20,000 Hmong in the Fresno, California, area, 70% were on welfare. Despite their high-school valedictorians, a higher percentage of Vietnamese are on welfare than of blacks.

Millions of people around the world whose governments criticize the U.S. still dream of emigrating there. The Philippine Senate had just kicked out the Subic Bay Naval Base when my Filipino maid said, "Sir, is it true that the U.S. could take back the Philippines as a state?" She had heard this proposed on a radio call-in show back in her homeland. Lots of people had called in and supported it. The educated, elite Filipinos I worked with in Hong Kong (the kind who were running the Philippines) would be outraged at such an idea. But this provincial girl was for it. She was a bit hurt when I told her the Americans wouldn't want her country back; it was too poor.

She would love to emigrate. She had a cousin in California who worked at a gas station, and had bought a car. His own car! Think of it! Maybe she could land one of those high-paying gas-station jobs! But the only easy way for a 23-year-old

An Update by the Author — I wrote this piece in 1992, when I was living in Hong Kong. It was intended as a challenge to libertarians who believe America should not restrict immigrants, and, by extension, that no country should. My point was that this is a matter of practical concerns as well as principle, and that in Hong Kong the practicalities were much more troublesome than in North America.

When I wrote the essay, I lived on the 40th floor of an apartment tower, a few miles from the refugee camps. The opinions of the Hong Kong Chinese were strong — and not sympathetic. What I argued for — the return of refugees that no other country would have — in fact happened, beginning about the time this was printed. Some 67,000, about a third of those who had come to Hong Kong, were forced back. Vietnam's government agreed not to persecute them. It apparently kept the agreement. The camps were closed, and with Hong Kong's border now controlled by China, they are unlikely to open again.

The fight over the "boat people" is still worth recalling for those who would set the rules of human migration according to the principle of free movement. In Hong Kong that was simply not possible.

Filipina to get in was to marry an American. She would have done it except that she was already married, and in her country, divorce was forbidden. She had a friend, also working in Hong Kong, who had almost married a South Carolina man by mail order.

The maids' presence in Hong Kong also tells a story. There are about 70,000 here. They are subject to Hong Kong's only minimum wage: $413 a month plus room and board. By comparison, a live-in maid makes $31 a month in Manila, $30 in Jakarta, $21 in Bombay. Many of the maids here have college degrees; the second one we hired gave up a job as a nurse at $120 a month to be a "domestic helper" for us. If Filipinas were allowed to work in America for — for what? $500 a month? $750? $1,000? — you could have them by the millions. Day care? Who needs day care? Babysitters? Never heard of 'em. A diswashing machine? No need. Get a maid, and she'll cook your dinner and do the dishes, too.

You can hire a Filipino maid in Vancouver for $583 a month. The only reason you can't have one in the U.S. is the immigration law. If that law were changed, every middle-class American could have a domestic servant. Think of the social revolution *that* would entail. And that falls far short of open immigration. There is no open immigration to Hong Kong, only a contract-labor system.

Under free immigration there would be no contract-labor plans, and no distinction between immigrants and refugees. Anybody who gets in, stays in. What would that be like in a world of mass communications and Boeing 747s? Who knows? Back in the pre-World War I days, the United States was a long, hazardous, expensive trip away. There were only so many Irish, Italians, and Norwegians who dared try it. People know more now. They are bolder. Tens of millions can raise the money to buy the ticket — by borrowing it, which is how so many maids get here. And the Mexicans, Guatemalans, and Salvadorans can just take a bus.

Just imagine it. Shiploads of boat people. Haitians, Dominicans, Jamaicans, Javans, Punjabis, Pathans, Yorubas. You could have people camped out on school playgrounds, in city parks, along the streets and in Shantytowns, speaking strange languages. People who believed in executing blasphemers and circumcising women. Men who piss against walls on public avenues. You'd have people selling candy door-to-door — not to help the Camp Fire Girls, but to feed their families. And not Camp Fire mints, either, but strange, gooey stuff concocted over real campfires.

Three years ago, the boat people had my sympathy. Now I, too, get tired of them and their demonstrations. I begin to think of them as the unwanted cousin who camps out on my doorstep and demands a seat at the dinner table.

The minimum wage would be swept away, welfare swamped, food stamps shredded. Upper-middle-class salaries wouldn't be affected much, but the going rate for people to dig ditches, mow lawns and deliver newspapers would collapse. White teenagers would vanish from behind the counter at McDonald's. The garment industry would make a comeback, as would leatherwork and toys. Many people would benefit, to be sure — but most of them would be foreigners. Americans at the low end of the wage scale would be hit hard. The "homeless" would go out of business. No one would give 'em a dime.

With open immigration, a big American city would be like Jakarta or Mexico City — a middle-class world of education, cars, and microwave ovens surrounded by struggling people in cardboard shacks.

A big American city would become more like Jakarta or Mexico City — a middle-class world of education, cars, and microwave ovens surrounded by struggling people in cardboard shacks.

Great, you say. Survival of the fittest! End this apartheid of international frontiers! End this labor protectionism! Let every man compete free and equal — all five billion! No doubt the economists can prove the gain in utility would be greater than the loss. They'd probably be right. Especially for all those Bengalis and Vietnamese now living on $200 a year.

Well, it *does* fit your principles. But I'm not sure you'll want to live in such a world. In America today, even a lousy job pays $4.25 an hour. Even poor people have TVs and cars. I know libertarians who live in, or have lived in, that world. With free immigration, kiss it goodbye.

Me, I don't want to live in Jakarta. I live in Hong Kong, which is already close enough. Every day I see grown men in the streets selling wind-up panda bears, babies' T-shirts and boiled squid on toothpicks. The television reminds me that less then ten miles from my home, 55,000 Vietnamese boat people are penned behind barbed wire. There's lots more where they came from: Vietnam is only about as far from here as Seattle is from southern Oregon. Open the gates on the camp, and another 55,000 would be here quicker'n you could say, "Ho, Ho, Ho Chi Minh."

Hong Kong won't take them. It's a Chinese city, and the Vietnamese are foreigners. Americans get all indignant about this, but it's the same attitude as taken by the Thais, the

continued on page 42

The Cookie Monster Beats the Cops

by Rycke Brown

The continuing story of what happened when Rycke Anne Brown was arrested for passing out marijuana cookies as a protest against the drug laws.

The letter from the court read:

> NOTICE OF DEFAULT
>
> According to this court's records, Rycke Anne Brown is in default for failure to serve and file the transcript due on June 13, 2007.
>
> The appeal/judicial review of Rycke Anne Brown will be dismissed for want of prosecution pursuant to ORAP 1.20, unless good cause is shown in writing within 14 days from this date why the appeal should not be dismissed.

I didn't mind. It didn't matter. I had already won. I had beaten my persecutors at their own games, on their own ground — in court, in jail, in court, in the probation office, and again in court. I had won by using the law to fight the law, and by refusing to submit to persecution.

I had never expected to win my two appeals. I was actually relieved, several weeks earlier, when the court of appeals at long last turned down my dual motions to waive transcripts and proceed on the oral record (on CDs) alone. I wouldn't have to write those briefs and pay for the creation and mailing of nine copies to the court, as well as the four other parties in the case.

The appeal was quixotic. The time isn't ripe for such an appeal to succeed; I'd known that all along. I'd been down this road before. So I wasn't about to pay for transcripts of my trial, sentencing, and several hearings at $2.50 per page.

My poverty is my weak point, and the court took full advantage of it to stanch the wound I had inflicted on the justice system. After six months, the court of appeals decided that saving paper, labor, and money was an insufficient reason to waive the provision of transcripts. It also decided that an order it said I was trying to appeal was unappealable. I was actually appealing an order to suspend my driver's license, but since that order was finally voided on my motion three weeks after I filed the appeal, it was moot. I had already won there, too.

I had won my personal battle and demonstrated the efficacy of my anti-drug-war strategy, as printed in a protest leaflet I had written. I had shown that it can work for one and can therefore free us all. All that's necessary is that enough of us refuse to cooperate with our own persecution and insist on fighting legal procedures with legal procedures. I couldn't expect to win the war in the court of appeals this soon, all by

myself. But I had beaten my local persecutors — and they all knew it.

They not only couldn't stop my protest* by arresting and convicting me,† they couldn't even slow me down. They kept my weekly drug war protest off the street for one hour when they arrested me halfway through it, and a whole two hours when I served my week in captivity. In the year and a half between, I'd received some good local news coverage (after two years of zero coverage) and doubled the number of leaflets I handed out each week.

An almost-pro-bono lawyer had represented me at the start, but resigned from his practice a year later for family and health reasons — nothing to do with me, I'm sure. But our initial consultations pointed me in the right direction on my defense.

So I got busy studying Oregon law — as busy as a full gardening schedule allowed. My motions to dismiss the charges as unconstitutional were denied; they were way too late. But I beat the district attorney at trial on four out of five charges, and was convicted only of possession of pot.

The charges were: Distributing a Schedule I Controlled Substance to a Minor, with a lesser included charge of Distributing; two counts of Causing to Ingest a Controlled Substance without knowledge or intent; and Possession of a Schedule I Controlled Substance‡ — all felonies. I had been arrested for giving four pot cookies to four women, all of whom claimed, the next day, that they didn't know there was pot in the cookies. Two of them lived at the Gospel Rescue Mission of Grants Pass; one was a daughter of some Mission staff members; the last was her sister, who was seven months pregnant. All were facing urinalysis for various reasons.

The arresting officer didn't question their ridiculous tales, and investigated just long enough to determine that I was indeed giving away pot cookies, although the undercover officer who got a cookie from me reported that she had to ask for a cookie; that I asked her if she wanted a cookie with or without pot; and that I told her how much to take for her reported level of usage. They searched my house while I was in jail, but found nothing more than a few pipes.

It took the judge four weeks to rule in my favor; I'd begun to despair that he would take the entire three months allowed under the law before getting his pay withheld.

The sisters recanted their story that they didn't know about the pot in the cookies, apparently before the case even went to the grand jury, which returned only two charges of Causing to Ingest. The district attorney offered to drop those charges in exchange for guilty pleas to Distributing to a Minor and Possession, which showed that he knew he couldn't prove the Causing to Ingest charges. But I knew that.

At trial, both sisters testified that I gave two cookies to the elder sister, none to the younger. I called no witnesses but myself and the arresting officer, and used the state's witnesses' testimony and common sense in my closing arguments. In a unanimous verdict, the jury acquitted me of the first four charges, convicting me only of Possession.

I had picked a good jury by ignoring the questionnaires, listening, looking at faces and clothing, and using my six peremptory challenges on people who seemed mean, stupid, senile, or too well dressed. I was looking for a jury of my peers.

Threatened just before trial with a total of 45 years and over a million dollars in fines, supposedly facing a maximum of 10 years and a $375,000 fine on the Possession charge *alone*, I was given the presumptive sentence: 18 months probation, 10 days of it to be spent in jail, and a $500 fine ($688 with assessments).

The first time I was given a minimum sentence, in Arizona, I was pleasantly surprised. It was a mandatory minimum, and I got three years after being threatened with 20. This time, I knew better. Nobody gets the maximum sentence; it's just there for show, to scare you into pleading. With the chronic overcrowding of jails and prisons, judges have to justify anything over the minimum.

I announced that I don't do probation, don't pay fines for non-crimes, and don't eat in captivity. I found that, in Oregon, probation is mandatory. They stole the $688 fine from my bail money (the state legislature made it legal for counties to do that, completely subverting the purpose of bail, in 1989 — the same year it made probation mandatory for all felons). And it took me more than a week to get *into* jail; the persecuted have to make an appointment.

The "10 days in jail" became a week, with two days off for the 26 hours I spent in custody during the arrest and one day off for good behavior. By the end of that week, the jail couldn't see the backside of me fast enough, releasing me at my requested hour in the pre-dawn chill. My cellmate, by contrast, had gotten her release papers the day before at 8:00 a.m. and was finally released after lights out at 9:00 p.m.

I'd fasted the entire week,§ preaching to my fellow inmates the virtues of going to trial, of making the state prove every element of every charge, and of making it pay for its convic-

*See "I Protest," Liberty, October 2005.

†See "The Cookie Monster Goes To Jail," Liberty, August 2005.

‡Not Possession of Marijuana, which can be knocked down to a misdemeanor at sentencing. Our district attorney chooses his charges well for ill effect.

§If you don't eat in captivity, you cannot be made a slave, or held captive for longer than a month. This is the true lesson of the Greek myth of Persephone and the hidden gospel of Jesus. The Romans killed the Christians, since they could not be enslaved, until Constantine figured out how to divide and conquer the Church. We live in gentler times. Our government has to keep us alive in captivity or free us.

Josephine County has an unwritten but strictly followed policy for fasting prisoners: when one has to be hospitalized, one is released and dropped at the door of the hospital. The county cannot afford hospitalization. And it will take a prisoner to the hospital for a forced urinalysis or blood test but not for force-feeding.

Why fast for only a week's sentence? To show I'm serious. It was fun, sitting at table with my fellow inmates, inhaling the delicious aromas. And it looked like pretty good food, too.

tions, instead of giving it another cheap slave. I'd also spent a profitable two hours in the law library, reading bail and probation law and the Oregon constitution, until I couldn't take the chill anymore. I wasn't allowed to take a blanket to the law library.

The cold was my biggest problem. I complained in writing about the insufficient clothing provided against the chill that the jail maintained: loose, cotton, short-sleeved overalls, socks, panties, and sports bras. Most of the women in the pod were wrapped in blankets 24/7 to stay warm. By the end of the week, I was wrapping myself in two blankets — due to of lack of calories. I pointed out that article 1, section 13 of the Oregon constitution forbids treating jail inmates with "unnecessary rigor," and the rigor that I experienced certainly seemed unnecessary, considering the late summer heat outside. If the sheriff feels that such a chill is necessary, he should provide long underwear.

On the page of probation conditions, I circled words like "consent," "submit," and "participate," and wrote: "I do not consent, submit to, or participate in my own persecution."

I have pursued the matter since, on local radio talk shows and at county commissioner meetings, which are televised on cable. County commissioners have ultimate responsibility for the care of the inmates; they can even remove them from the care of the sheriff, and give the running of the jail to another organization.

I started out talking to Sheriff Gilbertson, first privately and then on talk radio whenever he dared to talk to the public. He has been playing this issue to the Arpaio* lovers, the yahoos who think pink underwear is humiliating; that green baloney is prisoner food; and that it's cheaper to guard inmates on work farms, road crews, and in tents behind razor wire, than in Josephine County's new jail, an efficient concrete and steel box that sits half-empty for lack of guards to run it. The "punish them enough not to come back" citizens think that good people never get arrested and bad people should be punished before they're convicted, rather than just held. The sheriff's only answer, the last time we talked on radio, was, "Don't come to my jail!" Too late; I've already been there.

And I'm not going to let it go. I have the sheriff over a barrel, because there is a rule in the inmate manual against removing bedding from bunks. It is so widely ignored by both inmates and staff that I didn't even think about it until after my release. But it is a rule with a reason; a blanket can hide contraband or a weapon, or be used as a weapon, to take down and disable an officer. The behavior of both inmates and staff demonstrates that the clothing is insufficient for the chill. Long underwear could allow the rule to be enforced. Not providing it means putting officers at risk as well as chilling inmates.

The sheriff is starting to feel the heat, or perhaps the chill. He actually was present and answered my remarks at the last commissioners' meeting I attended, saying I was the only inmate ever to complain of the cold in writing, but others have complained. And that after my call to KAJO's talk show that morning, a woman phoned in and offered to buy long underwear for the inmates. He said that he's looking at it, but that inmates could use the underwear to hang themselves.

A few days after my week in captivity, I found that the court had ordered suspension of my driver's license for six months. It was a sneak attack by the prosecutor at sentencing. The deputy district attorney had asked the court to "notify the Department of Transportation of the conviction." The judge asked her how this possession conviction was different from any other? Her answer was, "She transported the cookies to her protest in her truck." Sitting there like a dummy, I hadn't asked what would result from such notification. I found out only a few days before my license suspension went into effect for six months, with no hardship exception allowed.

I couldn't ignore the suspension, though that was my first impulse. I was being targeted; and they could take my work truck. My parents said that they'd drive me and my gardening truck to any jobs I didn't have other help to get to. My fiancé and a fellow gardener offered to drive and help me work on the days they were available. Thanks to the help of friends, family, and cooperative customers, I was able to stay in business. I filed a motion to reverse (void) the order, citing my business needs and the burden on my aged parents, and got a hearing date six weeks away.

Nobody gets the maximum sentence; it's just there to scare you into pleading. With the overcrowding of jails and prisons, judges have to justify anything over the minimum.

I read the statute that they used to suspend my license, ORS 809.265 (a). Although it seems to be generally applicable to anyone convicted of a drug offense, it is obviously rarely

*Joe Arpaio, sheriff of Maricopa County, Arizona, has made national news for over a decade with his tent jail, pink underwear, and green baloney for prisoners. In Arizona, the voters and legislature are apparently more willing to pay for guards than for new concrete jails and prisons. One prison I was in was a renovated motel in the middle of Phoenix. Another had previously been a parole release center. The relatively new Mohave County Jail was built under federal court order. The reverse is true in Oregon, where we build new jails and can't afford to staff them. Even open deputy positions are going begging, probably because of low job security.

used: the prosecutor had to ask the court to apply it at sentencing, when it should have been done automatically within 24 hours of conviction. And it begins, "Unless the court finds compelling circumstances not to suspend the license, the court shall, within 24 hours, suspend the license of the offender" — while giving no time, process, or warning to present such compelling circumstances.

Such lack of due process was breathtaking. It seems as though the statute was written to be selectively used to punish *pro se* defendants. If it were routinely used, attorneys would be ready at conviction to present such compelling circumstances, which in a case involving no driving misconduct wouldn't have to be any more compelling than getting to work, considering the fact that staying fully employed is a condition of probation. I filed a motion to void ORS 809.265 (a), citing its lack of due process and the secretive nature of the extra punishment, which was not written into the judgment or published with the judgment.

At the hearing, the law was on my side on my first motion, to void the order to suspend. Even the district attorney didn't oppose it if the court thought the circumstances sufficiently compelling. But Judge Hull said that he wasn't sure he had jurisdiction, since I'd already filed an appeal. The district attorney wasn't sure either, but wouldn't oppose a decision. I opined that I was appealing the judgment; this order isn't written into the judgment, so the court that ordered it has jurisdiction. The judge said he'd have to research the question.

The district attorney opposed my motion to void ORS 809.265 (a), pretending that my conviction was sufficient process, despite the fact that its lack of process had resulted in a hasty order that should have been voided. The judge denied the motion without comment and said he'd notify me when he ruled on the first motion.

It took him four weeks to rule in my favor; I'd begun to despair that he would take the entire three months allowed under the law before getting his pay withheld. And so he might have, but right after the hearing I filed an appeal of the order suspending my license. The Court of Appeals immediately demanded a copy of the decision denying the second motion. I had to tell them (in a motion) that the judge was holding it (so the court clerks told me), along with the pending decision, and ask the Court to accept a copy of the trial record as proof that the motion was denied. I got the judge's decision a week later. It's possible that he thought it looked bad to the appeals court that he was sitting on the motion.

It turned out that there was no written denial; the decision was stated in open court and was in the oral record, so he felt no need for a written order. I filed a motion stating as much and again asked that the trial record be accepted as a written denial would be.

The appeals court administrator got the court to separate the two appeals — the appeal of my judgment and the appeal of the suspension — and assign them separate case numbers. I filed a motion to waive transcripts in the second appeal.

By the time that motion and all the rest were denied, the issue was long moot; I'd won when that judge had to rule in my favor despite his personal inclination and voided the order that he'd signed earlier. But it would've been nice to break that little hammer the district attorney had hit me with.

All this time, I was also defying probation. I went to my first appointment prepared to go back to jail, with my pockets empty so they wouldn't be holding my wallet or keys. I told my probation officer that she wouldn't get to search my house or anything of mine. She argued that she could do a walk-through of the common areas. But I said not without my consent, *and I'm not giving it*. The conditions of probation are that I *consent* to search and other indignities and invasions of my privacy. I did not consent. I was ready to go to jail.

Her response was, "We have a lot of paperwork to go through; you can do what you like with it."

So I wrote on the papers that I declined to answer personal questions or to allow sharing of information about me. On the page of general probation conditions, I circled words like "consent," "submit," and "participate," and wrote: "I do not consent, submit to, or participate in my own persecution." On the page of special conditions for drug offenses, like urinalysis, drug treatment, lie detector tests, and other indignities, I wrote, "I don't submit to these either." I declined to accept financial responsibility for probation fees, but told my PO that I would visit with her on a reasonable schedule.

She asked, "Twice a month okay?"

"Sure."

"Mondays or Wednesdays?"

"I have Mondays off."

"First and third, or second and fourth?"

"Which works better for you?"

"I have fewer clients on the second and fourth."

The last paper she handed me was the Action Plan. On it, she'd marked that I should visit her on the second and fourth Monday of every month. She hadn't marked that I must file a monthly report and pay fees, or that I must report contact with police, though she asked me to as a personal favor, so she wouldn't worry when they reported contact.

She gave me copies of all the papers I'd written on, and I was free to go. By not asking me to do anything I wasn't willing to do, she refused to violate me.

Such was the pattern for four months. I visited with her

"Hey, take it easy — you're cutting off my circulation!"

twice a month, bringing her copies of my motions, protest leaflets, and other writings. She helped me with my fight to get my license back, never before having seen a suspension not written into the judgment and having nothing to do with driving behavior. She wanted to see the order. She looked for

I beat the district attorney at trial on four out of five charges, and was convicted only of possession of pot.

such other suspensions in the files, asked other POs if they'd seen them. No others. Our relations became almost chummy. I quit emptying my pockets before my visits. POs are really nice people if you're honest and polite — and firm in your convictions.

After I got my driving privileges back, with nothing to do but wait on decisions of the appeals court, I got restless and started handing out protest leaflets with my anti-drug-war plan — telling people how to defy probation, among other things — to my fellow probationers in the probation office waiting room. There's a dearth of reading material in there.

Next visit, my PO didn't have time to chat, but asked me to fill out a monthly report. I filled out name and address, and wrote "NOYB" and "NA" in answer to the rest of the questions. When I saw her again, she asked me, in front of a trainee, to fill out a monthly report, which I did as before. Then she asked me to submit a buccal sample (inner cheek swab) for DNA. I answered, "Any time you're ready to take me to the hospital."

"Why the hospital?" asked the trainee.

"Because you're going to have to take it by force."

"All we want is a *little* cooperation."

"I know. I'm not giving it."

My PO was already typing up the citation to appear in court. Force is not in the cards for an offense like mine; she knows it and I know it. And she knows I know it.

Josephine County is in a chronic state of jail emergency releases, like many other Oregon counties. We have a 256 bed jail that houses 130 prisoners because that's all the prisoners that the voters are willing to hire guards for. Multnomah County, which holds Portland, has a new jail that sits empty for lack of manpower, while thieves are cited and released. In Josephine County, drunk drivers and minor assailants are usually cited and released, even with multiple failures to appear; thieves are routinely ticketed — and routinely fail to appear. (The fact that public defenders often don't give their clients reminders to appear doesn't help matters.)

So we don't have room in our jail for pot smokers, even if a judge does sentence one to 10 days every once in a while. Probation violation has a six-month maximum sentence which, being less than a year, must be served in the county jail. Convicts get holding priority over people merely accused, so jailing me would mean releasing somebody accused of a serious crime. Judges are required by law to take available jail space into account when revoking probation and reserve it for those who are a serious danger to the public.

She knows I know this because I'd filed a Motion to Modify Probation (to bench), in which I'd told the court as much, before my first appointment with her. I'd brought her a copy. My motion had been denied without hearing or comment by another judge within days.

Once I was officially cited for probation violation, I turned my Motion to Modify Probation into a Motion to Discharge Probation, in which I cited the applicable probation statutes and the facts of the county jail emergency plan and its hold or release priorities as demonstrated in the police blotter; therefore, the court would be breaking the law if it jailed me. I added that I refused to pay any further fines or fees and could not be made to do so and, if I was jailed, I would simply fast and preach to my fellow prisoners about the virtues of going to trial. Also, the court owed me for 10 weeks of voided license suspension. So the court might as well call it time served, let me go, and quit wasting my PO's valuable time.

A few days later, as I was heading home from work, I got a call from a court clerk named John. Judge Hull wanted to know how long I thought the hearing of my motion would take. I'd never been given this courtesy before. I told him not more than an hour, I thought. He said he had a note from the district attorney: "State opposes, at least until Defendant submits buccal sample — or we draw blood." This was intriguing. I went down to the courthouse to check it out.

District Attorney Campbell had written and initialed his note on a copy of the front page of my motion. A DNA sample is mandated for all felons; it is the only condition of probation that a PO can not waive. But it was something I could compromise on, comparable to the fingerprints that they got at arrest, useful to the state only if I am later implicated in a crime involving DNA evidence — an unlikely event.

So I wrote a note back on the same copy: "Defendant will submit buccal sample on next PO visit, 3-26." John made two copies, one for me and the other for me to serve on the district attorney.

At my next visit, I showed my PO the exchange of notes. She was surprised and delighted at the news that I would submit in this one small detail. Her hands shook as she prepared

The "10 days in jail" became a week. By the end of that week, the jail couldn't see the backside of me fast enough.

the sampling kit. "I never thought I'd get a buccal sample from you," she said. "But then, I never thought you'd get this far. Congratulations."

Sample in hand, she called the district attorney's office, got the deputy district attorney currently handling my case, and asked what was next. He told her to tell me to file a fresh

motion with the phrase, "State does not oppose," and he'd sign off on it and cancel the Show Cause (why I should not be jailed) hearing.

So I rewrote my Motion to Discharge Probation, adding the exchange of notes and submission of DNA, as well as the "State does not oppose" line and a signature line for him, after my own signature.

He didn't use that signature line; he wrote a note on the front: "Go ahead and dismiss S/C [show cause hearing] JMC 3-29-07 & State has no objection to discharge of Δ's [Defendant's] probation." But I got a signature where it really counts: Judge Hull's signature below the line, "IT IS ORDERED that probation is discharged."*

My personal legal battle is over. I've won. The sheriff doesn't want me in his jail. Probation doesn't want me in their office. The district attorney doesn't want to mess with me. They've found that I'm less dangerous protesting on the street than thrust into close contact with their other victims. I used to say that my protest made me the safest pot smoker in town. Now I really am.

It was worth the battle: the months of nervous anticipation of trial; the nine days in jail; the lost work because of jail and recovery from fasting; the $1,500 or so that it cost in lost work, fines, and legal expenses. The battle was cheap for me, expensive for the state.

My present protest leaflet, "We Can Stop This Drug War," arose from that battle. After three and a half years of protesting persecution, I found the way to end it, without having to persuade anyone but its victims.

My first protest leaflet, "Stop the Holy War on Us," persuaded only the persecuted, and offered no remedy. After a year of talking to the public, my next leaflet, "Legalize Freedom of Medicine," focused on persuading the general public to free itself from the prescription drug system that we all have to deal with, and there were reports that it persuaded people who were not previously sympathetic. With "We Can Stop This Drug War," the focus of my protest has shifted to persuading the persecuted to free themselves by coming out of their closets and fighting their persecution in court.

It is a manual of what to do if you are arrested for any victimless offense against the state: how to give the state an expensive defeat instead of an easy enslavement. Such tactics are less useful if you are accused of crimes against people or their property, but to the extent that real criminals follow my advice (and some do), there will be that much more pressure on our overloaded injustice system to stick to prosecuting real criminals.

My leaflet also lays out the basics of my argument that laws controlling substances violate the function of government and our "free exercise of religious opinion" and "rights of conscience," under the Oregon constitution's article 1, sections 1 and 3. They also violate the First Amendment of the United States Constitution; but I learned from the arguments in my motion to dismiss charges that it is better to stick to the Oregon constitution, where protections are broader and less thoroughly litigated.†

I have passed out a couple thousand copies of my leaflet since last September. I just moved the Sunday midday protest to Mondays, and my output has doubled as a result, from about 50 to nearly a hundred leaflets per week.

Someday, when enough of us stop cooperating with our persecutors and take them to court, and our persecution becomes too expensive to pursue, someone might take my argument to the Oregon Supreme Court and win. Or the drug laws might fade away from lack of prosecution, as many unpopular laws have done before. But the holy war will end sooner rather than later, because I got arrested for handing out pot cookies at my protest. ❑

*For a copy of the noted and signed motion, send a self-addressed, stamped envelope to Rycke Brown in care of Liberty.

†At present, the Oregon Supreme Court says that article 1, sections 2 and 3 of the Oregon constitution convey the same protection as the First Amendment of the U.S. Constitution; but even the most cursory reading of section 3 puts the lie to that. The U.S. Supreme Court says that the First Amendment protects only religions with organization and tenets, but Oregon's article 1, section 3, protects "free exercise and enjoyment of religious opinions and the rights of conscience," clearly individual rights of individual minds.

The Half-Open Door, *from page 36*

Malaysians, the Filipinos, the Indonesians, and, of course, the Japanese. Nobody here in Asia wants to be somebody else's melting pot.

This little city-state can't entertain such a thought. It is the most densely populated place in the world. It doesn't even allow citizens of China to live here, except for an elite handful. I've heard arguments that it ought to allow more, but never that it ought to let them all in. Immigration control is supported by Beijing, by London and by the Hong Kong people. There is no other way — because China's GNP per head is $325, and ours is $14,100. (America's is $21,500.)

The boat people knew that they would be put in camps. The camps have been here for years, and have been publicized in Vietnam. The people came here anyway, just for the chance that someone would take them. But nobody will.

Three years ago, they had my sympathy. Now I, too, grow tired of them and their demonstrations. I begin to think of them as the unwanted cousin who camps out on my doorstep and demands a seat at my dinner table. These people have to go home. They have to be forced to go home so the other 69 million Vietnamese won't come here. Like the Hong Kong Chinese, I begin to get disgusted with the namby-pamby British government, which talks about "mandatory repatriation" but is too genteel to drag screaming refugees onto airplanes.

In the world of the 21st century, America is going to have to do the same thing. You won't have to shut the door on everybody. You're a big country and a rich country, and what's more, a melting pot. You can let in your 700,000 immigrants a year. You can probably let in more, especially if you pick them more carefully. You can let in a few refugees, and pat yourself on the back for being so humanitarian. But don't kid yourself that you have an "open door." Nobody does. ❑

Reviews

"The Age of Turbulence," by Alan Greenspan. Penguin Press, 2007, 531 pages.

The Mystery of Alan Greenspan

Bruce Ramsey

One might distinguish among the various chemistries of libertarians by their reaction to Alan Greenspan and his new memoir, "The Age of Turbulence." Greenspan has long been the most prominent libertarian inside the executive branch of the U.S. government. Indeed, he has been lodged in it so long, and has, until now, addressed the public in such gnarled syntax, that a good number of his fans had given up on him. But if they had followed him closely, they would have seen that his views had not materially changed. In the book, he calls himself a libertarian Republican.

More than 50 years ago, Greenspan, then a young economic analyst with his own consulting business, joined Ayn Rand's inner circle. In "The Age of Turbulence," he credits Rand with opening his mind to non-career-related questions. Before Rand, his thinking had been "empirical and numbers-based, never values-oriented." He was a logical positivist, and recalls proclaiming to Rand that there were no moral absolutes. She pinned him with those big eyes and asked him whether maybe he didn't exist.

He said he couldn't be sure.

"*Who* is making that statement?"

Greenspan was unlike the others in her circle in that he was more aloof, older than they, and the only one who had achieved something in the world of business. Rand respected that and cut him some slack. "She allowed him more intellectual liberty than she did other people," Edith Efron once said. Rand never disowned Greenspan, as she did Efron and Nathaniel and Barbara Branden. And he was loyal. When she cast out the Brandens and asked her circle to sign a statement siding with her, Greenspan signed it.

By then, 1968, he had joined Richard Nixon's campaign for president, having been recruited by another Rand fan, economist Martin Anderson. Rand endorsed Nixon, too. A few years later Nixon would impose wage and price controls and cut the dollar's last tie to gold, and he is not remembered fondly by libertarians. But in 1968, a year of war, riot, and assassination, the alternative was Hubert Humphrey, the heir to Lyndon Johnson. Nixon was the one.

Greenspan was offered a job in the Nixon administration, and he turned it down. In his book he says he could not tolerate Nixon's psychology: "He hated everybody." But Greenspan kept his Republican contacts, and in 1974 he was made chairman of the Council of Economic Advisers by President Ford. Greenspan was sworn in with Rand standing next to him. Later, after she died, he was named chairman of the Federal Reserve Board by presidents Reagan, Bush I, Clinton, and Bush II, serving 18 years in the top economic position in the U.S. government.

Some will excommunicate him for being a central banker, and say he sold out. One article on LewRockwell.com was fancifully called "Is Alan Greenspan a Malignant Alien Life Form?" But whether he had sold out would depend on what his purpose was. Should every libertarian make the spreading of libertarian ideas his life's work?

In his book Greenspan says he did not accept all of Rand's ideas. (One wonders: did he say that to her?) The point of disagreement was her declaration that taxation is theft, and therefore wrong. He writes in his new book, "If taxation was wrong, how could you reliably finance the essential functions of government?" Others had asked that

question; in her newsletter she had proposed a system of voluntary funding, though it was not convincing. Upon reaching this question, many of her followers became anarchists. Others decided that anarchism and capitalism contradicted each other, and agreed with Greenspan that capitalism requires "state-enforced property rights."

Breaking with Rand, even over this one point, was liberating to Greenspan:

> I still found the broader philosophy of unfettered market competition compelling, as I do to this day, but I reluctantly began to realize that if there were qualifications to my intellectual edifice, I couldn't argue that others should readily accept it. By the time I joined Richard Nixon's campaign for the presidency in 1968, I had long since decided to engage in efforts to advance free-market capitalism as an insider, rather than as a critical pamphleteer.

For Greenspan, economics was not only a belief but also a business. The part with market value — at least, the market Greenspan served — had to be constructed by induction and based on facts.

There is a story early in the book. In 1957, Greenspan analyzed the purchases, use, and inventory of steel by the major American steel-using industries. One of the producers, Republic Steel, was his client. Greenspan flew to Pittsburgh and told the CEO that Republic's customers were not using all the steel they were buying, because their business was soft. Orders for steel were bound to fall, and Republic would be smart to anticipate that. The CEO wasn't inclined to take the advice of this geeky young analyst from New York. Steel orders were good, and he kept his lines going. Shortly afterward, orders stopped and the economy slid into the 1958 recession. At the next meeting the CEO allowed that Greenspan had been right.

Greenspan could look into the chaos of numbers and see order. That was his skill. In doing so, he developed a picture of the economy more detailed than the pamphleteers'. They are interested in explaining the market as an idea essentially the same in all times and places, and there is an aspect in which that is true. But actual markets change, and not only in their level of freedom, but also in their complexity, depth, and resilience. What the market can do at one time is different from what it can do at another.

The defenders of the capitalist idea may not be interested in that, but actual capitalists are. For example, consider steel. When Greenspan visited Republic, Americans weren't importing steel. They could have, but they weren't. Shortly afterward there was a strike, and they did. In the years since, the U.S. output of steel from iron ore has shriveled, replaced by steel from recycling mills and producers abroad. There are consequences of this — to someone thinking of investing in the steel industry, or working for it, or buying its products, or dealing with it politically.

Consider Greenspan's later field, money. As Greenspan acknowledges in the book, inflation is endemic to fiat-money systems. If your point is that commodity-backed money is better than fiat money, well, fine, but it is a point of theory. In the past 70 years there has been only fiat money, and some brands are better than others. Central bankers make the difference. Some print money parsimoniously, and their currencies have been the stronger ones. Facing an inflation, some have been willing to slam on the brakes, and some not. Paul Volcker, Greenspan's predecessor at the Fed, had to run the U.S. economy into a wall to restore the integrity of the dollar.

Greenspan didn't have to do that. During his time, the dollar was fiat money, just as before, but monetary roughness wasn't needed — and Greenspan implies that it wasn't all because of what Volcker had done. Something in the global environment had changed that affected all currencies in the developed countries. "Even a slight 'tap on the brake' induced long-term rates to decline," Greenspan writes. "It seemed too easy."

In 1987 the yield on 10-year U.S. Treasury bonds was 10.8%. It fell for 16 years. In 2004, when the Fed began pushing overnight rates up, Greenspan expected the 10-year yield to finally rise, because that's what it would normally do. But it didn't.

The cause of the reduced pressure, he argues, was the fall of communism and the movement of millions of Chinese, Eastern Europeans, and then Indians into the global market. "Wages and prices are being suppressed by a massive shift of low-cost labor," he says in the book. When the bulk of these workers are absorbed, he says, the pressures on prices and wages in America and Europe will return. In the next few years, he says, we will feel "a return to fiat-money normalcy."

"Actually, trickle-down economics is over with — what you hear now is the sound of special interests drooling."

Among libertarians the objection to Greenspan is his pragmatism. But he would not have had the job he did, and the influence he had, if he had done things their way.

That doesn't mean he always subordinated himself. In the Bush II administration, Greenspan's soulmate was the first Treasury secretary, Paul O'Neill, the former CEO of Alcoa Aluminum, who Bush later fired for political disloyalty. Greenspan portrays Bush as intensely partisan, and, unlike Clinton, unwilling to bend his program to fit economic reality. He has praise for Clinton and his Treasury man, Robert Rubin, who brought the federal budget back to surplus. Bush had no financial discipline,

and during Greenspan's time vetoed not one spending bill. Under Bush, he writes, "I certainly did not qualify as part of the inner circle, nor did I want to be."

Greenspan says in 1987 he accepted the job as chairman of the Fed vowing to follow the law, though he was "an outlier in my libertarian opposition to most regulation." He says, "I planned to be largely passive in such matters and allow other Federal Reserve governors to take the lead." He found, to his surprise, that the Fed staffers were more market-oriented than he had thought. They were cautious about substituting their judgment for the market's, and were willing to review old regulations and toss them.

Greenspan does portray himself as wielding some power. The Fed sets overnight interest rates on loans among banks, and he talks briefly about that, and is a lender of last resort in a crisis, and he talks briefly about that. He argues that the lender of last resort has to be the government, because the private sector cannot do it "without impairing a bank shareholder's value." He notes that the bailout of Mexico was a loan, not a gift, and that it had a high interest rate, and that the Mexicans paid it back early. He noted also that the other big bailout, of an investment group called Long Term Capital Management, was with private capital, with the Fed acting as a broker.

The Fed chairman's No. 1 job is to keep the rate of inflation down, and under Greenspan it came down substantially, but it was mostly not his doing. Greenspan's No. 2 job was to prevent catastrophic downturns. After the crash of Oct. 19, 1987, he opened the money spigot and there was no downturn, and after the burst of the dotcom bubble in 2000 he did the same, and there was a downturn that was not catastrophic. But any Fed chairman would have done the same.

What is more interesting is his response to the two booms: the dotcom ecstasy under Clinton and the Bush II housing speculation. After famously warning in December 1996 against "irrational exuberance" — a thought that came to him while soaking in the bathtub — Greenspan was laughed at. He looked more deeply at the data of productivity, he says, and saw real and striking improvement. Maybe the gigglers were right, and the exuberance was grounded in fact. He decided that some of it was and some of it wasn't, and you couldn't tell one from the other until it was over. So Greenspan let the boom run for another three years, raising interest rates only modestly, and letting the dotcom bubble pop on its own. And under Bush II, Greenspan did not cut off the housing boom. Part of it was a political motive: when people own they are friendlier to capitalism, and Greenspan appreciated that.

From his book, it seems that behind the syntactical smoke, Greenspan was thinking clearly and acting with motive. He believed in economic hands-off, and that is where he mostly kept his.

He was not able to reinstate the gold standard, which was ended in 1933 by an act of Congress and could not be reinstated by Fed policy. Though he expresses a "nostalgia" for an anchored currency, he says, "There is no support for a gold standard today, and I see no likelihood of its return." But "monetary policy can simulate the gold standard's stable prices," he says, and he tried to do that. The result was not a dollar as good as gold, but it was better than it had been.

On the currency issue, he concludes, "There is no inherent anchor in a fiat-money regime. What constitutes its 'normal' inflation is a function solely of a country's culture and history. . . . " If America does not have the culture libertarians envision, in the past half-century it has gone toward it in the realm of economics. In the early 1970s a Republican president imposed price controls and Democrats called for an "incomes policy." We do not hear these things today. That the federal government runs the economy and the president is personally responsible for the rate of unemployment is an idea that survives, but at far less amplitude. That is a change, and Greenspan played a role in it by running the Fed the way he did. Bob Woodward called him a maestro, but that was for show. Really he was more of a Coolidge.

Greenspan has written a thick book, much of it filled with his economic view of the world: thoughts about China, India, and Russia, about the fall of communism, about corporate scandals in America, the cost of entitlements, and so on. For readers who have kept up with these topics, much of what he says will confirm what they already know. Unlike his Congressional testimony, it is clearly written. And there are some notable thoughts, among which are these:

"The Iraq war was largely about oil." That comment got some media attention, and it is the one he explains the least. Really he does not explain it at all.

- The U.S. presidency attracts people who are not psychologically normal. Greenspan worked for Nixon, Ford, Reagan, Bush I, Clinton, and Bush II. "I came to see that people who are on top of the political heap are really different," he writes, and not different in a good way. The most normal was the one not elected: Jerry Ford.
- Three times — on pages 256, 371, and 431 — he says regulators cannot guarantee the honesty of banking. Fraud and embezzlement are exposed by whistleblowers, not bank examiners.
- Antitrust doesn't work.
- Hedge funds move too quickly to be regulated by the government. In general, he says, "Markets have become too complex for effective human intervention."
- Bank deposit insurance does create a moral hazard, but on balance it is worth keeping.
- The widening gap between the pay of the average worker and the highly skilled undercuts public support for capitalism. One fix: open the doors to immigration of the highly skilled.

- Some CEOs are paid too much, and ought to have their pay cut — not by government, but by stockholders.
- Outside directors on corporate boards generally don't know the business. For large public companies, CEO autocracy is "probably the only way to run an enterprise successfully."
- Medicare's long-term problem will be fixed "by rescinding the benefits of the more affluent."
- In making peace with the federal budget deficit, the Republicans "swapped principle for power" and in 2006 "deserved to lose."
- The lack of motivation by state oil companies to increase production is hastening the day when other energy sources — tar sands, shale, gas hydrates, nuclear, and coal — begin replacing liquid petroleum.
- Governments' determination to fight global warming by cutting CO_2 emissions is mostly talk. People will support cap-and-trade schemes only when the cap is set too high to do any good. "Remediation is far more likely than prevention."
- "The Iraq war was largely about oil."

The last comment got some media attention, and it is the one he explains the least. Really he does not explain it at all. There is almost nothing in the book about foreign policy — but then, Greenspan was an economics guy. Always remember that. ❑

"The Road to Serfdom: Text and Documents; The Definitive Edition," edited by Bruce Caldwell. University of Chicago Press, 2007, 283 pages.

The Road to Hayek

Lanny Ebenstein

The edition of "The Road to Serfdom" in "The Collected Works of F.A. Hayek" is appropriately dedicated to Lawrence Hayek, Friedrich Hayek's son. This writer had the opportunity to stay with Larry and his wife, Esca, on several occasions; and I knew him as a truly great guy, dedicated to his father's memory.

Hayek himself was a mastermind, and it is to some extent vain for others to present his thought. The best introduction to Hayek is his own work. Every reader will find it worthwhile to consider "The Road to Serfdom."

Caldwell, the series editor of Hayek's work, concludes this volume with Milton Friedman's 1994 fiftieth anniversary introduction to "The Road to Serfdom." Friedman quotes extensively from his 1971 introduction to a German edition of the work but does not include the comments in his 1976 foreword to a Festschrift in Hayek's honor, "Essays on Hayek" (1976). In that 1976 piece, Friedman paid homage to the lucidity and transcendent morality of Hayek's prose while noting that

"The Road to Serfdom" is held by many to be the inaugural work in contemporary libertarianism.

he, Friedman, had been influenced in a free market direction by his predecessors at the University of Chicago before reading "The Road to Serfdom" for the first time in late 1944 or 1945.

One of the best aspects of Caldwell's edition is the material it contains that has not appeared before, including letters from referees of "The Road to Serfdom's" American edition. (The book was first published in Great Britain in March 1944; the American edition, reproduced here, appeared in September.) Who would have thought that Jacob Marschak may have been the decisive referee in the University of Chicago Press' decision to publish the work? Marschak was affiliated with the Cowles Commission at the University of Chicago and was far more modern-liberal than Hayek. He represented the econometric turn in economics that Hayek, for good or ill, never incorporated into his work.

Marschak praises Hayek and his book — but not on economic grounds. He asserts that "the non-economic chapters" in "The Road to Serfdom" are "more impressive than the economic ones" (251). This is the view of the vast majority of economists, of all political stripes (including, for example, Milton Friedman and Ronald Coase). The exceptions are Austrian and Austrian-oriented economists. Yet Marschak the economist concluded his report: "This book cannot be by-passed" (252).

"The Road to Serfdom" is held by many to be the inaugural work in contemporary, or modern, libertarianism, and Hayek is thought by many to be the key, initiating figure in libertarian

thought, by virtue of its publication. "The Road to Serfdom" gained strength from its relevance to contemporary circumstances. At that point in his career, Hayek allowed a great role for the state. He is criticized by more extreme libertarians for doing so. But this feature of his work gave it a more direct purchase on the practical political discussions of his day.

Utopia, as Hayek later wrote, is worthwhile as a guiding ideal or a philosophical vision, but it has usually not been a program of practical political reform and accomplishment. His own contribution was both to inspire philosophically and to inform practically. His practical as well as philosophical argument was that Western Europe and the United States did not have to choose socialism following World War II.

In addition to Marschak's evaluation, the most valuable aspect of this edition is Hayek's 1933 memo, to William Beveridge, that was the ultimate predecessor of "The Road to Serfdom." Caldwell notes "Hayek on Hayek" (1994) gives a different date for this memo than when it appears to have actually been written.

Since this is a point of some interest to Hayek scholars, it is appropriate to note that there is another explanation for the discrepancy besides the one put forward in Caldwell's introduction. In "Hayek on Hayek," Hayek is represented as having said that he wrote the memo for Beveridge in 1939 (102). Caldwell's best guess, based in part on a reader's comment, is that "Hayek simply confused the date" (6). An alternative hypothesis is that there is a transcription error in "Hayek on Hayek." The original interview on which the 1939 date is based should be reviewed; Hayek's accent, and his tendency not to talk loudly, often made it difficult to hear exactly what he said.

Hayek was a philosophical economist. He offered intellectuals a rival conception of the world to that of a state-run economic organization. He enunciated ideas about the division of knowledge and the importance of social institutions that accommodate divided knowledge. "The Road to Serfdom" was his first major polemical attack on socialism.

In his 1933 memo on which "The Road to Serfdom" was ultimately based, he calls attention to "the anti-rational, mystical and romantic sentiment, which has been growing for years among the youth of Germany" (246). That the same could be said about many years of American youth culture should give readers interested in historical parallels grounds for reflection.

Hayek concluded the British edition of "The Road to Serfdom" in this way: "The guiding principle, that a policy of freedom for the individual is the only truly progressive policy, remains as true today as it was in the nineteenth century." This remains the guiding principle of libertarians in the 21st century. Caldwell's thoughtful and elegiac edition should commend itself to all thoughtful and progressively minded people. ❑

"Into the Wild," by Jon Krakauer. Anchor Books, 1996, 207 pages.
"Into the Wild," directed by Sean Penn. Paramount, 2007, 140 minutes.

The Inward Journey

Jo Ann Skousen

In the spring of 1990 Chris McCandless graduated from college, packed up his Datsun B210, and headed out on an extended road trip across the country, without leaving a phone number or a forwarding address. Chris was at odds with his parents for a variety of reasons, but he was not just escaping from the angers of their house; he was escaping *to* something, heeding the call of the wild that resonates with so many young men at that age.

In the book on which this movie is based, adventure writer Jon Krakauer (who also wrote "Into Thin Air") uses the McCandless story as a vehicle for exploring the psychology of the mountain man, relating numerous stories of others who have gone into the wild — some successfully, others fatally. In the vivid, journalistic style that has become his trademark, Krakauer tells the stories of adventurers like naturalist John Muir, who explored the Sierra Nevadas; wandering artist Everett Ruess, who disappeared in the Utah desert; and British rock climber John Menlove Edwards, who "climbed not for sport but to find refuge from the inner torment that framed his existence" ("Into the Wild" 135).

Krakauer also describes his own nearly fatal attempt to be the first to ascend the dangerous north side of Alaska's Devil's Thumb at a time when he, too, was working out anger issues with his father. Krakauer's empathetic understanding of McCandless is apparent throughout the book. He makes the point that such men are not antisocial, but are simply drawn more to nature than to the "careers [that] are a 20th century invention," as Chris scoffs cynically in the film. McCandless in fact made many close friends along his two-year journey and wrote to them frequently. These friendships dominate both the book and the film.

Both works were made with the

support and encouragement of the McCandless family. But while Krakauer is sensitive in his description of the McCandless parents (William Hurt and Marcia Gay Harden), Penn is harsher in the way he portrays them during flashbacks, fighting constantly in front of the children and voicing their disapproval when Chris (Emile Hirsch) doesn't measure up to their expectations. This makes their gradual change during the two years he was missing all the more poignant, as they become "people softened by forced reflection on the pain of something lost," as Chris's sister Carine (Jena Malone) explains in voiceover narration.

When my brother returned from Vietnam, he was safe, but he wasn't sound. He is drawn daily to the VFW, like a moth to the flame that nearly destroyed him.

Almost everyone in this film is suffering the pain of families lost. Chris spends several weeks in a campground with a hippie couple who have not heard from their own son, about Chris' age, for two years. The mother clearly sees Chris as a substitute for her own lost son, and implores him to call home. He does not. Another man who gives Chris a ride (Hal Holbrook, in one of the most moving performances of his illustrious career), feels the same way toward the charming and gregarious young man, advising him, "When you forgive, you love. And when you love, God's light shines." Nevertheless, Chris still does not call home.

Two of the most poignant scenes in the film involve Billie McCandless' reaction to her son's prolonged and silent absence from home. We see her looking over her shoulder at dark-haired young hitchhikers, hoping they might be Chris. Billie awakes one night from a deep sleep, certain she has heard his voice crying out, "Mom, help me!" It was in July 1992, when Chris was nearly starving. As a mother I was overwhelmed by the portrayals of parental loss. But Chris was either unaware or unconcerned about how his absence affected his family.

Fittingly, the scenery is a dominant character in this film. We are treated to gorgeous vistas of Alaskan skyline, Arizona canyons, South Dakota plains, and a wild kayak ride down the Colorado River. The beauty and joy of living in the wild is apparent, along with its dangers and loneliness. The gentle folk songs of Michael Brook's soundtrack add to the spirit of the film. Though few of us would ever attempt to do what Chris McCandless did, we can at least understand what drew him there.

This summer I embarked on my own 10,000-mile road trip, driving by myself from coast (New York) to coast (California) to coast (Florida). Like McCandless, I was overwhelmed by the distinctive beauty of the 25 states I visited. Often I pulled to the side of the road to climb a hillside, hike a canyon trail, explore a cavern, or walk along a shore. Also like McCandless, I welcomed days spent with friends and family members, but I treasured my time alone.

I wasn't roughing it by any means, but like McCandless I was also working out childhood demons. I don't think I realized my full intent when I set out for a funeral in Pennsylvania and just kept going, but I was pulled inexorably to visit my half-brother, whom I had not seen in 37 years. I tracked down his address through the internet. I needed to know why my brother had closed the door all those years ago, saying, "I want to like a lot of people, but I don't want to love anyone."

We met in a public place near his home, the VFW (a club for Veterans of Foreign Wars) where he apparently spends much of his time. Forty years ago, when my brother was drafted into the Army, his best friend began eating like a pig at a trough, gaining enough weight to be rejected by the draft board. Two years later, my brother returned from Vietnam unscathed, and we laughed at his friend. "I'm home safe and sound, but you're still fat," he taunted. My brother was safe, but he wasn't sound. Retired with a military disability, he is drawn daily to the VFW, like a moth to the flame that nearly destroyed him.

I asked my brother why he had cut me off so suddenly, after we had been so close. Like McCandless' sister, I had idolized my big brother. We wrote to each other every week while he was in Vietnam. He answered quickly. "Because of that last letter you wrote." Letter? "Yes, the letter you wrote telling me to get out of your life." A letter like that? How could I have written it, and then forgotten it? Not possible. No way.

But here's the strangest thing: I tried to tell him I didn't write it, but when he insisted, I heard myself apologizing for a letter I never wrote, worried that the bitterness he had harbored for so long was all that held him together, afraid that my denying it would be more painful to him than the letter itself. I don't doubt that he received such a letter; on reflection, I am quite certain that my father or his girlfriend wrote it, out of simple meanness or to keep the two of us apart. Sadly, time has made that false letter more real than the true relationship we once had.

And now it's 37 years later. Our lives have taken separate directions, and today we have little in common.

People mourn in different ways. Some do it in a bottle. Others do it by withdrawing. Chris McCandless and my brother did it by running.

My children are grown, and so is his son. They don't need another aunt or an uncle or cousins today. All because I let him close the door, I didn't track him down at the time and say, "Wait a

minute. You can choose not to love, but you can't choose not to be loved!"

People mourn in different ways. Some do it in a bottle; others do it by withdrawing; Chris McCandless and my brother did it by running. During our visit I discovered that, shortly after receiving the letter he thought was from me, my brother set out in his Chevy Nova for a four-year road trip, working here and there as Chris did, hunting and fishing as Chris did, meeting lots of people as Chris did, and liking them — but running, as Chris did, whenever they got too close.

What was the most important lesson Chris McCandless learned in the wild? At the end of his Alaskan journal he wrote in big block letters: "HAPPINESS ISN'T REAL UNLESS IT IS SHARED." At the end of my journey was a family reunion with all of my children and grandchildren. I'm grateful I have a close family with whom to share the happiness in my life. But I grieve for those parents who have lost contact with theirs. A movie that extracts this much emotion from the audience is powerful indeed. ❑

"Eastern Promises," directed by David Cronenberg. Focus Features, 2007, 100 minutes.

From Russia With Mob

Gary Jason

Occasionally, there comes along a modern film noir thriller that really is noir and really is thrilling. "Eastern Promises" is all that and more. It is a very topical and completely riveting film that is also tremendously entertaining.

The story takes place in London, the London of the Russian émigré community, with the Russian mob omnipresent. The movie opens with a young, pregnant Russian girl, Tatiana, staggering into a pharmacy, seeking help. She collapses and is taken to a hospital, where she dies giving birth to a baby girl. The nurse-midwife who delivers the baby, Anna Khitrova (Naomi Watts), bonds with the orphaned baby, being herself the daughter of a Russian immigrant.

Anna decides to start looking for the child's father, using the dead mother's diary as a guide. Initially, her uncle Stepan Khitrov (Jerzy Skolimowski) refuses to translate the diary, so she starts by going to a restaurant mentioned in it. Here she meets the other main characters. Semyon (Armin Mueller-Stahl), the seemingly charming elderly restaurateur, feigns ignorance of the dead girl, but offers to help translate the diary if Anna will just bring it to him. She initially trusts this charming elderly man, not knowing he is the head of a major Russian crime family.

Anna also runs into the owner's son, a repulsive, drunken lout named Kirill (Vincent Cassel), and the family "chauffeur" Nikolai (Viggo Mortensen). Nikolai — really Semyon's key lieutenant and all-around fixer — drives Anna home, and quickly develops protective feelings towards her.

The movie evolves nicely as the diary is translated, and as Nikolai is called upon to do some "fixing" of problems that arise from Kirill's murder of a rival crime boss and Anna's possession of the diary. The script has literary polish, as one might expect, since it was written by accomplished screenwriter Steven Knight ("Dirty, Pretty Things" being one of his earlier efforts).

Cronenberg's taste for the graphic is on display here. The fight scene in a Turkish bath between the naked Nikolai and two knife-wielding killers is intense beyond description.

The movie moves smoothly towards a climax, in which Nikolai has to decide whether to do Semyon's bidding, which is to destroy the diary and those associated with it. We learn some things about Nikolai as this all unfolds.

To call this film topical is something of an understatement. The problem of women (and children) being forced into international prostitution rings is of great contemporary interest. A number of books have been published recently exploring this topic, by various authors, often with affiliations to human rights organizations. To name just a few, there are: "Trafficking in Human Beings in South Eastern Europe" (by Barbara Limanowski, for the United Nations Development Project); "Selling Olga: Stories of Human Trafficking and Resistance" (by Louisa Waugh, Phoenix Books); "Journeys of Jeopardy: A Review of Research on Trafficking in Woman and Children in Europe" (by Elizabeth Kelly, for the International Organization for Migration); "Human Trafficking: Submission to the Joint Committee on Human Rights" (a report by Amnesty International); and

"The Politics of Prostitution: Women's Movements, Democratic States, and the Globalization of Sex Commerce" (edited by Joyce Outshoorn, Cambridge University Press).

But the unique power of film as a medium is in its ability to force visualization, and thereby evoke empathy. And in that, this film consistently succeeds. Two scenes stand out in that regard.

First is the powerful opening scene, where the pathetic, pregnant young prostitute stumbles into the pharmacy and begs for help. As she stands there, shoeless, drenched with rain, she suffers a massive vaginal hemorrhage, with blood falling on the floor. The image of a totally abandoned waif is heartwrenching.

Second is the scene in which a drunken Kirill forces Nikolai to select a girl from his father's personal stable of prostitutes to have sex with while Kirill watches — ostensibly to prove to Kirill that Nikolai is not gay. As we watch the graphic scene, the girl desperately covers her face with her hair, and we see her intense shame all-too-vividly. Nikolai's response at the end of the scene is revealing — he orders Kirill to get out, and then (along with some money) he leaves a picture of a religious icon. It becomes clear that he is not just another thug, but a man with a conscience who hates what he has just been forced to do.

The acting in this film is outstanding across the board. Mortensen, whom I have only seen in roles which emphasized his male model side, gives a magnificent performance as the steely, inscrutable Nikolai. He plays "tough" convincingly. He delivers half his lines in Russian, and althrough his character tries to hide his feelings constantly, he still manages by his expressions to give glimpses of what is going on inside — especially when he and the baby come together at the end of the tale.

Naomi Watts is equally compelling as the midwife Anna. She shows her love of the orphaned baby and her attraction to Nikolai with an immediate physicality. And the supporting actors don't disappoint, especially Vincent Cassel as the devilish (but not wholly unredeemable) Kirill, and Jerzy Skolimowski as Anna's uncle Stepan.

But, among the supporting roles, it is Armin Mueller-Stahl's Semyon who is the most interesting. His past and present actions drive the film and fuse the story into a whole. To find such a perfect criminal mastermind, one would have to go back to Professor Moriarty in the Holmes stories.

The director, David Cronenberg, has made a number of science fiction and horror flicks, such as "The Dead Zone," "Scanners," and "Dead Ringers." He has also made more broadly appealing movies, such as "Crash" and "A History of Violence" (which also starred Mortensen). Some of his trademark taste for the graphic is on display here: this film has some of the most violent scenes I can recall. The fight scene in a Turkish bath between the naked Nikolai and two knife-wielding killers is intense beyond description.

This is a well-crafted, richly acted, and impeccably scripted crime drama. The cinematography — of London's meaner side — is impeccable as well, as is the score by Howard Shore ("The Lord of the Rings").

The film's ending is left somewhat open. To quote my wife, "This movie has sequel written all over it!" I am normally not a big fan of sequels, but should there be a follow-up flick, I will see it the minute it hits the screen. ❑

"Across the Universe," directed by Julie Taymor. Revolution Studios, 2007, 131 minutes.

"The Beatles," by Bob Spitz. Little, Brown, 2005, 992 pages.

All You Need Is a Beatles Fix

Jo Ann Skousen

"Across the Universe" was not the psychedelic romp through Beatlemania I expected it to be. In fact, the Beatles are never even mentioned in the film, nor do the boys show up in the background. Instead, director Julie Taymor takes the audience across several universes, in an attempt, perhaps, to show that nothing's gonna change this world.

The film opens with two groups of teenagers dancing to "Hold Me Tight." One is the bright, carefree, pastel-colored prom of an upscale Massachusetts high school; the other is the dingy, dark, blue-collar pub of a Liverpudlian dockyard. These universes collide when Jude (Jim Sturgess) sets out across the Atlantic (it might as well be a universe) in search of the father he has never met. In our first subtle nod to "Nothing's gonna change the world" we learn that Jude is the product of a World War II affair, just like the war orphans then being procreated by servicemen in Vietnam.

Virtually rejected by his father, Jude "Gets by with a little help from his friends," the Massachusetts students who had been dancing in the opening scene. They all head off to Greenwich Village for fun and fortune, where they move in with an eclectic group of roommates who all have names taken from Beatles songs and end up getting involved in the student protests against

the Vietnam War that culminated in the 1968 takeover of the Columbia University administration building.

Of course, the Beatles never wrote antiwar lyrics. Their universe was safely across the Atlantic, filled with girls, drugs, and breaking down musical conventions. Nevertheless, Taymor forces those two worlds to collide by restaging many of the songs with a military backdrop. My favorite scene is "I Want You," sung by posters of Uncle Sam and a platoon of square-jawed drill sergeants as Jude's friend Maxwell (Joe Anderson) is inducted into the Army. Wait till you see exactly *who's* "so heavy" — hilarious, yet chilling, and very contemporary.

Strawberries become bombs, bullets, and fields of bloodspattered headstones in "Strawberry Fields Forever" (as well as a stand-in for the Beatles' Apple logo). "Happiness is a Warm Gun," John Lennon's oft-maligned ode to heroin, takes on new meaning when the drugs are being administered to injured soldiers (by singing nurse Salma Hayek, in one of several cameo appearances). And, again reminding us that worlds collide, Taymor juxtaposes war scenes with scenes of race riots in Detroit as a young boy sings "Let It Be." Bang bang, shoot shoot. Nothing's gonna change our world.

Despite the heavy antiwar overtones, the film is fun, inventive, and nostalgic. At the center of the film is a love story between Jude and Maxwell's sister, Lucy, reminding us that if she loves you, then everything is gonna be all right. A second storyline involves a New York band led by Sadie (Dana Fuchs), an earthy Janis Joplin soundalike, and JoJo (Martin Luther) a Jimi Hendrix lookalike. They bicker artistically the way John and Paul did, and they give a joyous rooftop performance the way the Beatles did. Purists will probably object to hearing these iconic songs rearranged and reperformed, but I liked the way these new arrangements focus attention on the lyrics to give them new, unintended meanings.

For example, Prudence, a young Asian girl (T.V. Carpio) sings plaintively, "I Want to Hold your Hand," as she watches the handsome football jock talking with the pretty blonde cheerleader. But when the two part company, the singer's hungry eyes follow the cheerleader, not the jock. She continues singing, walking sadly through a sea of football players tackling each other in time to the music; this isn't your usual backup choreography.

Sometimes the creativity seems forced or sophomoric, as when Jude asks how Prudence got into their apartment and Maxwell answers, "She came in through the bathroom window." But the old-school psychedelics are satisfying and several scenes are deliciously entertaining, as when Joe Cocker shows up as a subway busker singing "Come

Notes on Contributors

Anonymous is Paul Beroza, a scientist living in Belmont, Calif.

Baloo is a *nom de plume* of Rex F. May.

Brien Bartels is a former assistant editor of *Liberty*.

David T. Beito is an associate professor of history at the University of Alabama, and author of *Taxpayers in Revolt* and *From Mutual Aid to the Welfare State*.

Jayant Bhandari is a writer based in Vancouver.

Rycke Brown is a natural gardener in Grants Pass, Ore.

Martin L. Buchanan lives in Denver, where he works for a consulting firm. He is the author of *To Save America: How to Prevent Our Coming Federal Bankruptcy*.

Doug Casey is a contributing editor of *Liberty*.

Scott Chambers is a cartoonist living in California.

Stephen Cox is a professor at UC San Diego. His most recent book is *The New Testament and Literature*.

Lanny Ebenstein teaches economics at the University of California Santa Barbara and is the author of biographies of Friedrich Hayek and Milton Friedman.

Andrew Ferguson is managing editor of *Liberty*.

Bettina Bien Greaves is co-compiler of *Mises: An Annotated Bibliography*.

Jon Harrison lives and writes in Vermont.

Gary Jason is an adjunct professor of philosophy and a contributing editor of *Liberty*. He is the author of *Critical Thinking: Developing an Effective World View* and *Introduction to Logic*.

Eric Kenning is the pen name of a writer in New York.

Richard Kostelanetz has written many books about contemporary art and literature.

Ross Levatter is a physician in Phoenix.

Declan McCullagh is a political reporter who managed to escape Washington, D.C., and now lives and works in San Francisco. He edits the Politech mailing list.

Dana Peterson lives and writes in Massachusetts. In his student days, he was a first-reader of fiction for Partisan Review at Boston University.

Patrick Quealy can be found in his natural habitat, a Seattle coffee shop.

Paul Rako is a consultant living in Sunnyvale, Calif.

Bruce Ramsey is a journalist in Seattle.

Mark Rand claims to be a member of the sole species of primate inhabiting the Pacific Northwest.

Michael Schein is a businessman in Reading, Penn.

Jo Ann Skousen is entertainment editor of *Liberty*. She lives in New York.

Tim Slagle is a standup comedian living in Chicago.

Ralph Slovenko is professor of law and psychiatry at Wayne State University Law School. He is the author of the two-volume *Psychiatry in Law/Law in Psychiatry*.

Jim Walsh is an assistant editor of *Liberty*.

Together," Bono takes a turn as "Mr. Kite," Eddie Izzard drives the psychedelic bus to nowhere as Dr. Roberts, and anytime Sadie/Janis sings.

If seeing this film and hearing the music gives you a hankering to know more about the Beatles themselves, I recommend an outstanding biography by Bob Spitz called, simply, "The Beatles." Meticulously researched, the book chronicles the group's musically formative years in German nightclubs, describes the influence of their early childhoods, and analyzes the source of their creative genius, the volatility of their personal relationships, and the reasons for their agonizing breakup. I came away from the book feeling informed, not merely entertained.

The Beatles never wrote anti-war lyrics. Nevertheless, Taymor forces those two worlds to collide by restaging many of the songs with a military backdrop.

Far from being a celebrity gossip rag, Spitz's book is a cultural history, beautifully written, technically complex, and surprisingly fresh for a topic that has been written and rewritten for 40 years. If the book's insight and details seem as though Spitz had the Beatles' diary in front of him, that's because he did: Spitz was given unprecedented access to manager Brian Epstein's revealing handwritten diaries.

The only thing missing is the music itself: you may want to have the complete collection downloaded to your iPod as you read, just so you can listen to the songs as Spitz describes how they were composed or what is musically unique about each. And if 1,000 pages is more Beatles than you care to read, I also recommend the abridged audio version, read melodiously by Englishman Alfred Molina ("Spiderman," "Chocolat," "Enchanted April"), a treat in itself. ❑

Sasquatcherie

Jon Harrison

Does a huge, bipedal ape wander the backwoods of the Pacific Northwest? If so, how has it remained undiscovered and unrecognized by science?

These are among the questions that Jeff Meldrum, an associate professor of anatomy and anthropology at Idaho State University, grapples with in his book, "Sasquatch: Legend Meets Science" (Tom Doherty Associates, 2006, 297 pages). A jacket blurb from none other than Jane Goodall states, "Jeff Meldrum's book . . . brings a much-needed level of scientific analysis to the Sasquatch — or Bigfoot — debate."

It may come as a surprise to some people that there are actually reputable, trained scientists who believe in Sasquatch. These include Dr. John Napier, the former Director of the Primate Biology Program at the Smithsonian Institution, the naturalist Ivan T. Sanderson (1911–1973), who held degrees in zoology, botany, and geology from Cambridge, and the recently deceased Grover Krantz, professor of anthropology at Washington State University.

Is Meldrum a believer? On page 271, he says:

> I am frequently asked: "Do you believe in sasquatch?" I invariably and firmly reply that a question of *belief* is simply not at issue. . . . from a scientific standpoint I can say that a respectable portion of the evidence I have examined suggests . . . the existence of an unrecognized ape, known as sasquatch.

If Sasquatch does exist, how came it to the western hemisphere? Sasquatch aside, apes do not exist in the wild here, nor does the fossil record reveal any extinct forms. If we assume for a moment that the beast exists, it probably arrived just as humans did, from Asia via the Siberian land bridge.

It may be that Sasquatch is a descendant of *Gigantopithecus blacki*, an enormous and possibly bipedal ape that is known to have lived in southern China as recently as 300,000 years ago. Given the spottiness of the fossil record, it is reasonable to speculate that Gigantopithecus may have existed until quite recently — or even that a relic population persists today. Reports of a Sasquatch-like creature, the Yeren, still come out of southern China. Right next door, in Tibet and Nepal, is the home of the Yeti, which (if it exists) appears to be a very large, bipedal ape. Sasquatch may then boast a respectable lineage, as opposed to emerging, as it were, out of nowhere — the trademark of the merely legendary beast.

Meldrum has an interesting chapter on Native American traditional knowledge. Aboriginal populations throughout North America know this animal. It would seem that they regard Sasquatch as a flesh and blood creature, rather than a purely mythical or spiritual being. Traditions are quite consistent regarding the beast's appearance and natural behavior. There are, certainly, mythical aspects to many of the stories, but this is also true of Native American lore concerning known animals.

Several important questions remain to be answered before we accept the existence of Sasquatch. Meldrum discusses these questions in a rational and scientific manner.

Meldrum devotes two fascinating chapters to the footprint evidence. Despite some well-known fakes, there are on record literally thousands of footprints, many of which were found

in very out-of-the-way places. Among them are the famous Bossburg prints, from Washington state, which show a crippled individual. Napier, in a 1973 book, described these as all but impossible to fake. Professor Meldrum, an anatomist, brings his professional expertise to bear on the footprint evidence, and all but pronounces it legitimate.

Even more fascinating is the question of the so-called Patterson film, shot by an amateur Sasquatch researcher exactly 40 years ago, in October 1967. A few years back it was rumored that the image captured on the film was actually that of a man wearing a "monkey suit" that had been created by a Hollywood makeup artist. There was never any evidence to support this theory, and the makeup artist in question denied involvement.* The film passed muster with three experts who undertook to analyze it.† Napier rejected the film because the creature it pictured demonstrated both hominid (human) and pongid (ape) characteristics. But when he reached this conclusion, in the early 1970s, he did so because no such amalgam of features was known to exist in either the living world or the fossil record. The discovery of the "Lucy" fossil a few years later provided the first example. (The upper body of Lucy is quite apelike; the bottom half is more human.)

Meldrum does not come out explicitly for the Patterson film's authenticity. He concludes that it "remains a most intriguing piece of natural history footage." However, other comments he makes strongly imply that he accepts the film as genuine.

Several important questions remain to be answered before we accept the existence of Sasquatch. Why, for example, has no corpse (or fossil) of the creature turned up? What does it eat? After all, if it exists, it is a very big animal. Does its environment provide sufficient sustenance to keep a breeding population in being? Meldrum discusses these and other questions in a rational and scientific manner.

We should keep in mind that the mountain gorilla was only recognized by science in 1901, the Komodo dragon in 1912, and the pygmy hippopotamus in 1913. The Pacific Northwest is but recently settled, and still contains vast tracts of wilderness.

My own belief is that people who irrationally dismiss the possibility of Sasquatch in reality do so because of the creature's bipedalism. To see a beast walking so much like a man offends humankind's greatest vanity, viz., that we alone are the chosen of God, and stand apart from "every thing that creepeth upon the earth." As Meldrum points out, however, Sasquatch's gait may be merely the product of convergent evolution, rather than an indication that the creature is an even closer relative to us than the chimpanzee (whose genetic material differs from ours by less than 2%). Those who are discomfited by our hirsute origins may one day learn to their relief that Sasquatch is not, in fact, a part of the direct human line.

This is an excellent book for people interested in our fellow primates and their evolution, or for anyone who just likes a mystery. It is very well-written and informative. The paperback has just been issued, and is available from the usual outlets. ❑

Further reading

Grover S. Krantz, "Big Footprints: A Scientific Inquiry into the Reality of Sasquatch" (Boulder, Colo.: Johnson Books, 1992).

John Green, "Sasquatch: The Apes Among Us" (Blaine, Wash.: Hancock House, 1978).

John Napier, "Bigfoot: The Yeti and Sasquatch in Myth and Reality" (Dutton, 1973).

Ivan T. Sanderson, "Abominable Snowmen: Legend Come to Life" (Chilton Books, 1961).

*See Loren Coleman, "Bigfoot! The True Story of Apes in America" (Paraview Pocket Books, 2003) 97–101.

†Dr. D.W. Grieve, Dr. Dimitri Bayanov, and Dr. Igor Bourtsev. Their reports can be found in Peter Byrne, "Big Foot: Monster, Myth or Man?" (Acropolis Books, 1975) 152–66. (For Disney Studios' conclusion on the film's authenticity, see p. 133.)

"Pulp Fiction" without the gore — "The Sasquatch Gang" (directed by Tim Skousen; Trigger Street Productions, 2007, 86 minutes) is just plain fun, full of quirky characters, crazy schemes, and multiple "aha" moments. Told from numerous points of view in a non-linear time frame, the film unfolds in character-driven chapters, rather like "Pulp Fiction" without the gore. The dialogue is clever, the situations are strangely true, and it has a charming but subtle undertone about the importance of friendship.

All storylines lead to giant footprints found in an Oregon forest by several groups of friends: Gavin (Jeremy Sumpter) and his fellow fantasy buffs, whose idea of fun is staging medieval battles; Zerk and Shirts (Justin Long and Joey Kern), who need a get-rich-quick scheme to save their prized vintage Firebird from the repo man; a pretentious Sasquatch expert (Carl Weathers) who hopes to substantiate his first real Sasquatch sighting; and an assortment of schoolyard bullies, bumbling cops, ditzy reporters, and the zaniest fat comic since Chris Farley died (Hubbel Palmer).

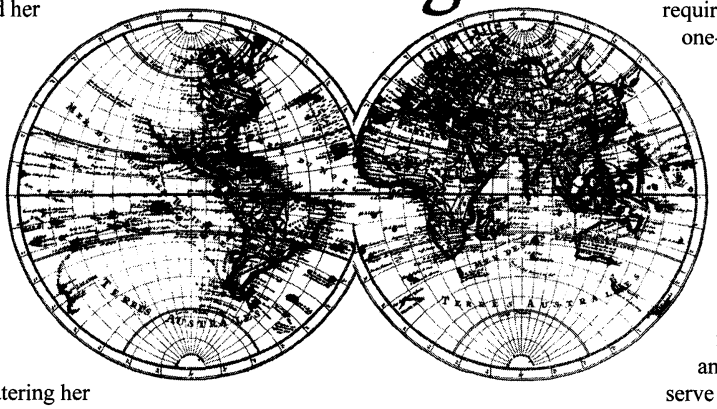
"The Sasquatch Gang" was hugely popular at the Slamdance Film Festival last year, winning the audience award for Best Picture. It went on to win awards for Best Actor (Justin Long) and Best Director (Tim Skousen) at the prestigious Aspen Comedy Festival. Most often heard comment from audience members: "It's funnier than 'Napoleon Dynamite.' And it has a plot!"

You may have noticed that I have a vested interest in this film — screenwriter and director Tim Skousen is my son, and many of the situations are based on events that happened in our neighborhood (when I thought he was sleeping)... But don't take my word for it. Go see for yourself how funny it is!

Like many independent films, "The Sasquatch Gang" will open to a limited run at selected theaters, and will then "go wide" if it has a strong first weekend. So go see "The Sasquatch Gang" right away! Laugh out loud! Brag that you know the director (sort of). Watch for Liberty contributing editor Mark Skousen as the high school economics teacher. And then go see it again! Have I ever let you down?

Opens November 30 in selected cities. Check moviefone.com or your local listings. — Jo Ann Skousen

Terra Incognita



Shelburne, Nova Scotia

A day in the life of the Royal Canadian Mounted Police, captured by the *Ottawa Mail & Guardian:*

Mounties in eastern Canada were called in to help round up rogue honeybees after a palace coup caused a split in the hive. "The beekeeper came to us and said that he lost half of his bees, about 30,000 to 40,000 of them," said Cheryl Decker, spokesperson for the Mounties. "He said they were last seen near a Tim Horton's donut shop on the edge of town. He wanted us to help him round them up."

Beekeeper Rodney Dillinger reported on the search: "We haven't found them yet. But I know which direction they went," he said.

Orem, Utah

Vigilant protection of public peace and safety, recorded in the *Salt Lake City Tribune:*

Betty Perry was cited by Officer James Flygare of the police's Neighborhood Preservation Unit for failing to water her lawn. Perry refused to give her name to the officer and, when Flygare tried to stop her from going back inside her house, she reportedly tripped and injured her nose.

An investigation by the state Department of Public Safety cleared Flygare of any wrongdoing, and city officials pressed charges against Perry on the landscape violation and interfering with a police officer.

"Today, law enforcement in Orem has enshrined itself as the laughing stock of our country by prosecuting a 70-year-old great-grandmother for allegedly not watering her lawn," prominent Los Angeles attorney Gloria Allred said.

Kirkland, Wash.

American exceptionalism marches on, as seen in the *Seattle Times:*

Kirkland looks out for pedestrians: the city has added bright orange flags for walkers to use in crosswalks, embedded flashing lights near striped pavement to alert motorists, even removed lanes to improve pedestrian safety. Yet in the past two months, four car-pedestrian accidents have occured, all of which, police Sgt. M.J. Ursino says, were preventable.

He jokes that one day he'd like to write a book titled "Walking on the Streets for Dummies." Instead he's started a pedestrian education initiative, complete with a 50-second video called "Excel as a Pedestrian" featuring crash-test dummies. "Basically the message is 'Don't be a dummy,'" he said.

Seattle

The struggle for social justice continues, in a dispatch from *Horizon Air Magazine:*

Seattle's Sweet Beauty uses chocolate from Theo Chocolate to make organic, Fair Trade Certified chocolate spa products such as scrubs and milkbaths, and also offers chocolate face and body treatments.

Beloit, Wis.

The state of historical education, as noted by MSNBC:

The class of students that entered college in August is the first post-Cold War class, according to the Beloit College Mindset List, a compilation of the events, technology, people and social trends that shaped the incoming crop of freshmen.

"I actually visited the Berlin Wall with my parents when I was in fifth grade," said Jacob Williams, 18, of Louisville, Ky., who is going through freshmen orientation at Beloit this week. "I didn't know a lot about the history, but I think it was a great piece of architecture."

Arden, Minn.

A child's dream carefully and methodically crushed, described in the *Minneapolis Star-Tribune:*

The Arden Hills City Council voted unanimously to deny 10-year-old Natalie Linders' request to classify miniature horses as domestic animals so she could keep one in her yard.

Natalie began her campaign to change the city's zoning code about a month ago after city planner James Lenhoff told her that miniature horses were farm animals. That classification requires more space than the Linders' one-third acre yard would allow.

Natalie had argued that miniature horses are smaller than many other domestic animals. "You've never heard of a miniature horse killing or mauling anyone, have you?" she asked the council before the vote.

The council also decided to look at revamping the ordinance to better define a domestic animal and suggested that Natalie serve on an advisory committee. "I want to thank you for your confidence, your wisdom and your passion," Mayor Stan Harpstead told her.

Vatican City

Spiritual guidance for the daily commute, related by *L'Osservatore Romano:*

The Vatican has issued its own rules of the road, a compendium of do's and don'ts on the moral aspects of driving.

A 36-page document called "Guidelines for the Pastoral Care of the Road" contains Ten Commandments covering topics such as road rage, respecting pedestrians, keeping a car in good shape, and avoiding rude gestures while behind the wheel.

Praying while driving was encouraged.

Washington, D.C.

Curious addition to the political lexicon, from the Associated Press wire:

Republican senators privately acknowledge that a strategy to drive Sen. Larry Craig from office has backfired, sticking them with an open-ended ethics investigation likely to keep the issue before the public for months.

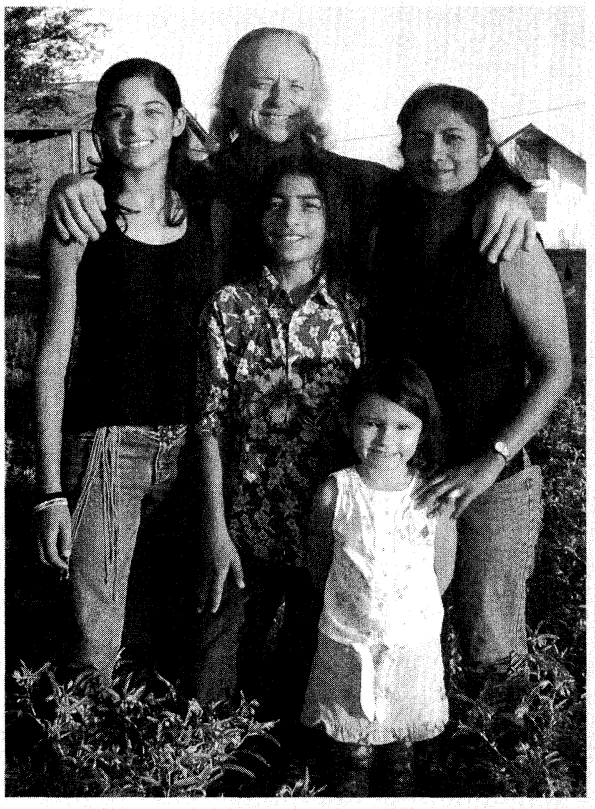
Stanley Brand, a Washington lawyer for Craig, called the strong-arm strategy "ethical waterboarding."

Special thanks to Russell Garrard, Tom Isenberg, and William Walker for contributions to Terra Incognita.

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

Who Loves Ya?

58 million Americans, like you, are not religious. At times these Atheists, Humanists and other non-believers experience persecution and discrimination. If that happens, *American Atheists is there to help.*



In 2005, 15 year old Nicole Smalkowski was on the girls' basketball team at her Hardesty, Oklahoma public school. She refused to participate in organized Christian prayers before and after games. In our Federal lawsuit, we allege that the school made false accusations against Nicole in order to suspend her.

When her parents attempted to resolve the issue with the principal, a scuffle ensued. The principal struck Mr. Smalkowski and then accused him of assault. American Atheists defended Mr. Smalkowski and he was acquitted of all charges by a jury.

We have now filed a lawsuit to stop the organized prayers and to prevent further discrimination against those whose refuse to submit to the religious beliefs of others.

And we do so much more.....

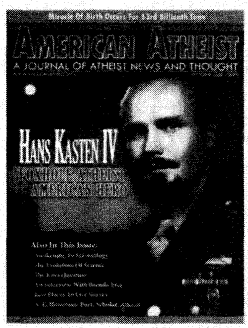
Check out our lawsuits, tv show, books/products, magazine, activism, media appearances, Capitol Hill alerts, press releases and more at:

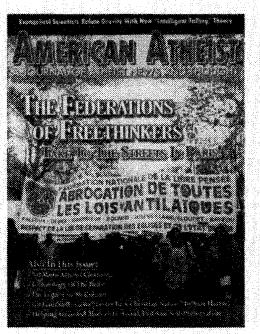
www.atheists.org

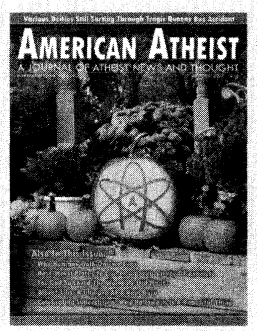
You've always wanted to stand-up for reason, science, knowledge and the separation of church and state. Now you can.

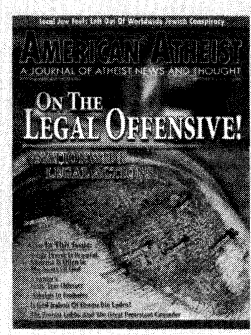
Who Loves Ya? We Do.

We're *American Atheists*





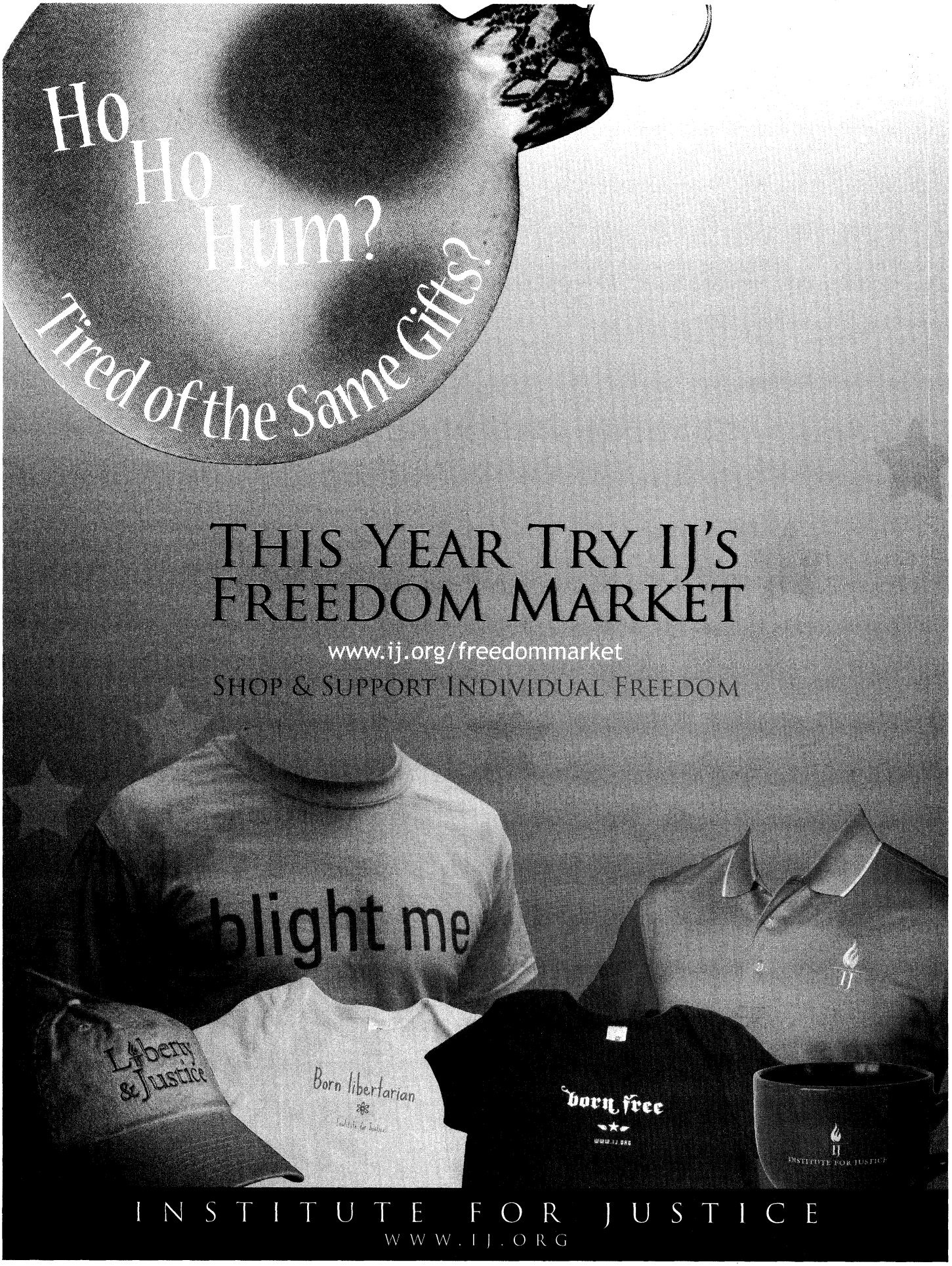




AMERICAN ATHEISTS

JOIN AMERICAN ATHEISTS TODAY AT
www.atheists.org

P.O. Box 5733 • Parsippany, NJ 07054 • 908-276-7300 • Fax: 908-276-7402


Ho Ho Hum?
Tired of the Same Gifts?
THIS YEAR TRY IJ'S FREEDOM MARKET
www.ij.org/freedommarket
SHOP & SUPPORT INDIVIDUAL FREEDOM
blight me
Liberty & Justice
Born libertarian
born free
INSTITUTE FOR JUSTICE
WWW.IJ.ORG