

Liberty

February 1999

\$4.00

When Words Kill

A Shame Upon the Presidency

by Frank Fox

Why Kevorkian Opposes the Right to Die

by Thomas S. Szasz

The Ayn Rand "Cult"

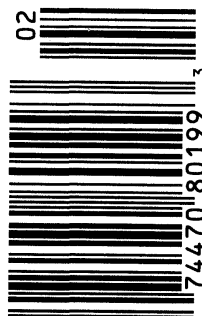
by R. W. Bradford

Porn in the U.S.A.

by Wendy McElroy

Also: *Stephen Cox* shows that the emperor's defenders have no clothes, *Richard Kostelanetz* reports a conservative suicide, gays and laborites launch a socialist invasion of Pittsburgh, *The Liberty Poll* . . . plus other articles, reviews, and humor

"Among a people generally corrupt, Liberty cannot long exist." — Edmund Burke





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CONTENTS (partial)

- A Wine Glass of Freedom
- Koran (Mohammed's insecurity)
- Mormons (history of a fraud)
- For Every Woman (author unknown?)
- Terrorism: Custer Died for Your Sins
- Diversified Unity: a libertarian strategy (What can I do?)
- The Bible: A Book Review (ounce of GOLD REWARD offered)
- Pigs and Christmas
- oat dog (east meets west)
- Tether Ball - Butterflies
- How to Invent a Religion
- Zen Graffiti

WHY pick on Churches?

This Church/State authoritarian concern is in the eclectic tradition of (among others) Ayn Rand (Attila/Witch Doctor), John Lennon/Yoko Ono ("imagine no countries, and no religion too"), Hunter Thompson, Robert Ingersoll, Albert Nock, history and current events (Middle East, Ireland, Utah, Republican Party, etc.... ad nauseum).

Religious dogmas are especially responsible for the second-class treatment of women throughout history, and continuing...

politicians	=	priests
laws	=	dogmas
taxes	=	tithes
courts	=	last judgment
jail	=	hell
big brother	=	big father
robes	=	robes

PREFACE (excerpt)

Churches aren't benign, benevolent spectators in the assault on personal freedom, independence, self-esteem and individualism. The doctrine of Original Sin, of humons as inherently evil, has too many people believing in a need for a Big Brother... and Father.

This Connection Sinergy, this **authoritarian conspiracy** among Church and Government/State political power brokers, this woven, fabricated guilt doctrine was and is spread deliberately for the purpose of POWER and CONTROL. (see "Connections")

Religious rules are a fundamental part of the **root-foundation-cause** of people welcoming an outside responsibility into their lives, and liking the resulting slavery. The sheeple slaves prefer--yes even defend, vote for and export-- their flock-fleecing as being essential for the preservation of freedom; they have bought the concept: freedom is slavery.

These dogmatic causes of the fiction of centralized authority must be confronted and exposed. **Progress toward freedom in the political arena will continue to be slow and frustrating until we come to grips with the size of the challenge.** (see "How Big Is the Challenge?") It's unlikely we'll solve the problem of humon enslavement until we neutralize and then abolish the foundation, the roots.

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Inside Liberty

February 1999

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Letters

Vouchersafe

R.W. Bradford and Martin Solomon continue the bad habit of characterizing voucher initiatives and Republican pseudo tax cuts as libertarian — most recently in assessing the 1998 election results (“Taking the Initiative” and “No Issues, No Winners, No Losers,” January).

If libertarianism is based on non-initiation of force and self-ownership, how can vouchers — which are tax-based educational subsidies to parents paid by non-parents and parents alike — be libertarian? Sure, they provide more choices to parents. But since most parents pay only a tiny fraction of a child’s public-school costs (with the rest made up by DINKS — double income, no kids — and other non-parents), why give them more choice and consider vouchers libertarian? Would we consider it more libertarian if food-stamp recipients could spend their vouchers on whatever they want, including liquor? If lampshades made from the skins of Jewish victims (as in WWII) were suddenly available in both end-table and floor-lamp varieties instead of just desk lamps, would it be evidence of more freedom?

The only libertarian education solution is to exempt from school taxes all people who do not send kids to public schools — including singles. Anything else is a tax shift. Even as a tactical half-way measure, vouchers are a failure because they would co-opt parents who currently pay their own way in private schools and would entrench the popularity of tax-subsidized schools by making them more palatable. Parents who refuse to pay the piper don’t deserve to call the tune.

The same goes for pseudo tax cuts. Again, by granting exemptions and tax-credits to parents, the very people who generate the most tax burdens and demand the most tax-subsidized services are being excused from paying for them

— happily shifting the burden to non-parents who receive no exemptions. Just as blacks and other minorities were discriminated against in the past, Bradford and Solomon consider unjust tax-shifts sponsored by their darling Republicans to be moves toward libertarianism. Those of us who feel the pinch know otherwise. Please take off your right-wing blinders and stop cheering for social engineering.

Lawrence M. Ludlow
San Diego, Calif.

Just Deserts

There’s one factor that might explain the current hostility of feminists toward prostitutes, which Wendy McElroy failed to mention (“Whores vs. Feminists,” January): the rising influence of “MacKinnonite” radical lesbianism within feminist organizations. Since virtually all customers of prostitutes are men (hence, “johns”) female prostitutes are engaging in heterosexual sex. The MacKinnonites regard heterosexual sex as morally offensive, and deny that it is ever truly consensual.

From that viewpoint, prostitutes aren’t entrepreneurs, they’re gender traitors, accepting money for giving aid and comfort to the enemy. When they claim that it’s a choice on their part, they only make it worse, becoming propaganda tools as well. Small wonder that the feminists will do nothing to ease the lives of prostitutes; any suffering that comes their way is seen as richly deserved!

Brett P. Bellmore
Capac, Mich.

Missing Notion

While I find no disagreement with any part of Daniel Benjamin’s “Devolving the Drug War” (January), an important point, which I have not seen in any article concerning the failed War on Drugs, is missing from this piece as well.

How long would it take for the major pharmaceutical companies to develop cheap, comparatively benign drugs

which would be sold as alternatives to (and alongside of) alcoholic beverages?

With a huge market for recreational, mind- and mood-altering substances, I believe not two years would pass before beer competitors would be hanging from pegboards in liquor stores across the country. Probably cheaper than their alcoholic cousins.

Because it doesn’t make good sense to kill or disable your customers, I think these new synthetics would be designed to provide the “high” desired by casual users without a smoking head or a crime-causing habit the next day.

The combined high production capacity of our drug manufacturers would bring falling prices and within five to ten years drive the natural, deadly, addictive drugs from the market.

Additionally, when asked if this wouldn’t make drugs more available to minors, I ask in return when they last heard of a vodka dealer being arrested for selling booze on the schoolyard? With the current favorable relationship between penalties and profit removed, the returns on risk would be worsened and the incentive — high profits, would die a natural death.

Steve Allison
Ramona, Calif.

Oregon Trail

R.W. Bradford mistakenly slighted the electorate’s enthusiasm for drug reform in claiming that Oregonians voted to recriminalize the possession of marijuana (“No Issues, No Winners, No Losers,” January). In fact, they overwhelmingly rejected recriminalization by a margin of two to one!

Not only that, drug reform swept nine out of nine ballot measures, not five out of six as stated in your summary (p. 16) — undoubtedly the most encouraging, if underreported, message of the election. To summarize: medical marijuana initiatives were approved in Alaska (58 percent), Washington (59 percent), Nevada (59 percent), Oregon (55 percent), and Colorado (57 percent, though the initiative was invalidated by the courts). In Washington, D.C., voters

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Liberty (ISSN 0894-1408) is a libertarian and classical liberal review of thought, culture, and politics, published monthly 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 twelve issues. Foreign subscriptions are \$34.50 for twelve issues. Manuscripts are welcome, but will be returned only if accompanied by a self-addressed, stamped envelope (SASE). A writer’s introduction is available: send request and an SASE.

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Reflections

Flight insurance — Bill Clinton has been noticeably absent from the chorus of voices calling for the prosecution of Chilean Senator Augusto Pinochet, who is being detained in England for allegedly murdering Spanish civilians. Maybe Clinton understands that Pinochet's arrest sets a precedent that may jeopardize his own post-presidential travel plans for his role in gassing and torching British, Australian, and Kiwi civilians at Waco. —JE

The rube I ain't — President Clinton's Rose Garden "apology" for his sins (December 11) revealed more than his pomposity. It also revealed his ignorance. All presidents are puffed as great readers and intellectuals; Clinton is puffed as a *Rhodes Scholar*. But this whiz of a wiz doesn't even know that the words of an unnamed "poet" that were allegedly sent to him by a "friend," and were then lugubriously cited in the Rose Garden speech, just happen to be the most popular lines ("The moving finger writes . . .") from the most popular poem in the history of the English language, Edward FitzGerald's translation of the *Rubaiyat* of Omar Khayyam. He's a regular walking encyclopedia, that Clinton. —SC

Who is Bob Livingston? — I was not surprised to read in *The Wall Street Journal* that *Atlas Shrugged* helped get the new Speaker to enter politics. Twenty years ago, I worked on Bob Livingston's campaign, and got to know him well enough to disagree with the *Journal's* characterization of him as a "disciple of conservative novelist Ayn Rand." (Nor, for that matter, would I call Rand a conservative.)

In 1977, I was one of the more-active volunteers for his campaign. I helped man the phone banks, calling likely Republican voters to remind them to vote. I also wrote one advertisement blasting the large number of votes missed by our opponent during his tenure in the statehouse, and did a little policy briefing as well.

Although Livingston was not a libertarian, he was sympathetic to libertarian ideas on many issues. And I thought he was an honest politician (the *WSJ* wrote that he "has an almost Jimmy Stewart reputation for integrity.")

About a year after his election, I invited him to speak at the meeting of the Libertarian Party of Louisiana. His talk was pretty much what you expect when a conservative addresses a libertarian group. He opened with a joke and then spoke mostly about economics.

The conservative minority in Congress, he said, was akin to libertarians. He pointed out that the real cost of regulation greatly exceeds the \$3.6 billion annual cost for staff salaries; that regulation imposed costs of \$150 billion or so each year on businesses, with these costs falling disproportionately on small businesses. He called for a level playing field for union and management (remember, unions were much more powerful then). He was very concerned about inflation, pointing out that taxes would soon reach the 50 percent level in the U.S. unless tax rates were indexed for inflation, and that inflation was having a redistributionist effect, benefiting

debtors at the expense of creditors.

But the really interesting observation came *before* the speech. As Bob and I crossed Canal Street on our way to the LP meeting at the Marriott, he said something that made me tingle and still fascinates me 21 years later.

We were talking about illegal drugs. Bob had extensive experience as a prosecutor in the Orleans Parish, as Louisiana Attorney General and in the U.S. Attorney's office, so he had a first-hand knowledge of the issue. He said that current laws were not working. I don't think he said the words "legalize" or "decriminalize," but he did say that he would like to replace the status quo with something less punitive. But, he added, his constituency felt strongly that the punitive approach was correct. He said he could not get elected if he defied the voters on this issue. He wasn't being really dishonest. He was merely being a typical politician, engaging in hypocrisy to maintain his power.

He may have read *Atlas Shrugged* and been a big fan of it. But this was *not* John Galt speaking. Or even Ron Paul, then as now, the only non-hypocrite member of Congress.

Bob was just a straightforward conservative Republican with a few libertarian instincts and memories. His voting record since has not strayed. From the freedom perspective, his tenure as Speaker will be business as usual for the Republicans, with occasional unprincipled defenses of freedom interrupting the usual business of government. There will be no efforts to reduce spending, no attempt to repeal the 90 percent or more of federal statutes not consistent with limited government.

I wish Bob good luck and I hope that the youthful imprint of John Galt and Henry Rearden will be subtly reflected in his legislative activities. But I'm not really expecting much. —MMS

How 'bout them apples? — The latest results are in and American students remain firmly entrenched in numskulldom. According to the Third International Mathematics and Science Study, U.S. 12th-graders ranked 18th out of 21 countries tested in math and science. Responding to the dismal report, Glen Cutlip, a spokesman for the National Education Association (NEA), said: "If students can learn more than we are teaching then we would see that as a problem. But we have to decide how important it is to us as a society, if we are willing to devote the resources it would take to make those changes." Rather than blame ineffective teachers or the screwy pedagogy that it pushes, the NEA tars the taxpayer.

Meanwhile, New Jersey taxpayers will get the joyous opportunity to devote more resources to education. Striking teachers from the Jersey City School District accepted a new contract one day before Thanksgiving. The teachers got an early Christmas present: a 12 percent salary increase. The average teacher's salary before the new contract was \$56,100 per year.

Schoolteachers work only 180 days per year, so this

amounts to \$312 per day. If the average Jersey City teacher worked in the summer like the rest of us, rather than lounging around the swimming pool or travelling in Europe, he or she would take down a whopping \$75,000 per year. Wow!

The NEA does a fine job spreading the myth that teachers are underpaid and worked to the bone. It also claims student achievement suffers for lack of funding. But if Jersey City is any indication, pouring more money into schooling will only fatten teachers' wallets — with dubious benefits to the student. —JE

May I see your papers, please? — If there was ever any doubt about the implications of the anti-smoking crusade, it should be dispelled by a recent scholarly article: "The Costs of Cigarettes: The Economic Case for Ex Post Incentive-Based Regulation," by Jon D. Hanson and Kyle D. Logue, in the *Yale Law Journal*, 107 (March 1998), pp. 1163-1361.

The learned professors recommend legislation forcing any current smoker to obtain a "cigarette card." Anybody without a cigarette card would be forbidden to purchase cigarettes, including any current non-smoker. "The card," explain the authors, "could be based on the same magnetic strip (or computer chip) technology used for credit cards and ATM cards, would have to be presented by the smoker each time she [sic] purchased cigarettes. The card would keep track of a variety of potentially relevant risk factors, such as the number of packs purchased by the smoker, which brands the smoker purchased, and the smoker's age at time of purchase."

As for the fear of Big Brother, the authors argue, it is outdated since he (or she?) is already with us. —PL

A giant sucking sound — A government panel, graduates of the Ted Kennedy School of Political Economy, increased Mexico's minimum wage by 14 percent. The top tier is \$3.50 per hour. I suppose that if Mexican employers cannot afford to pay the new, higher minimum wage, they will move operations *al norte* to take advantage of the cheap wages of illegal aliens in the U.S. —MMS

DigiCash, RIP — When David Chaum's digital cash company DigiCash filed for Chapter 11 protection in November, many commentators declared the death of the idea of anonymous e-cash, opining that customers had now become confident in using credit cards over the Internet. These comments both missed the point of Chaumian e-cash, and also perpetrated the oft-held myth that his product actually allowed anonymity in transactions. The latter misunderstanding needs to be clarified, as many of us long ago came to the conclusion that Chaum, rather than being the privacy champion that a fairly clueless public took him to be, was instead a major obstacle to the emergence of a truly anonymous form of digital cash.

True, Chaumian e-cash could be anonymously spent on-line, and would prevent data profiling of customers' spending habits — something easily done when credit cards are used. But in other respects, Chaumian e-cash was *anti-anonymous*.

Suppose you have a bank account. You

withdraw cash and use the cash to rent a video and to purchase a copy of Thomas Paine's *Common Sense*. The stores which receive the cash may choose to make other cash purchases, and so on. The series of cash transactions continue more or less anonymously until someone redeposits the cash into a bank account.

But Chaumian e-cash was not like ordinary cash at all. It could be spent anonymously, but after each spending transaction the e-cash had to be deposited into a known, identified bank account. That is, the e-cash was "blinded" so it could be spent without identifying the spender, but any recipient of e-cash had to identify himself in order to get credit for the coins. And Chaum went out of his way to force identification of the e-cash recipient. Chaum claimed a patent on the blinding software customers would use to withdraw e-cash from an issuing bank. In order to get the right to distribute this software to its customers, the bank had to agree to certify as valid, and redeem, e-cash coins only if they were deposited into an identified account. (Otherwise, it would have been easy enough for the bank to just validate the e-cash coins, and issue new e-cash in their place, without requiring any identification.)

In addition to attempting to enforce his half-anonymous (and hence half-assed) system on issuing banks, Chaum has also been known to (unreasonably, in my opinion) threaten competitors with lawsuits, practically pretending that he had a monopoly on anonymous e-cash. So while the bankruptcy of DigiCash is not an occasion for joy, I do not find it an occasion for tears either. Certainly it's no setback for financial privacy. —JOG

Freud slips — Over the years, Sigmund Freud's reputation has been slipping. A new Library of Congress exhibit about Freud was delayed for several years when revisionist scholars claimed that it was too favorable to Freud. The exhibit has now appeared, along with a book containing commentary by both supporters and detractors. In a *New York Times* review (Nov. 22, 1998) Paul Robinson reports that Freud's supporters no longer defend him as someone who found truth. Instead, they stress his historical influence. And rather than considering him a scientist, they think of him as an "imaginative artist" such as Shakespeare or Dickens.

By and large, the Freudian episode is over.

As everyone knows, Freud's ideas swept through the United States in the first half of this century, transforming literature, language, jokes, and lifestyles. Phrases like *Oedipus complex*, *Freudian slip*, *neurosis*, and *defense mechanisms* became common parlance, while ideas such as the unconscious, repression, the id, and the superego became an accepted part of modern life. In 1945, Alfred Hitchcock even directed a slavishly Freudian film, *Spellbound*, in which Ingrid Bergman solves a murder by interpreting a dream. (Salvador Dali designed the dream sequence.)

Freud's "discovery" of repressed sexual drives and their presumed location in the unconscious had enormous social impact. It laid the groundwork for the view that to be free we must liberate our unconscious self from the pressures of civilization, especially the dead weight of religious constraints.

Liberty's Editors Reflect

CAA	Chester Alan Arthur
RWB	R.W. Bradford
SC	Stephen Cox
JE	Jonathan Ellis
JOG	J. Orlin Grabbe
PL	Pierre Lemieux
JSS	Jane S. Shaw
MMS	Martin M. Solomon
TWV	Timothy Virkkala

Freud's ideas became a vehicle for challenging and overturning the vestiges of Victorian morality and religiosity. The sexual revolution was one result.

Whether his views were actually liberating is another question. If the unconscious is as powerful as Freud thought, it means that free will is an illusion and we are in the grip of powerful forces that we cannot escape (except possibly with the help of a psychoanalyst). This can be daunting to the individual. It also raises the larger question of whether people can be held responsible for their actions. Without individual responsibility, society cannot trust individuals to provide for themselves or to refrain from harming others. After Freud and until very recently, it was widely assumed that people need the state to assure them food, clothing, school, and jobs. Freud may have contributed (albeit unintentionally) to this assumption.

Freud's legacy began to unravel when psychoanalysis turned out to be a long, expensive process with uncertain results (exemplified by Woody Allen's disreputable behavior after years of self-publicized analysis), when feminists and gays took issue with Freudian assumptions, and when other therapies (such as transaction analysis and drugs) began competing successfully. Today, Freudian slips embarrass no one, Oedipus is back in Greek mythology, neuroses are seen as having many causes, and the no-nonsense aggressiveness of Dr. Laura is considered a valuable therapeutic approach.

Oddly, it took decades for the rather obvious fact to emerge that Freudian theories are not testable. Freudianism was viewed as scientific probably because, like Marxism and Darwinism, it was materialistic and modern and challenged old-fashioned ideas. Yet Freud provided no reproducible facts upon which one can determine if theories like the Oedipus complex or the nature of the unconscious are valid. Thus, as the century ends, treating Freud's ideas as creative and bold insights, but not as science, seems the right thing to do. —JSS

Probability breach — When hedge fund Long-Term Capital Management (LTCM) lost 44 percent of its capital last August, and in September had to be bailed out by a consortium of banks organized by the Federal Reserve Bank of New York, it was the victim of "low-probability events." These events included Italian bond prices diverging from, instead of converging to, German bond prices, and U.S. Treasury bond prices rising relatively faster than corporate and municipal issues. Two of the founding shareholders of LTCM were Robert Merton and Myron Scholes, Nobel prize-winning economists. I find it ironic that in the only extended conversation I have had with Merton, he was dismissive of probability distributions involving just such low-probability events.

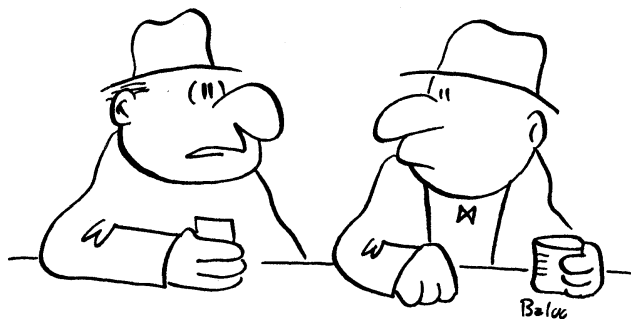
In grad school at Harvard, I was working on a category of "infinite variance" distributions that seemed to characterize financial markets better than the more commonly known "normal," or Gaussian, distribution.

Saying the variance is "infinite" is another way of saying that sample variance is not a useful way to measure risk in a probability distribution, since any measure of variance will jump about at random, and eventually diverge to infinity as the sample size is increased. Market prices, such as exchange rates, commodity prices, and interest rates, have propor-

tional changes that are too "leptokurtic" to represent drawings from a normal or Gaussian distribution. That is, by reference to the Gaussian distribution, they have (1) a greater proportion of very small deviations from the mean; (2) a greater proportion of very large deviations from the mean (namely, those "low-probability events"); but (3) a smaller proportion of intermediate deviations from the mean. Imagine two erratic drivers driving along a highway. The mean location of each is on the center line. Let the Gaussian distribution represent the proportion of time the first driver spends on each part of the highway. If the second driver has a leptokurtic distribution, this second driver spends relatively more time close to the center line and relatively more time driving in the ditch than does the first, but spends proportionately less time driving on the shoulders.

Non-existent (infinite) variances may seem odd, but as Benoit Mandelbrot, the creator of the mathematical concept of fractals, has noted: "Variances are an acquired taste." One day I walked down Massachusetts Avenue to MIT to talk to Paul Samuelson, since he had written a couple of papers in the area. He asked me some questions, and among other things suggested I talk to Merton, since, as Samuelson eloquently put it, "He is an expert on the 'alpha equals two' case." (In the distributions I was looking at, having the alpha parameter equal to 2.0 represented the single instance the variance was finite; in fact, it corresponded to the Gaussian distribution.) Naturally I jumped at the opportunity to worm my way into Merton's office (he was then teaching at the Sloan School of Management at MIT), but found him to be largely dismissive of non-Gaussian distributions. I eventually came to suspect that Merton's bias against non-Gaussian distributions, particularly those with infinite variances, despite the empirical evidence of such distributions in financial markets, came from his reliance on a powerful result in stochastic calculus called Ito's Lemma, which was uniquely helpful in deriving option-pricing models. Ito's Lemma requires variances to be finite. In my mind there is a strict difference between what one does as an exercise (and I have frequently used Ito's Lemma myself) versus what one believes to be the case. But I don't think Merton ever paid much attention to the difference. And I think that the low-probability events Merton ignored came back to haunt him through Long Term Capital Management. —JOG

A searching decision — In 1996, Patrick Knowles was stopped in Newton, Iowa, for driving 43 mph in a 25 zone. The officer could have arrested him, for Iowa law allows arrest for all traffic and motor vehicle law violations. Instead,



"Honesty may be the best policy, but the premiums are murder!"

as customary after finding a valid driver's license and no outstanding traffic or other warrants, he issued a citation.

Under authority of Iowa's unique statute allowing a full search after issuance of a citation, the officer then made a full search of the car. He found a small amount of marijuana and a pipe, and arrested Knowles. When the case came to trial, Knowles moved to suppress the evidence. The police had no search warrant. And no known exception to the Fourth Amendment requirement for a warrant applied: there was no probable cause to think a crime had been committed, no consent, and the search was not incidental to an arrest. The trial judge agreed with those facts, but refused to exclude the evidence based on the Iowa statute. Knowles was convicted for possession of marijuana under Iowa law. And he was separately convicted of possession of drug paraphernalia under a Newton ordinance. The Iowa Supreme Court upheld the convictions.

Knowles attracted the attention of the American Civil Liberties Union and the National Association of Criminal Defense Lawyers, who filed friend-of-the-court briefs challenging the legality of the search. When the National Association of Police Organizations (NAPO) joined the case in support of the conviction, the stakes were raised from just another recreational drug bust to a BIG CASE. Remember, Iowa was the only state with a statute authorizing full searches after traffic and other minor citations. It seems pretty clear that if the Supreme Court ruled that the search was constitutional, this intrusive policy would become law elsewhere.

On December 8, the Supreme Court unanimously ruled that the illegal items found in a search of Patrick Knowles's car after he was cited for speeding were not admissible in court, thereby striking a small blow for individual rights. The Court held that there was no basis to extend the "search pursuant to an arrest" exception to the Fourth Amendment. The purposes of the exception are to protect arresting officers who may have to spend hours near a possibly irate arrestee, and to prevent suspects from destroying evidence of the crime. Neither applied to Knowles's speeding ticket. The contact with the person getting a citation is brief, and the cited person is less likely to be motivated to attack the offi-

cer than an arrestee. And once the citation is given for the traffic violation, there is no more evidence to be obtained.

Chief Justice Rehnquist wrote the decision. His propensity for the forces of "law and order" is well known, particularly in cases involving drugs. One thus suspects that there is more, or less, than meets the eye in this opinion: more power for police and less protection for people. The opinion almost invites police to arrest traffic violators if they want to search their cars but lack any other pretext for doing so.

So this Newtonian search and seizure case is a small step forward for liberty, but it is far from an unqualified triumph. If you are in Newton to visit the Maytag washer factory or cheese plant, or anywhere else in the U.S., and you have contraband in your car, it is still inadvisable to violate traffic laws unless you have a valid driver's license, no outstanding warrants, can be very polite to the officer, and are *sure* you won't be arrested for the traffic violation. —MMS

Honk if you love equilibrium — The matter at the heart of all other matters is *balance*. Poise, if you will. Equilibrium. The idea is central in physics, music, ethics, you name it. In mechanics you can translate the notion into mathematics, in ethics we're stuck with old, pre-math concepts like "virtue," but the common conception holds: we search for balance, and often find it. Sometimes to change it, other times to shore up a decaying order . . . and sometimes simply to stand in awe at the marvel of it all.

It was with such thoughts in mind that I read J. Orlin Grabbe's provocative essay in our November issue, "The Collapse of the New World Order." Grabbe prophesied a collapse of great magnitude in the U.S. stock markets. Now, if such an event were to occur, I would not be shocked; my own limited education in economics starts from F.W. Taussig's rarely cited discussion of equilibrium in his essay "Is Market Price Determinate?" — for me, Taussig's "penumbra" of indeterminacy casts a shadow across the New York Stock Exchange, consigning to outer darkness those youthful optimists who so recently cried "Bulls Forever!"

Can the stock market collapse, finding equilibrium at much, much lower levels?

You bet. Perhaps we should even *expect* it.

My only disagreement with Grabbe is with the analogy he used to argue against the current fad of "rational expectations" (previously introduced in these pages by Ida Walters and J.W. Henry Watson, "The New Economics and the Death of Central Banking," July 1997). He asked us to imagine "a long line of cars waiting for a traffic signal to turn green.

When the light turns green, the entire line begins moving at once, uniformly accelerating through the intersection. And why not? After all, each person waiting in the line knows the light is about to change from red to green. Each person knows that each other person in the line knows this also. And they all know they will get through the intersection faster if they all move together. So each expects the other to rationally act as he himself does, and they all make it through the light before it turns red again.

People with these expectations are called "rational" in economics. In real life, they are known as "fender-benders." Because in real life, traffic doesn't behave this way, and neither do people.

Grabbe is right, of course: traffic doesn't work like this, and we shouldn't expect it to. But not because of irrationality.

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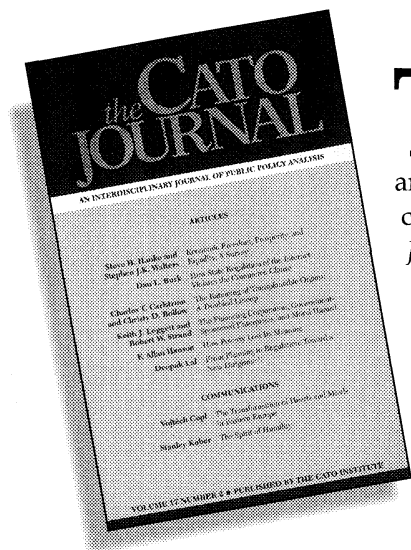
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Consider: at the stop light, each driver behind the first car stops within a few feet (or even inches) from the car preceding. The driver does not wish to *drive* this close behind, of course; that would be too dangerous. But at a stop light the dangers of such close proximity are minimal. So when the light turns green and the first car begins to move, the second driver, despite whatever impatience he might suffer, moves forward only with a lag. Why? Because the driver wishes to re-establish a buffer between his car and the car preceding him. The familiar fanning pattern after a stop light turns green is thus a rational response to driving conditions: drivers move from one equilibrium, at rest, to a new equilibrium, in motion.

This morning, on the way to work, I stopped my motorcycle at a red light, behind an old man in a Volvo. The light turned green, and the Volvo remained stationary. I gave a little honk (a Honda honk), the guy returned to consciousness, and we moved forward, I following cautiously behind.

Now, was there irrationality here? I suppose so. No doubt Orlin Grabbe is right to attribute to stop-light behavior some element of human error, inattention, or simple sluggishness, an element that might be considered less than the rationality that some economists assume. But the basic pattern we see does not seem to require this "irrationality" as a major factor.

And so it is with price movements, too. The basic patterns seem to all be implied by rational actors, calculating their advantages as best they can, in the incoherent light shed by supplies demanded and demands supplied. Sheer stupidity and herd-mindedness only make those motions a bit more striking. (And the next pattern in the great world of finance may be rather striking indeed.)

Questions of balance usually seem to be approached by a great deal of imbalance, fear, and illusion. Grabbe sees this most starkly, arguing that "the stock market, far from ruling economic life, is at the mercy of tides of collective make-believe." Further, this element of dream production is not limited to Wall Street and similar exchanges. The history of religion, philosophy, politics, tulip-bulb cultivation, all show it. And, as he says, "it has always been thus."

But the dreams and illusions are not wholly insubstantial, nor are they exempt from laws and scientific analysis. After all, Grabbe quoted economists to make his case, and I could

(more humbly) trot out a philosopher or two.

To point out the errors of the age need not amount to a cry for destruction — my few attempts at prophecy rarely stretch far into eschatological realms — but merely to honk, politely, hopefully nudging us all into a new, vital equilibrium. —TWW

Don't bank on your privacy — On Dec. 7, the Federal Register included an outrageous announcement from the Federal Deposit Insurance Corporation: a proposed regulation to require virtually every bank in the country to "develop a program designed to determine the identity of its customers, determine its customers' sources of funds; determine the normal and expected transactions of its customers; monitor account activity for transactions that are inconsistent with those normal and expected transactions; and report any transactions of its customers that are determined to be suspicious."

In other words, before anyone can open an account at any bank in the United States, he'd have to inform the bank of intimate details of his finances. Then the bank would be required to keep track of the sorts of business each person does, to look for any deposits or withdrawals inconsistent with the information provided by the individual or with his past account activity, and report anyone who displays any such inconsistent behavior to federal authorities so they can investigate whether he is engaged in criminal activity.

What does this mean to the average person? Well, if you sell your car and deposit the proceeds in your bank account, your bank can report you to federal authorities. Then you can expect a visit from guys in cheap suits who just want to ask you a few questions about your private affairs.

It's only a proposal, of course. The public has until March 8 to comment on it, and it might be modified before it takes the force of law.

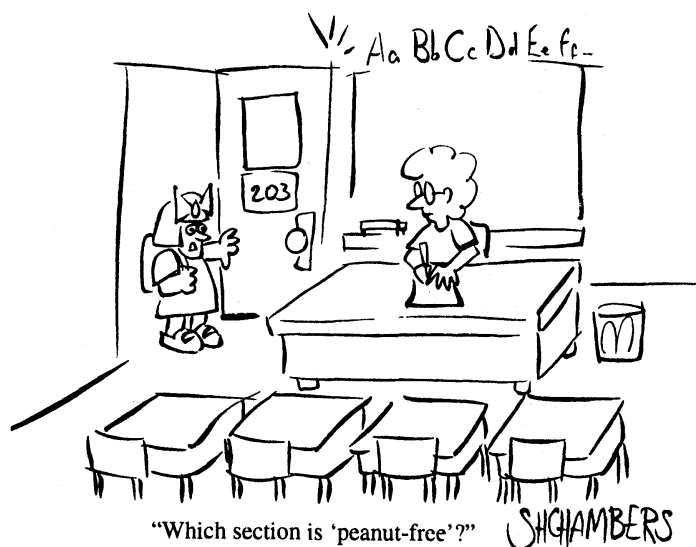
Every year, the Federal Register provides over 70,000 pages of proposed regulations, finalized regulations, notices of meetings and hearings, and other bureaucratic gobbledegook. So much stuff is included in it that a fair number of proposed regulations are published without the affected parties noticing.

That might have happened this time were it not for Ron Paul, the energetic privacy advocate who represents Texas' 14th district in Congress. As a congressman, Paul got advance warning of the measure and sounded the alarm. As a result, the FDIC received over 3,000 complaints within three days of publicly proposing the measure. "Since I came here seven years ago," FDIC public relations man Phil Battey told *The Wall Street Journal*, "I haven't seen anything like this."

The measure is reminiscent of 1984 in more ways than its intrusiveness. "I think it's critically important that the banking industry self-police, in addition to what law enforcement does, to maintain the integrity of the system," explained John Varrone of the U.S. Customs Service. Self-police? This measure isn't asking banks to police themselves. It's asking banks to police their customers. The FDIC calls this the "Know Your Customer Program," as if banks don't already know their customers. A more accurate title would be, "Mandatory Big Brother Program."

What's next? Will every supermarket be required to have a "know your customer" rule and report when someone

continued on page 28



The Liberty Poll

What libertarians believe is often at odds with libertarian orthodoxy.
And their beliefs are changing in some surprising ways.

Eleven years ago, several of *Liberty's* editors met and discussed "The Sociology of Libertarians," a survey conducted by two social scientists that *Liberty* had just published. It had faithfully reported the demographic characteristics of libertarians, and touched on their motivations and interests. While we all were fascinated with the information it reported, we were curious about a lot of questions the social scientists hadn't asked.

How did libertarians line up on the issues that divided us? Abortion? Foreign policy? The rights of children?

Who influenced our intellectual development? What were our political views before we became libertarians? What sort of moral values did we hold? How many of us believe in God?

Before long, one of us began to write down the questions we were posing. By the time our discussion ended, we'd filled several pages with questions. The next day, we edited the questions into a survey and distributed it a few days later at the Libertarian Party convention in Seattle.

After compiling the results, we revised the questionnaire slightly and sent it to a random sampling of *Liberty's* subscribers. We compiled the results and published them in our July 1988 issue.

The result was a firestorm of controversy. At the time, the "official" libertarian line was anarchist, and the two individuals identified as most influential were proto-anarchist Ayn Rand and anarchist Murray Rothbard.

But in our survey, two-thirds of respondents called for a much smaller government, but rejected eliminating government altogether.

Libertarians widely perceived themselves as overwhelmingly atheistic, yet the survey revealed that more than a quarter believed in God.

We also learned that many of us didn't even share the political beliefs that were generally believed to lie at the heart of libertarian thinking. Almost a third opposed the

elimination of restrictions on immigration. And fewer than half agreed with the "official" view that foreign policy ought to be strictly isolationist.

During the decade since, we have continued to poll libertarians as part of our market research. These surveys were designed primarily to determine our readers' reactions to what we publish and to get up-to-date demographic information of interest to potential advertisers. But we usually included a few questions from the Liberty Poll, to allay our curiosity about how libertarian beliefs are evolving.

A few months ago, we decided to do another comprehensive survey. In addition to mailing the survey to a carefully selected sampling of readers (balanced for geography and subscriber history), we decided to run the survey in the magazine and, as with our earlier survey, to distribute it at the Libertarian Party convention.

The result was an avalanche of data: approximately 80,000 answers to questions from more than 600 individuals. We compiled it into a huge database, and checked the three different groups polled against each other to see whether the two self-selected groups (from the magazine and from the LP convention) differed in any substantial way from the scientifically-selected sampling. This was important, as a larger database would give much more conclusive information about subpopulations than the smaller one.

What emerges from these data is an up-to-date portrait of the demographics and opinions of libertarians today, and a fairly detailed picture of how libertarian opinion is evolving. (All data in this article refer to the responses of subscribers.

LP member responses are covered in the next article.)

Beliefs

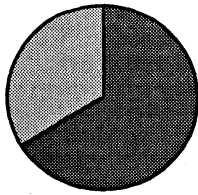
Respondents were presented with a list of propositions and instructed, "Please check the following statements if you believe them to be true, or express your own values or opinions."

Below we list the propositions, the percentage agreeing with each proposition, and a pie chart illustrating that percentage. For the sake of convenience, the propositions are arranged into categories; in the poll itself, the propositions were in no particular order.

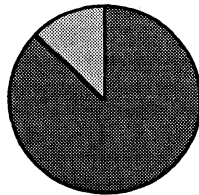
Political Theory

We offered two propositions of fundamental importance to political theory. One is the limited government answer to the question, "What is the proper role of government?"; the other is the anarchist answer.

The proper role of government is finite, but much smaller than at present.

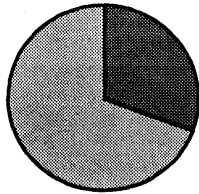


1988: 66% agree

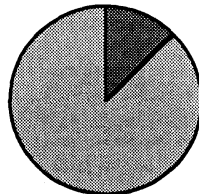


1998: 87% agree

Government should be eliminated altogether.



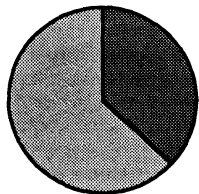
1988: 31% agree



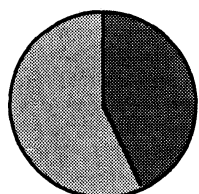
1998: 13% agree

Moral Opinions

Abortion is wrong.

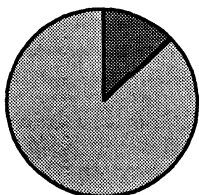


1988: 37% agree

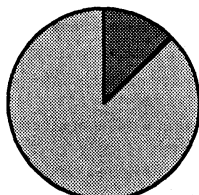


1998: 43% agree

Abortion should be made illegal.



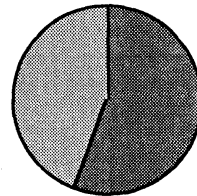
1988: 13% agree



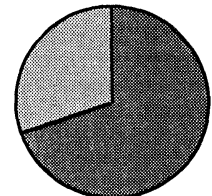
1998: 12% agree

A person should have a legal obligation to support his

or her offspring.

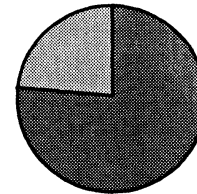


1988: 56% agree

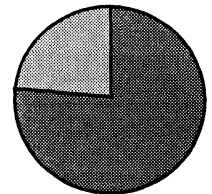


1998: 70% agree

Political action is an appropriate method of advancing liberty.

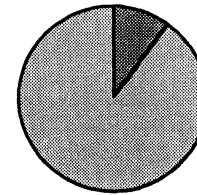


1988: 77% agree

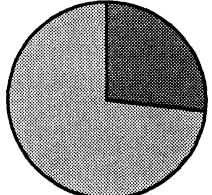


1998: 77% agree

People have a responsibility to vote.

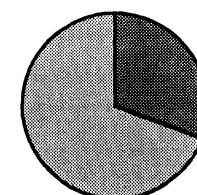


1988: 10% agree

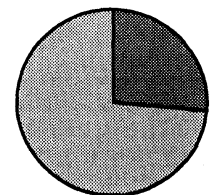


1998: 27% agree

An employee of the state is a receiver of stolen goods and therefore is committing an improper act.

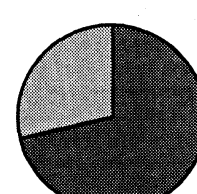


1988: 31% agree

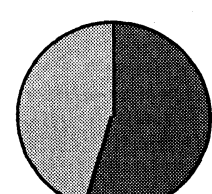


1998: 27% agree

One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.



1988: 71% agree

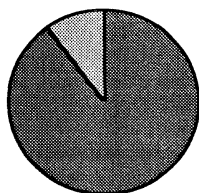


1998: 55% agree

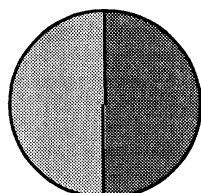
Please note: respondents were free to agree or disagree with any statement. Some readers agreed with both of the first propositions — that government should be finite and that government should be eliminated totally — even though the two propositions contradict each other.

Human Rights

No person has the right to initiate physical force against another human being.

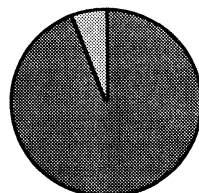


1988: 90% agree

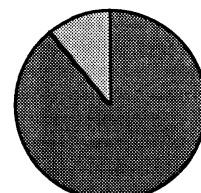


1998: 50% agree

All men by their nature have a right to life.

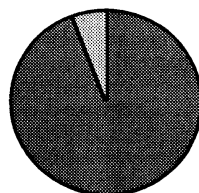


1988: 94% agree

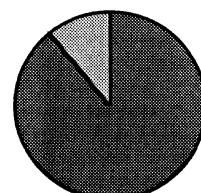


1998: 89% agree

All men by their nature have a right to liberty.

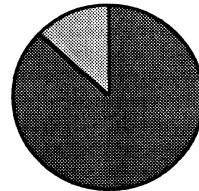


1988: 94% agree

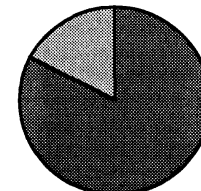


1998: 89% agree

All men by their nature have a right to property.

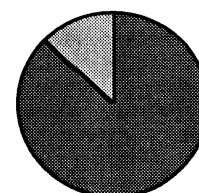


1988: 87% agree

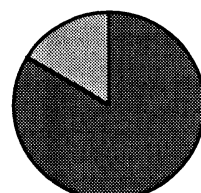


1998: 83% agree

All men by their nature have a right to the pursuit of happiness.



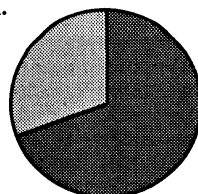
1988: 87% agree



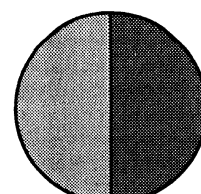
1998: 84% agree

Public Policy

The U.S. should remove all restrictions on immigration.

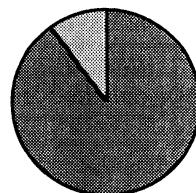


1988: 69% agree

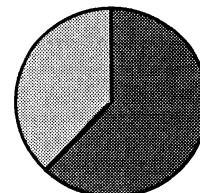


1998: 50% agree

The U.S. should remove all tariffs immediately.

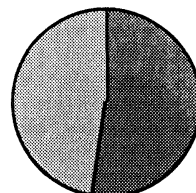


1988: 90% agree

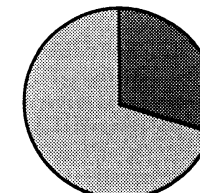


1998: 62% agree

A proper government would have an absolutely isolationist foreign policy.



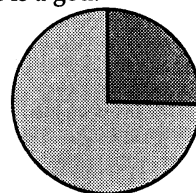
1988: 53% agree



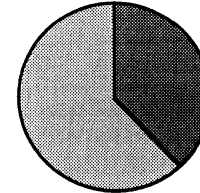
1998: 30% agree

Miscellaneous

There is a god.

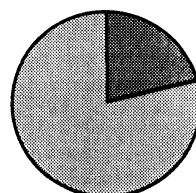


1988: 26% agree

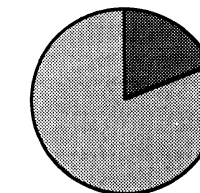


1998: 38% agree

Communism is the greatest threat to human liberty.



1988: 21% agree



1998: 19% agree

The Ages of Belief

Do younger libertarians differ in their beliefs from older libertarians? To find out, we separated responses from those more than 40 years old from those younger.

Here is what we found out:

	18-40	Over 40
The proper role of government is finite, but much smaller than at present.	86.9%	87.1%
Government should be eliminated altogether.	15.7%	12.3%
Abortion is wrong.	41.8%	43.8%
Abortion should be made illegal.	17.0%	9.8%
A person should have a legal obligation to support his or her offspring.	64.1%	72.9%
Political action is an appropriate method of advancing liberty.	81.7%	75.4%
People have a responsibility to vote.	55.5%	29.7%
An employee of the state is a receiver of stolen goods and therefore is committing an improper act.	25.5%	15.5%
One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.	62.1%	44.8%

No person has the right to initiate physical force against another human being.	52.9%	49.2%
All men by their nature have a right to life.	88.2%	89.0%
All men by their nature have a right to liberty.	90.2%	89.0%
All men by their nature have a right to property.	84.3%	83.0%
All men by their nature have a right to the pursuit of happiness.	86.9%	83.3%
The U.S. should remove all restrictions on immigration.	62.1%	44.8%
The U.S. should remove all tariffs immediately.	70.6%	58.0%
A proper government would have an absolutely isolationist foreign policy.	28.1%	30.9%
There is a god.	31.4%	41.0%
Communism is the greatest threat to human liberty.	25.5%	15.5%

Moral Problems

Given the universal moral character of some libertarian precepts, it is not surprising that many are concerned about their implications for human behavior.

The Liberty Poll posed six moral problems addressing the issue of whether there are circumstances in which it is morally proper to use force against innocent individuals, which would apparently violate widely accepted libertarian principles like, "no person has the right to initiate the use of physical force against another human being" or "one should always respect the rights and property of others."

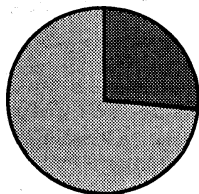
Problem 1: The Terrorist in the Mall

The problem:

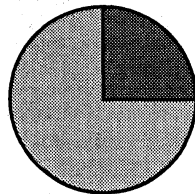
"Suppose that you are a security guard for a large shopping mall. A terrorist has threatened to drop a bomb from a balcony into a crowd. He is moving toward the balcony's railing carrying an object that you believe to be a bomb. You have a gun. He has a hostage between himself and you (he knows that you have identified him). You have only a few seconds to react.

"Which of the following most accurately reflects the action you consider appropriate?"

You should fire a gun at the terrorist only if you are certain that you will miss the hostage.

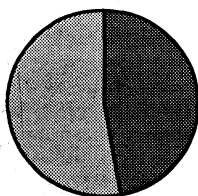


1988: 27% agree

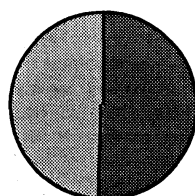


1998: 24% agree

You should fire at the terrorist if there is a reasonable chance that you will miss the hostage.

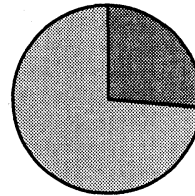


1988: 47% agree

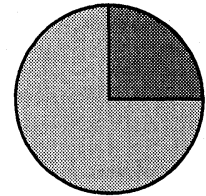


1998: 51% agree

You should fire through the hostage, if necessary.



1988: 25% agree



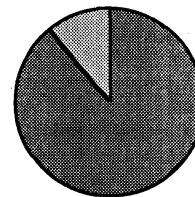
1998: 25% agree

Problem 2: How much is that baby in the window?

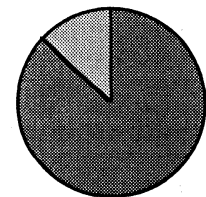
The problem:

"Suppose that a parent of a newborn baby places it in front of a picture window and sells tickets to anyone wishing to observe the child starve to death. He makes it clear that the child is free to leave at any time, but that anyone crossing his lawn will be viewed as trespassing.

"Would you cross the lawn and help the child?"

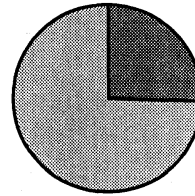


1988: 89% "Yes"

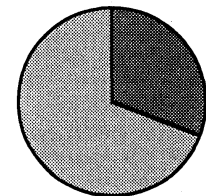


1998: 87% "Yes"

"Would helping the child violate the parent's rights?"



1988: 26% "Yes"

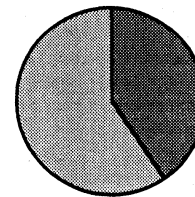


1998: 31% "Yes"

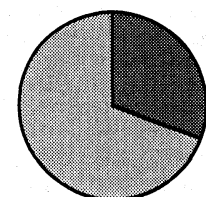
Problem 3: Starving Baby, the Sequel

"Suppose that a parent decides to experiment with a radical new diet for his newborn child.

"Should you prevent the parent from trying the diet, if you had good evidence that it would endanger the child's health?"

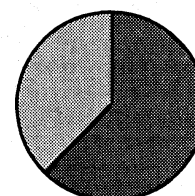


1988: 41% "Yes"

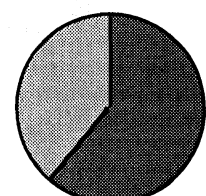


1998: 30% "Yes"

"Suppose that you had good evidence that the diet would endanger the child's life?"



1988: 62% "Yes"



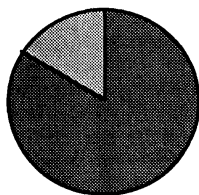
1998: 61% "Yes"

Problem 4: Trespass or Die!

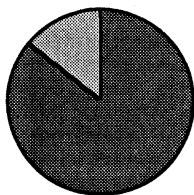
"Suppose that you are on a friend's balcony on the 50th floor of a condominium complex. You trip, stumble and fall over the edge. You catch a flagpole on the next floor down. The owner opens his window and demands you stop trespassing.

"Which of the following statements reflects your beliefs?"

You should enter the owner's residence against the owner's wishes.

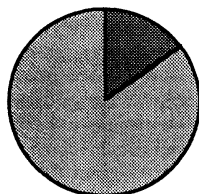


1988: 84% agree

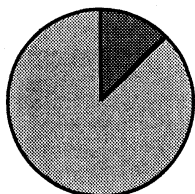


1998: 86% agree

You should hang on to the flagpole until a rope can be thrown down from above.

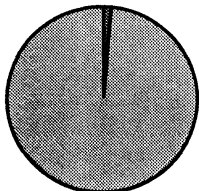


1988: 15% agree

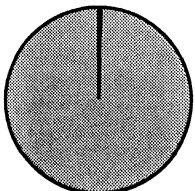


1998: 13% agree

You should drop.



1988: 2% agree



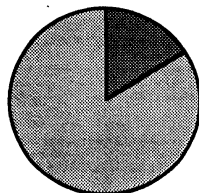
1998: 1% agree

Problem 5: The Unexpected Blizzard

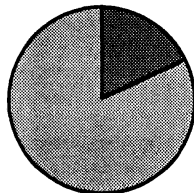
"Suppose that your car breaks down in an unpredicted blizzard. You are trapped and may well freeze before help can get to you. You know that there is only one house within hiking distance. You hike to it. The owner, a frightened woman whose husband is absent, refuses to admit you (she has no phone, so asking her to telephone for help is pointless).

"Which of the following statements reflects your beliefs?"

You should force entrance, but in this case it would not constitute an act of aggression.

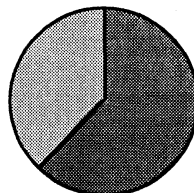


1988: 16% agree

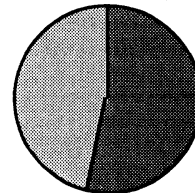


1998: 18% agree

You should force entrance, even though it would be an act of aggression.

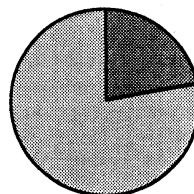


1988: 62% agree

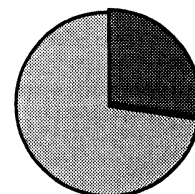


1998: 54% agree

You should not attempt to enter the house.



1988: 22% agree



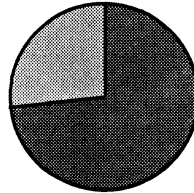
1998: 28% agree

Problem 6: The Nuclear Blackmailer

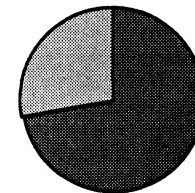
"Suppose that you live in a large city. Your neighbor constructs an atomic weapon. He assures you that he would detonate it only as an act of defense. You believe that he intends to commit an act of extortion ("The city must pay \$1 million, or I will detonate it").

"What statement most clearly reflects your beliefs?"

You (and your neighbors) should prevent the construction of the device.

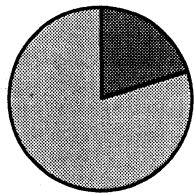


1988: 73% agree

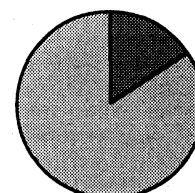


1998: 72% agree

You should put up your house for sale and move. You should not interfere with his actions.

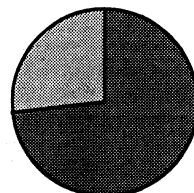


1988: 20% agree

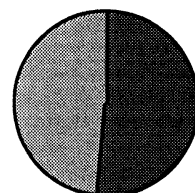


1998: 16% agree

You would feel obligated to tell prospective buyers about the situation. (This question was given only to those who chose to move in response to the problem.)

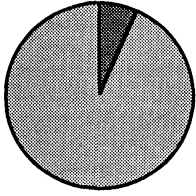


1988: 73% agree

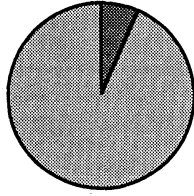


1998: 52% agree

You should do nothing, since such a situation is unthinkable and, therefore, is not happening.



1988: 7% agree



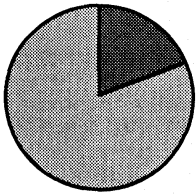
1998: 7% agree

Intellectual Development

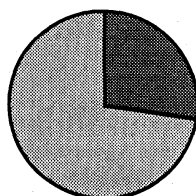
Just how did libertarians get that way? What are their beliefs based on? Who influenced the development of their thinking? The Liberty Poll asked a number of questions intended to explore these issues.

"What are your political beliefs based on?" Respondents were invited to select as many of the five responses as they felt appropriate.

My political beliefs are based on my religious beliefs.

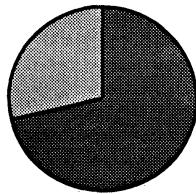


1988: 19% agree

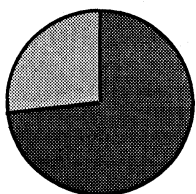


1998: 28% agree

My political beliefs are based on my life experience

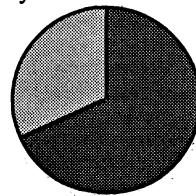


1988: 71% agree

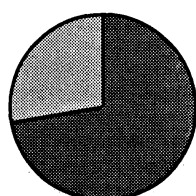


1998: 73% agree

My political beliefs are based on my understanding of history.

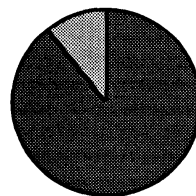


1988: 68% agree

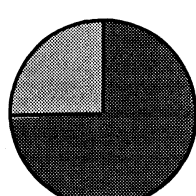


1998: 72% agree

My political beliefs are based on my understanding of economics.

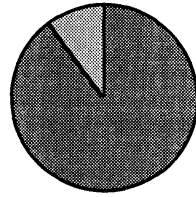


1988: 89% agree

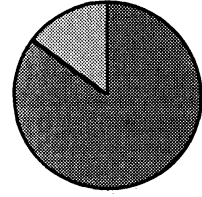


1998: 36% agree

My political beliefs are based on my rational, philosophical analysis.

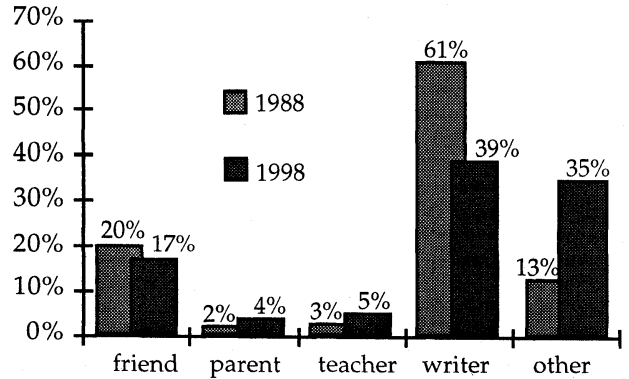


1988: 90% agree

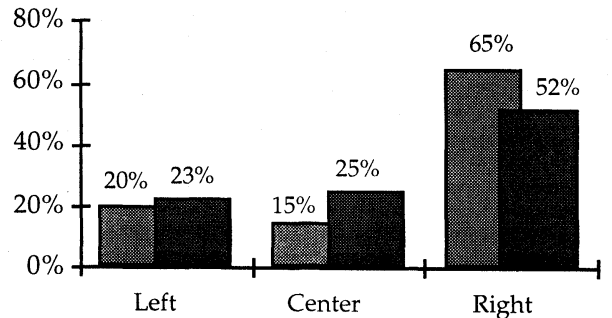


1998: 85% agree

"Who introduced you to libertarian ideas?"



"Before becoming a libertarian, how would you characterize your political beliefs?"



Who Influences Libertarians' Thought?

In an effort to discover who has most influenced libertarians' political thinking, we asked readers to rate the influence of a number of thinkers:

"Please rank on a scale of 1 to 5 the degree to which the following thinkers influenced your intellectual development. (5 = substantial importance . . . 1 = little or no importance.)"

"We are *not* asking you to report the degree you agree with these individuals' thought — what we seek to know is how important each figure was in the growth of *your* thinking, especially with regard to social and political matters."

This was followed with a list of names in alphabetical order, along with numbered boxes, and two lines for write-in names.

We attempted to include on the list the most important contributors to libertarian thought, as well as figures believed by the editors to be influential among libertarians, and some individuals about whose influence that the editors were simply curious.

The table below lists the names of the individuals whose influence we asked our readers to evaluate, along with their average ratings:

Individual	1988	1998
Aristotle	1.93	2.00
Frederic Bastiat	2.28	2.07
David Friedman	1.91	1.88
Milton Friedman	2.95	3.08
Barry Goldwater	2.39	2.49
F. A. Hayek	3.02	2.74
Robert A. Heinlein	2.11	2.20
Karl Hess	2.23	1.58
Thomas Hobbes	1.33	1.61
John Hospers	1.85	1.60
Thomas Jefferson	3.10	3.51
Immanuel Kant	1.48	1.61
Robert LeFevre	1.78	1.34
John Locke	2.32	2.43
H. L. Mencken	2.49	2.17
John Stuart Mill	2.05	2.13
Ludwig von Mises	3.65	2.76
Albert J. Nock	2.19	1.87
Robert Nozick	1.79	1.60
Ayn Rand	4.02	3.51
Murray Rothbard	3.93	2.72
Herbert Spencer	2.09	1.54
Lysander Spooner	2.34	1.86
William G. Sumner	1.49	1.18
Morris & Linda Tannehill	1.75	1.25
Benjamin Tucker	1.29	1.23

It is worth noting that respondents to the 1998 poll, on average, attributed considerably less influence on their intellectual development to these individuals. Only nine of the 26 individuals whose influence respondents were asked to evaluate, on average, to have higher influence in 1998 and in 1988, and the amount of influence attributed to the 26 individuals declined by an average of 9.7%. (The perceived influence of parents and siblings, incidentally, rose 3.6%. See below.)

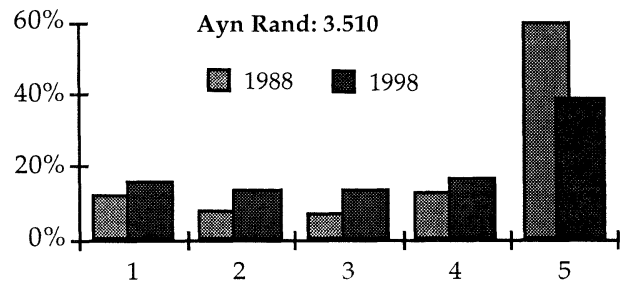
A total of 321 write-ins were added by readers. One person — Jacob Hornberger — was written in by 2% or more of respondents, though Thomas Sowell and Friederich Nietzsche came close.

We also asked respondents to evaluate the impact of their parents and siblings on their intellectual development:

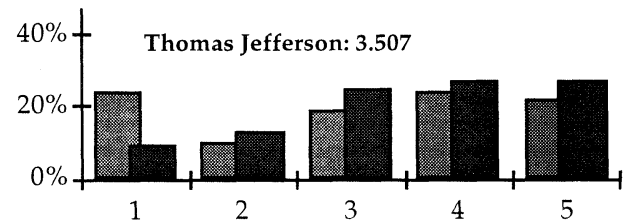
Individual	1988	1998
Mother	2.67	2.87
Father	3.10	3.01
Sister or Brother	1.52	1.67

The average ratings in the table above reveal only a part of the picture. The pattern of influence varies considerably. Consider the two front-runners: Ayn Rand and Thomas Jefferson. Although their average scores are virtually identical, Rand received far more “substantial importance” ratings than Jefferson (39% vs. 27%). But Jefferson received far fewer “little or no importance” responses (9% vs. 16%).

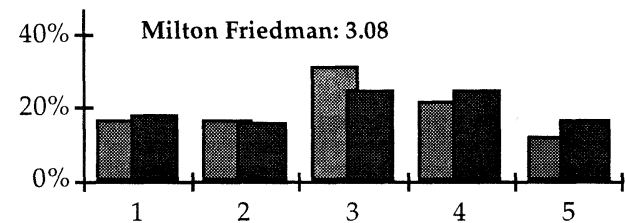
Therefore we list below each individual, in order of influence (1=little or no influence, 5=great influence), along with his 1998 mean rating, and a chart showing the distribution of his rating for both our 1988 poll and our 1998 poll.



The thinker who most influenced our respondents’ intellectual development was Ayn Rand (1905–1982), the novelist-philosopher, author of *Atlas Shrugged*, *The Fountainhead*, *For the New Intellectual*, *The Virtue of Selfishness*, *Capitalism the Unknown Ideal* and other works. Rand advocated a political philosophy based on the absolutism of individual rights, but eschewed anarchism.

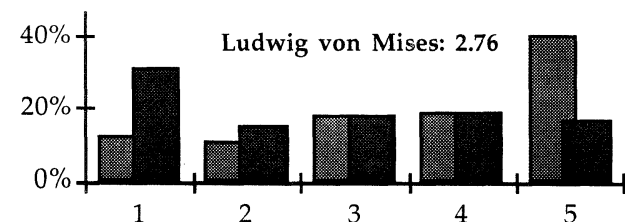


Thomas Jefferson (1743–1826) was a very close second to Rand (who edged him by .008%). Jefferson was the third president of the United States and author of the Declaration of Independence of the United States. He is most admired by libertarians for the advocacy of a natural rights philosophy and the right of revolution that is expressed in that declaration.



Milton Friedman (1912–) is the leading exponent of the Chicago School of Economics and winner of the 1976 Nobel Prize in Economics. His writings in defense of capitalism and the free society — *Capitalism and Freedom* and *Free to Choose*, for example — have been very influential, which is evident from our readers’ response to our poll.

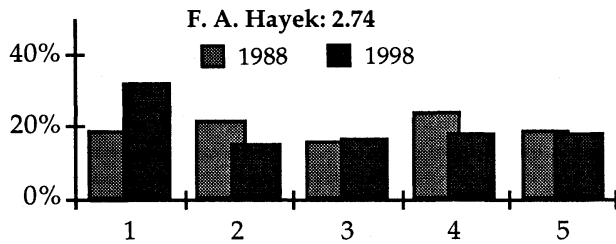
Friedman favors less radical, incrementalist reform over radical change, alienating many libertarians from him.



Ludwig von Mises (1881–1973) was a leading social philosopher and economist of the Austrian School, most famous for his development of praxeology, an approach to economics based on a priori, deductive reasoning from certain fundamental axioms. *Human Action*, his magnum opus, is his best known work. He also wrote numerous other books and articles,

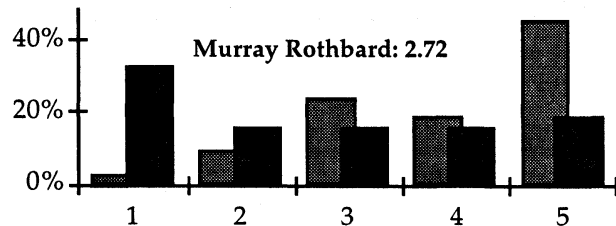
including *Liberalism, Socialism, Theory of Money and Credit*, and *Epistemological Problems of Economics*.

Although a rigorous advocate of *laissez faire* capitalism, Mises saw a role for government. His political thinking was based on utilitarian concepts.



F. A. Hayek (1899–1992) was a social philosopher and Nobel Prize winning economist. His book *The Road to Serfdom* (1944) challenged orthodox statist thinking and helped stimulate the post-World War II resurgence of libertarian ideas. He is the author of many works, including *Law, Legislation and Liberty*, *The Counter-Revolution of Science*, and others.

Like Mises, Hayek avoided the language of “natural law and natural rights,” but Hayek was less narrowly utilitarian in approach. He rests much of his case for a free society on a complicated “evolutionary ethics” that emphasizes the “natural selection” of rules and societies. Hayek emphasized the importance of tradition more than most other libertarian thinkers.

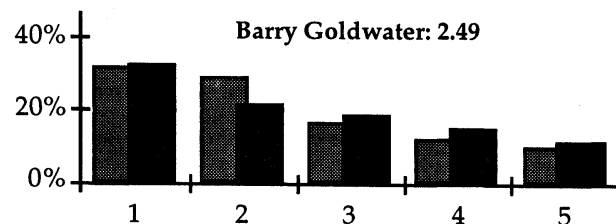


Murray Rothbard (1926–95) was an economist, historian and social philosopher who envisioned libertarianism as a new science, encompassing natural rights theory, Thomist philosophy, Austrian economics, 19th century American individualist anarchism, and the view that the U.S. was invariably at fault in its conflicts with international communism during the Cold War.

He became influential in the libertarian movement in the late 1960s. He joined the Libertarian Party in 1974 after having denounced it vigorously during the previous few years, and during the next 15 years was its most influential figure. He was a founding editor of *Liberty* in 1987.

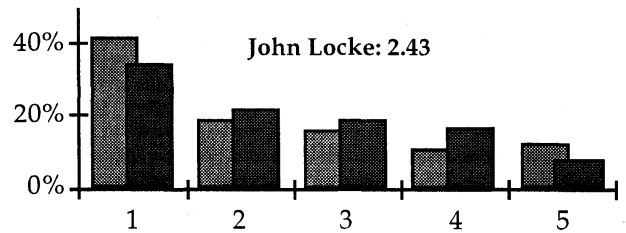
In 1989, he resigned from the LP and from libertarian organizations that he did not control, proclaiming himself a “paleolibertarian” and an ally of Southern agrarian conservatives centered around *Chronicles* magazine.

His works include *Man, Economy and State; Power and Market; The Ethics of Liberty*; and *For a New Liberty*. Rothbard advocated an anarchistic society based on the absolutism of individual rights.

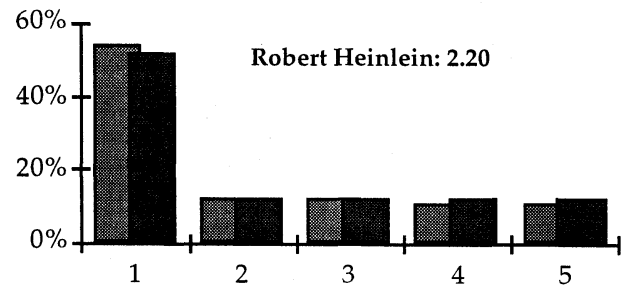


Barry M. Goldwater (1909–1998) was a member of the U.S.

Senate from 1953 to 1964 and again from 1968 to 1987. In the late 1950s he became a spokesman for political conservatism. He espoused his rather libertarian version of conservatism in several books and numerous newspaper columns and speeches. Although an advocate of a rather belligerent foreign policy, Goldwater strongly supported the notion of human liberty.

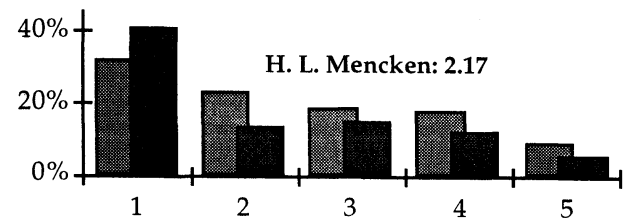


John Locke (1632–1704) is widely regarded as one of the most influential British philosophers. Though his *Second Treatise on Civil Government* has been subject to contradictory interpretations, libertarians have followed a long line of classical liberal and anarchist thinkers in taking from it a methodologically individualistic understanding of society and a powerful conception of natural rights. His writing was particularly influential on America’s founding fathers, especially Jefferson, which probably accounts for his high rating in this poll.



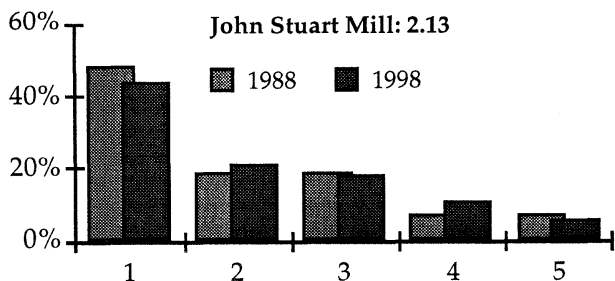
Robert Heinlein (1916–1987) was one of the most influential science fiction writers of all time. Both his life and his writings exemplify the ideal of the “competent man,” and a lively streak of rugged individualism runs through all his writings.

Libertarians are especially fond of his several attempts to deal with political revolution, most notably in his fascinating account of a colonial revolt in *The Moon Is a Harsh Mistress*.

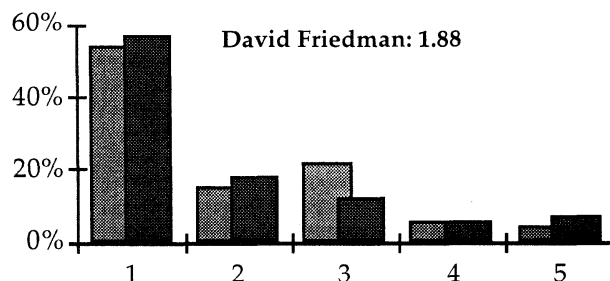


H. L. Mencken (1880–1956) was the author of many books and countless articles. He is best known for his literary and social criticism — and for his brilliant, witty style.

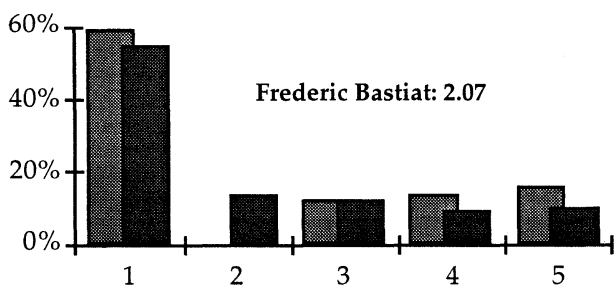
He was an early proponent of Nietzsche in America, and although he wrote frequently on political topics, Mencken’s political thinking was not rigorous, though his theoretical treatment of modern political theory and practice, *Notes on Democracy*, is well worth reading. He might best be termed a classical liberal in the tradition of Sumner or Mill. Mencken’s more journalistic political writings are extensive, however, and his acerbic criticisms of both Roosevelts, Coolidge, and every other major politician of his day are well known.



John Stuart Mill (1806–1873), the leading British philosopher and economist of his time, wrote many influential works, including *On Liberty* and *Utilitarianism*. His utilitarian moral philosophy has been widely discussed and subjected to a great variety of interpretations, as has his defense of individual liberty. *On Liberty* was about the only nineteenth century work of classical liberalism to maintain a “good press” throughout the ideologically dark years of the twentieth century. Mill’s arguments for individual liberty still influence not only contemporary philosophers, but current policy in Britain, America, and elsewhere.



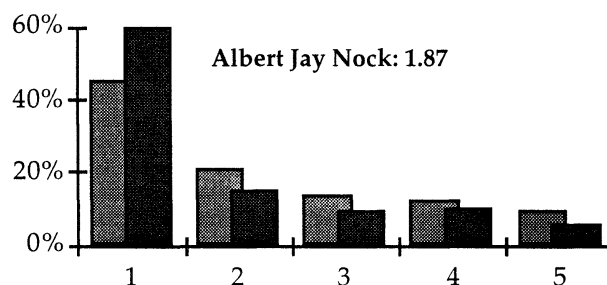
David Friedman (1945–) argued his case for “a radical capitalism” with force and vigor in his first book, *The Machinery of Freedom*. Unlike so many other libertarian anarchists, natural rights argument plays almost no part in his case for anarcho-capitalism. In its place is a thoroughgoing engagement with the new scholarly discipline of “law and economics,” of which he has been a pioneer.



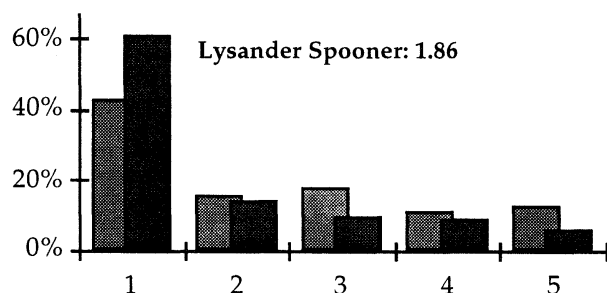
Frederic Bastiat (1801–1850) was one of the most accomplished stylists who has ever argued for liberty. Though he was more a popularizer than an original thinker, his importance should not be underestimated: his ranking over many contemporary libertarian writers in this poll serves as reminder of this fact.

He is best remembered for his brilliant attacks on the fallacies of state intervention in the economy (his *Economic Sophisms* was the model for Hazlitt’s *Economics in One Lesson*) and his powerful defense of natural rights and limited government in his pamphlet, *The Law*.

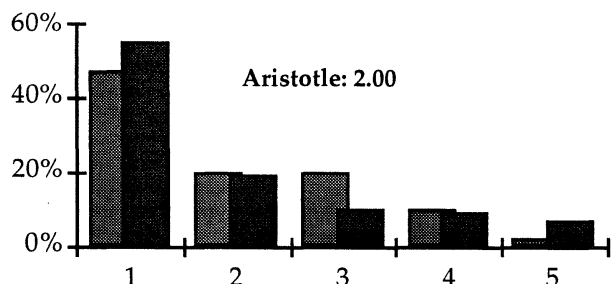
He was also a member of the French Assembly, fervently arguing against protectionism, except when it affected his constituents.



Albert Jay Nock (1870–1945) was one of the most important writers to have been influenced by the economic theories of Henry George, and his own anti-statist views developed into something very close to anarchism. His classic work in political thought is *Our Enemy, the State*.



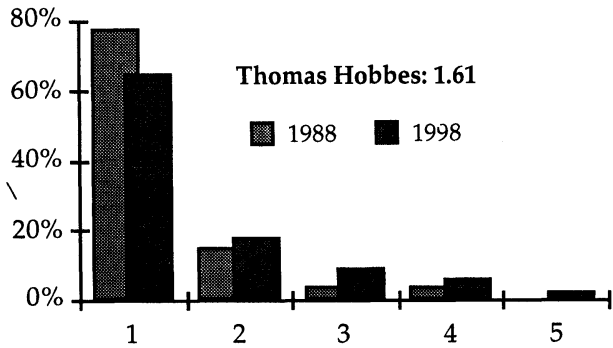
Lysander Spooner (1808–1887) was a writer and pamphleteer and perhaps the most eloquent 19th century American anarchist. His fully developed political philosophy is best summed up in his brilliant pamphlet *No Treason, The Constitution of No Authority*. Writing from within the natural law tradition and with an extensive knowledge of the common law, Spooner argued not only that the Constitution of the United States was binding on no one, but that *all* government, taxation, laws, etc. were inherently unjust.



Aristotle (384–322 B. C.) was not a libertarian in any way, but he was a powerful advocate of human reason. His influence on libertarianism comes mostly via Ayn Rand, who considered Aristotle one of the world’s greatest minds (right up there with herself).

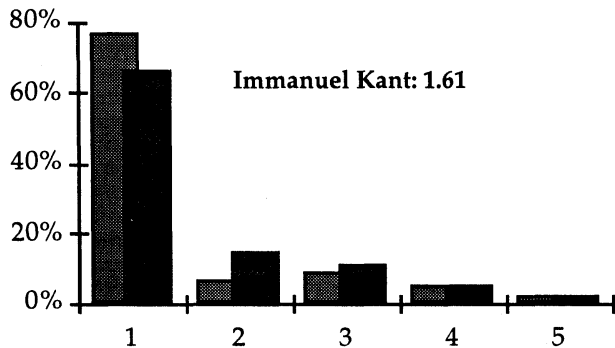
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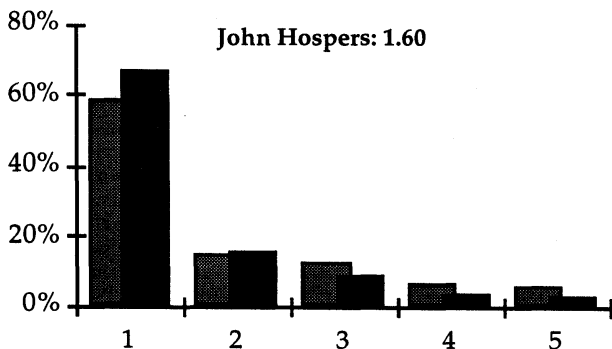
Thomas Hobbes (1588–1679) was the first British political philosopher of repute, and is still considered one of the major figures in the history of political philosophy. Hobbes’s *Leviathan* is a pioneer work in social contract theory.

Though most classical liberals and libertarians — beginning with Locke — have used Hobbes mainly as a jumping off point and as a target, there is a strong *realpolitik* strain in some libertarians’ social philosophy that bears remarkable resemblance to Hobbes.



Immanuel Kant (1724–1804) was not only one of the most important German philosophers, he is widely considered to be the one of the greatest philosophers ever. He wrote numerous works, including *The Critique of Pure Reason*, *The Groundwork for the Metaphysics of Morals*, and *Religion Within the Bounds of Reason Alone*.

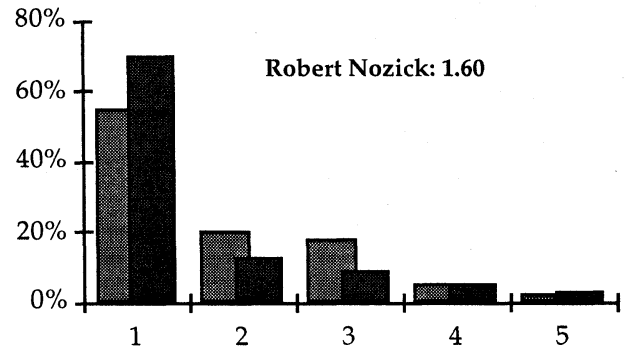
Though he is probably best known among libertarians as — according to Ayn Rand — the chief source of evil in modern times, he was actually a classical liberal. A number of libertarian philosophers have written about the advantages of a “Kantian reconstruction of Utilitarianism,” and both Mises and Hayek were neo-Kantians in fundamental philosophy.



John Hospers (1918–) has retired from a long and successful career as a philosopher. Though his academic reputation

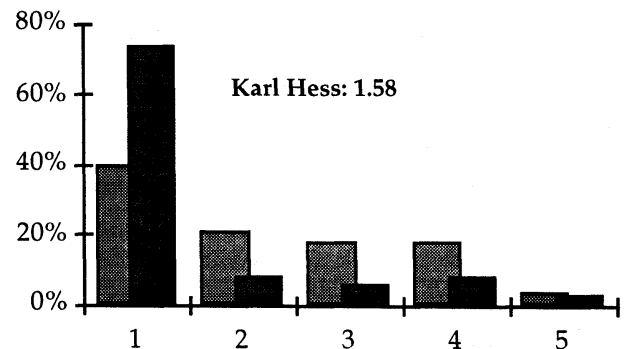
largely rests on his work as an editor and in the field of aesthetics, he has also contributed to libertarian thought with many articles and his book *Libertarianism* — which advocated a more-or-less Randian political theory, though his thinking has developed considerably since — and in his book *Human Conduct*, an introductory text to the study of ethics.

He was the Libertarian Party’s first presidential candidate and wrote the party’s “Statement of Principles.” He has been a Senior Editor of *Liberty* since 1992.



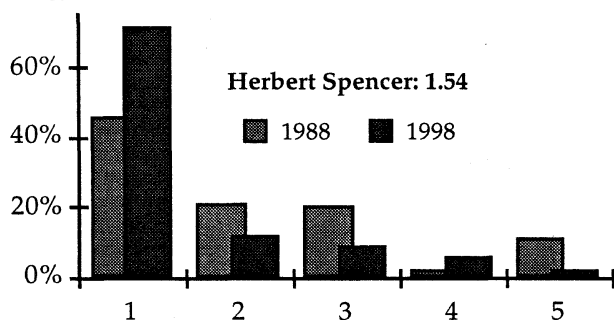
Robert Nozick (1938–) is a Professor of Philosophy at Harvard and the author of the National Book Award winning treatise in libertarian political philosophy, *Anarchy, State and Utopia* (1975), which attracted academic attention to libertarian ideas like no book before or since. Nozick used Lockean state-of-nature theory and a Lockean conception of moral rights as the foundation for an argument that purports to show how a State could arise out of an anarchistic society without violating anyone’s rights; that this minimal state is the most extensive state that can be justified; and that this conception of a minimal state is inspiring as well morally proper. Though the classic work on minarchist theory, it is generally considered more successful at discussing its many, brilliant secondary points than at demonstrating the validity of its main thesis.

During the 1980s, he gradually lost interest in libertarian thinking and has gone on to other activities.

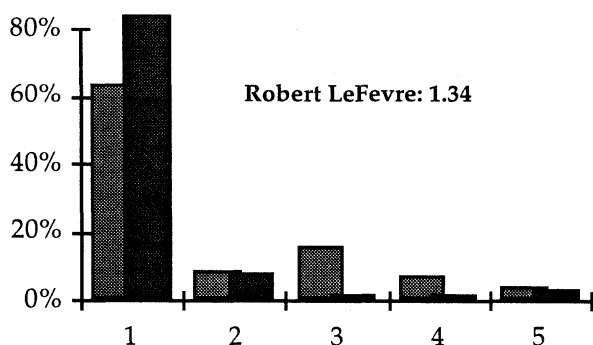


Karl Hess (1923–1994) was a speech writer for Barry Goldwater who became an anarchist in the late ‘60s and burst into a position of leadership within the libertarian movement with publication of extremely influential essays in *The New York Times* and *Playboy* in the late 1960s. He brought Murray Rothbard into a prominent position within the movement, and the two jointly edited *The Libertarian*. Within a few years, Hess resigned from *The Libertarian* in response to Rothbard’s denunciation of Hess for deviationism from the true Rothbardian line. In 1986, he became editor of the *Libertarian Party News* and was an editor of *Liberty* from 1987 until his death.

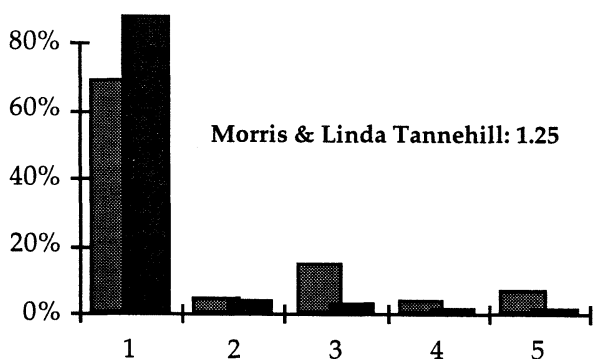
Hess has been most influential as a proponent of the importance of community life and a "back to nature" simplicity. Though he wrote several books, his influence among libertarians was primarily as a speaker and friend. His political thinking was discursive and lyrical; he explicitly eschewed ideology.



Herbert Spencer (1820–1903) was an ambitious philosophical systemizer who advocated extremely limited government. He described his own ethical philosophy as utilitarian "in a broad sense," but it is not easy to classify. Many of his arguments against political intervention bear remarkable resemblance to Hayek's later use of the notion of the limitations of human knowledge. His most familiar work today is probably *The Man Versus the State*.



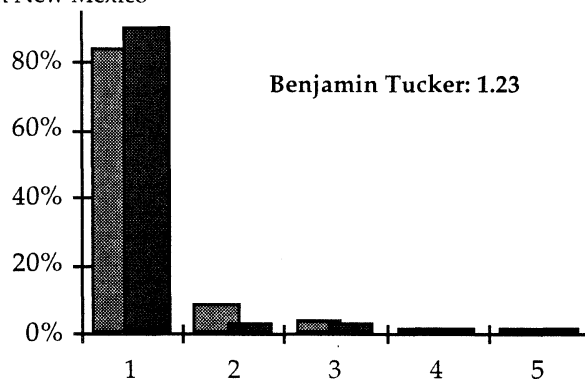
Robert LeFevre (1911–1986) was a writer and teacher who inspired and instructed a whole generation of libertarians. He wrote numerous books including *This Bread is Mine*, *The Philosophy of Ownership*, and *The Nature of Man and His Government*. He was what is now (once again) called a *voluntaryist*, a libertarian who refuses to practice politics, and was an anarchist in everything but name (he strenuously objected to the term, preferring his own understanding of "autarchy"). His relatively low showing in our poll is surprising to us, considering his reputation in the 1960s and 70s.



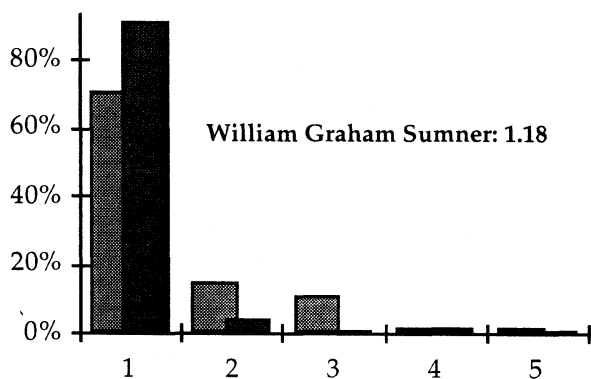
Morris and Linda Tannehill (1926–1989, 1939–) collaborated

to write *The Market for Liberty* (1970), a powerful defense of natural rights-based anarchism that was influential among libertarians in the 1970s.

Libertarianism was only one stop in the ideological odyssey of the Tannehills, who earlier were associated (in chronological order) with the Minutemen, the American Nazi Party, and the Foundation for Economic Education, and have since managed a psychotherapeutic cult. Linda Tannehill has taken back her maiden name of Linda Locke, and currently is a sandalmaker in New Mexico



Benjamin Tucker (1854–1939) edited *Liberty*, the 19th century anarchist newspaper. Though not an original thinker, he was a fine stylist and an expert synthesizer of others' thinking. He articulated what was later called "anarchocapitalism," but what he called "individualist anarchism."



William Graham Sumner (1840–1910) was one of the leading American sociologists of the 19th century and also one of the more vigorous advocates of *laissez faire*. Today known chiefly as a Social Darwinist and as the author of the sociological masterpiece *Folkways*, in his time he was respected for his polished essays and his dedication as a teacher. Probably his best known work to contemporary libertarians is his essay *What Social Classes Owe to Each Other*.

The Ages of Influence

How did these individuals influence the intellectual development of younger libertarians, as opposed to older libertarians? The table below compares the level of influence on respondents 40 years old or less to those over 40.

Individual	18–40	Over 40
Aristotle	2.03	1.99
Frederic Bastiat	2.00	1.99
David Friedman	1.94	1.84
Milton Friedman	2.95	3.14

Individual	18-40	Over 40	Individual	18-40	Over 40
Barry Goldwater	1.78	2.85	John Stuart Mill	2.11	2.15
F. A. Hayek	2.60	2.82	Ludwig von Mises	2.45	2.92
Robert A. Heinlein	1.87	2.38	Albert J. Nock	1.73	1.96
Karl Hess	1.55	2.07	Robert Nozick	1.59	1.60
Thomas Hobbes	1.55	1.64	Ayn Rand	3.52	3.51
John Hospers	1.46	1.68	Murray Rothbard	2.38	2.91
Thomas Jefferson	3.43	3.54	Herbert Spencer	1.44	1.60
Immanuel Kant	1.65	1.58	Lysander Spooner	1.61	2.00
Robert LeFevre	1.15	1.44	William G. Sumner	1.15	1.20
John Locke	2.44	2.42	Morris & Linda Tannehill	1.13	1.32
H. L. Mencken	1.88	2.32	Benjamin Tucker	1.16	1.27

Letters, continued from page 4

also approved medical marijuana; although Congress absurdly passed a law prohibiting the returns from being announced, exit polls show it won handily (over 69 percent). Finally, Arizona voters approved two initiatives re-instating their 1996 drug reform initiative, Prop. 200, which had been overturned by the legislature.

There was nothing ambiguous about the electorate's mandate; 1998 marked a national turning point in the war on drugs.

Dale H. Gieringer
Berkeley, Calif.

Editor's Note: This is one mistake for which we're happy to stand corrected! For more on elections, please see page 45.

Emancipations

"Breaking Free" (January), by Kimberly Ayn Ryan, brought back some unpleasant memories for me. No, my experiences were not as violent or as psychologically traumatic as Ms. Ryan's were, but I was the kid the others "ganged up" on. Also, mine happened in the early years of my life, long before I married. And the problems were not from within my family. But looking back over many years (I'm 82 now) I can see an uncomfortable set of parallels.

Ms. Ryan's husband was obviously a grown-up version of the neighborhood or playground bully, except that in my day even a bully wouldn't hurt a girl (being a boy, I didn't have that protection). Most of the ones I encountered grew up to be less violent, or at least wiser; but some, under the influence of alcohol or emotional stress, would revert to their childhood state and abuse their spouses or children. Ms. Ryan's husband seems to fall into that category.

Just what is a bully? My dictionary (The New World Dictionary of American English) defines a bully as: a person who

hurts, frightens, or tyrannizes over those who are smaller or weaker. A bully is usually identified by those whom he chooses as victims or with whom he may pick a fight. These may include any or all of the following: (1) Someone he knows he can whip. (2) Someone who is afraid to fight back for fear of more beating. (3) Someone who is afraid to seek help for fear of more beating: someone who can be bluffed. (4) Someone who can be manipulated psychologically.

A bully is a coward of the most contemptible sort, and will nearly always run or back down when his intended victim stands up to him. Naturally, he picks someone he thinks is too intimidated to resist and keeps pounding that fear into his victim. He may, depending on his mood, be friendly — or even helpful — to someone he will, on other occasions, abuse. At such times, the victim may try to be friendly to the bully, hoping to appease him. It rarely works.

How can a person in Ms. Ryan's position deal with the bully? I don't have a background in sociology or psychology, but here are some ideas that I wish I had used in those "days of yore," when I was so naive that I thought I had to fight fair, no matter what the other parties did. Whether Ms. Ryan handled her situation in the best way is not for me to say, but here is what I can imagine she might have done:

She obviously acted wisely when she decided to put a lot of distance between herself and her husband. In looking back, I'm sure she wishes she had done that to begin with. A coward usually acts not out of anger, but out of lowered self-respect. Rather than travel a long way, he'll find a more convenient victim.

Her husband, snake that he was, still was human enough that he had to sleep at some time. When we're dealing with a person who takes unfair advantage and mistreats us, it's time to fight dirty. The dirtier the better: get him while he's

asleep. Nothing will get a man's attention and make him think twice more than to inflict excruciating pain and convince him that it will be inflicted again. And what will hurt more and get a man's attention more than being hit on those two organs that a man would rather die than part with? She should have a 3-foot length of $\frac{3}{4}$ inch dowel rod (or something similar) on hand; and while he's helpless and writhing in uncontrollable pain, whale the daylight's out of him, all the time giving him a tongue-lashing to go with the rod.

She should have a handgun and let him know — in no uncertain terms — that she will use it. As Barbara Goushaw points out in this same issue ("Handguns Are a Girl's Best Friend"). Even though she may not have skills in the use of weapons, a woman rarely misses when she shoots at a man, especially her husband.

All of these things would require an awful lot of courage, of course. Reason would show that sooner or later, her husband would kill or cripple her if she did nothing; yet, it is hard for reason to overcome an emotion as strong as fear.

Ms. Ryan was haunted by the thought that she might in some way be responsible for the way her husband was treating her. That would be hard to believe, at least to the extent that she might actively have done something to deserve such harsh action. On the other hand, her passiveness may have signaled her vulnerability. Body language is something that some people read subconsciously and he seems to have seen his opportunity in that way.

It took me a long time to accept the fact that a big, mean, guy won't harm the smallest fellow if he knows the little guy will put up a fight, even though he knows he could easily whip the little one. I hope Ms. Ryan has learned it.

Bill Williford
Houston, Tex.

The Old Liberty and the New

by R. W. Bradford

The Liberty Poll measures the sea change in libertarian belief.

The most dramatic change among libertarians in the past ten years has been an important shift in their fundamental political thinking — a change that goes to the heart of libertarian theory. To understand this change, we have to understand a little bit about the tensions between two different approaches to libertarianism, that have developed more or less simultaneously, sometimes complementing each other, sometimes competing with each other.

The most fundamental question you can ask a libertarian about his political philosophy is: Why is liberty good? And the way a person answers this question reveals a great deal about the kind of libertarian he is. What's so good about liberty? Why should people want to be free?

There are two ways that libertarians answer this question.

The first answer, one that generally dominated libertarian thinking prior to the 1960s, is that freedom is good because of its consequences: it maximizes people's ability to flourish, to achieve their goals and to be happy.

The second answer to this question is that people should be free because all people have a moral obligation to respect the life, liberty and property of others. This school of thought became popular in the 1960s and '70s, thanks primarily to Ayn Rand and Murray Rothbard, who developed, articulated and popularized it with considerable energy and skill.¹

Rand and Rothbard begin their political theory by arguing that people by their nature possess inalienable individual rights to life, liberty and property. From this, Rand quickly concluded that "no man has the right to *initiate* the use of physical force against others."² For Rothbard, the very meaning of a right is the obligation it imposes on others not to initiate physical force.³

From this moral law — the non-aggression imperative — comes virtually the whole of political philosophy and policy proscriptions for libertarians of this type. If a policy entails the initiation of force, it is wrong and ought not be under-

taken. Establish religion? Fix a legal minimum wage? Control prices? Restrict immigration? Require professional licenses? Regulate trade? To these and a thousand other policy issues, this kind of libertarianism says, "No! That involves the initiation of force." Indeed, it condemns just about any known function of government on the grounds that it involves initiating force. Even those functions that can be implemented without initiating force — state aid to victims of natural disasters, for example — are prohibited because the money that pays for them comes from taxes, which are raised under threat of force.

Rand did a great deal to articulate and popularize the non-aggression imperative, making it an important theme of her apocalyptic novel *Atlas Shrugged*, a monumental best-seller which attracted an enthusiastic following. Published at a time when orthodox political theory supported an enormous amount of state control, *Atlas Shrugged* suggested that any compromise with the non-initiation principle is disastrous and evil. Rand herself recognized its importance and developed an entire ethical theory around this idea.

But there were problems. For example: the prohibition on the initiation of force obviously precludes taxes. But Rand demanded that government provide for the administration of justice and defense of its citizens from criminals and external enemies. Where could government get the wherewithal to do this without taxes? Rand suggested that a lottery might be used, or a fee be required to register contracts (and that only registered contracts be enforced by the state).

It didn't take long for many of those enamored with her

philosophy to reject these proposals. Why would people buy lottery tickets from the state? If it offered prizes small enough that its profit margin was sufficient to finance government, its payoffs would necessarily be smaller than those of a competitor who didn't have to divert most profits into government finance, and competition would force it from business. And it could hardly prohibit competition without initiating force. To the suggestion that people would prefer state-run lotteries with low payouts to privately-owned lotteries with high payoffs because they value the services of government, critics pointed out that this was tantamount to

Over the past decade, the influence of the non-aggression imperative on libertarian thinking has diminished substantially.

the state's depending on voluntary donations for its support, since the identical effect could be gained by purchasing a private lottery ticket and making a donation to the state.

The proposal that the administration of law be financed by contract fees faced an even more devastating criticism. If the state declares a monopoly on contract enforcement, it must initiate force to maintain this monopoly. If it doesn't declare a monopoly, then other contract enforcement companies would soon rise to compete, and the state would cease to be a state at all; it would be just one of many competing firms in the business of law enforcement.

But Rand never realized that the non-aggression imperative led rather quickly to the rejection of government entirely. She maintained a rather primitive faith in the American political system envisioned by the framers of the Constitution, calling for the complete separation of economy and state, but rejecting anarchism as a system incapable of functioning. Somehow she managed to claim that it was always wrong to initiate force, but tolerated tax-supported programs ranging from maintaining of a multi-million volume library to the exploration of outer space, suggested that opponents of the Vietnam War ought to be dealt with harshly, and supported the presidency of Gerald Ford despite his broad intervention in the economy.

The modern libertarian movement emerged as Rand's readers realized, beginning in the early 1960s, that her categorical prohibition of initiated force led to a political theory much more radical than what she envisioned. By the mid-1960s, they were forming study groups and producing modest publications examining the implications of the non-aggression principle more closely. Many realized that the principle led ineluctably toward the very anarchism that Rand had denounced. Others remained uncomfortable with anarchism but were unable to provide a different conclusion to the Randian argument.

Of course, there was a long anarchist tradition that had dealt with many of the same issues that vexed libertarians, and in the late 1960s, libertarians were beginning to immerse themselves in the writings of 19th-century individualist anarchists like Lysander Spooner and Benjamin Tucker. By 1968,

small libertarian publications with names like *Innovator*, *The Libertarian Connection*, *Idea Catalyst* and *Eleutherian Forum* were publishing debate about these issues, and anarchism was gradually coming to dominate libertarian thinking.

Economist Murray Rothbard entered the forefront of the controversy in the late 1960s, at the invitation of Karl Hess, a former Goldwater speechwriter who had gained national attention by advocating anarchism. Rothbard had become an anarchist in 1949, and had developed his own style of thought that included inalienable rights theory.

His brilliance and wit as both writer and speaker as well as his considerable skill at formulating a grand theory — it eventually encompassed medieval scholasticism, historical revisionism, ruling class analysis, and a stridently pro-Soviet interpretation of the Cold War — quickly brought him into a leadership position, and before long there was a "Rothbardian" position on every issue and he surrounded himself, as Rand had, with devoted admirers.

When the Libertarian Party was organized in 1972, it required its members to take an oath against the initiation of force. That oath has been tinkered with, but remains a requirement of membership to this day.

This type of thinking has considerable appeal. It provides a quick and easy answer to any political question. There's never any need for detailed analysis of policy issues, for balancing the costs and benefits of any public policy. One alternative is moral (i.e. does not involve the initiation of force); the other is criminal (i.e. involves the initiation of force). And that's all there is to it.

But while libertarians were struck with the brilliance of Rand and Rothbard and the elegant simplicity of a social theory emanating from the non-aggression imperative, most remained ambivalent. Despite the appeal of Rand's and Rothbard's moral enthusiasm, many were concerned that the non-aggression imperative leads to positions that seemed, well, goofy. In addition, many had serious doubts about the validity of its derivation. And despite Rothbard's assurances that anarchism is a perfectly practical system, many doubted its workability.

The other strain of libertarian thinking was less radical. Making fewer and less categorical moral claims, social philosophers like Milton Friedman, Ludwig von Mises, and F.A. Hayek argued that human beings are better able to flourish if their liberty is maximized. To these libertarians, rights were desirable social institutions because man can prosper in a society in which they are recognized. But rights are not moral absolutes which entail the non-aggression imperative. Such social thinkers were sometimes willing to compromise, to accept a modest amount of government activity, and, most importantly, to accept the existence of government itself.

Like earlier proponents of natural rights, proponents of this approach see rights as expedient and moral ways for human interaction, not universal obligations to refrain from initiating force or anything entailing anarchism and all its attendant problems. John Locke was able to develop a theory of individual rights within the context of his theories of popular sovereignty and democracy, and figures like Thomas Jefferson and Frederic Bastiat were able to champion the cause of individual rights within a democratic political environment.

In the Liberty Poll, respondents were asked whether they agreed with 19 propositions. Their responses to eleven of these propositions reveal the continued tension between these two schools of libertarian thought. By seeing how libertarian agreement and disagreement over these propositions has changed over the past decade, it is possible to get a good idea about how libertarian opinion has changed.

Moralistic libertarians (those who tend to think along the lines of Rand and Rothbard) are more likely to agree with six of the propositions.

Government should be eliminated altogether. A simple statement of anarchism, a view that is entailed by the non-aggression imperative. (Of course, not all anarchists are advocates of the non-aggression imperative. David Friedman offers a very sophisticated argument for anarchism based entirely on consequentialist considerations.)

The kind of libertarianism that grows out of the non-aggression imperative tends to promote dogmas and declamations, rather than dialogue; and dialogue is commonly necessary if you want to change people's minds.

No person has the right to initiate physical force against another human being. The moral prescription central to the Rand-Rothbard view.

An employee of the state is a receiver of stolen goods and therefore is committing an improper act. An obvious and immediate consequence of the moral prohibition against initiated force.

The U.S. should remove all restrictions on immigration. An obvious policy consequence of the non-initiation principle. Many consequentialist libertarians agree with this policy, but not all.

The U.S. should remove all tariffs immediately. Very similar to the proposition on immigration.

A proper government would have an absolutely isolationist foreign policy. It's difficult for a moralistic libertarian to see any function for government at all, let alone intervening in affairs in other countries. As with other policy questions, many consequentialist libertarians agree with this on policy grounds.

Table 1 at the bottom of this page shows the percentage of libertarians who share these beliefs today compared with a decade ago. Respondents are drawn from two different

groups: subscribers to *Liberty* ("Lib") and those attending the Libertarian Party convention ("LP"). As you can see, support for all of these propositions decreased both among *Liberty* readers and LP convention attendees.

Consequentialist libertarians (those tending to think along the lines of Friedman, Mises or Hayek) are more likely to agree with five of the propositions:

The proper role of government is finite, but much smaller than at present. A no-nonsense statement of non-anarchist libertarian sentiment.

A person should have a legal obligation to support his or her offspring. Moralistic libertarians tend to reject this proposition because they can see no way to enforce it without initiating force against a parent who refuses to support his child. Consequentialist libertarians tend to believe that ordinary human decency entails such an arrangement.

One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act. This is the flip side of the proposition about the morality of accepting government jobs. The non-aggression imperative implies that accepting government benefits is immoral, since those benefits come from funds taken from people by force. But this proposition takes a more extreme form than the proposition about the morality of accepting a government job, since it is much easier in contemporary society to find private employment than it is to avoid using public roads. Indeed, disagreement with this proposition pretty well precludes ordinary life in modern society.

Political action is an appropriate method of advancing liberty. Moralistic libertarians often view any sort of participation in political activity as participating in coercive activity; consequentialist libertarians tend to believe that liberty might be enhanced (or its erosion slowed) by political activism, and see nothing wrong with it provided one does not seek to gain from it at the expense of others.

People have a responsibility to vote. Moralistic libertarians are inclined toward seeing voting as taking part in coercion and are generally opposed to any notion that might conflict with the non-initiation-of-force principle. Consequentialist libertarians are also likely to oppose the suggestion of a moral obligation to vote, but many believe voting is sufficiently desirable that people ought to do so.

Table 2 at the top of the next page shows the percentage of libertarians who share these beliefs today compared with a decade ago. Again, two different groups of libertarians were surveyed.

As you can see, agreement with three of these propositions increased with both groups; support for one was unchanged among *Liberty* readers and increased among LP

Table 1: Agreement with beliefs that characterize moralistic libertarianism

Belief	Lib 88	Lib 98	Chg	LP 87	LP 98	Chg
Government should be eliminated altogether.	31%	13%	-58%	31%	8%	-76%
An employee of the state is a receiver of stolen goods and therefore is committing an improper act.	31%	27%	-13%	57%	32%	-43%
No person has the right to initiate physical force against another human being.	90%	50%	-44%	81%	62%	-23%
The U.S. should remove all restrictions on immigration.	69%	50%	-28%	71%	60%	-15%
The U.S. should remove all tariffs immediately.	90%	62%	-31%	89%	57%	-36%
A proper government would have an absolutely isolationist foreign policy.	53%	30%	-43%	45%	22%	-52%

"LP 87" and "LP 98" are responses by party convention attendees; "Lib 88" and "Lib 98" are responses from *Liberty* readers.

Table 2: Agreement with beliefs that characterize consequentialist libertarianism

Belief	Lib 88	Lib 98	Chg	LP87	LP98	Chg
The proper role of government is finite, but much smaller than at present.	66%	87%	+ 32%	58%	88%	+ 52%
A person should have a legal obligation to support his or her offspring.	56%	70%	+ 25%	43%	53%	+ 23%
One can accept government services (food stamps, subsidized housing, use of roads, etc.) without committing an immoral act.	71%	55%	- 22%	71%	53%	- 26%
Political action is an appropriate method of advancing liberty.	77%	77%	0%	86%	89%	+ 4%
People have a responsibility to vote.	10%	27%	+172%	14%	32%	+130%

"LP 87" and "LP 98" are responses by party convention attendees; "Lib 88" and "Lib 98" are responses from *Liberty* readers.

convention attendees, and support for one fell among both groups.

Considering all eleven responses, consequentialist responses were up an average of 38.5 percent among readers of *Liberty* and up 39.0 percent among libertarians who attended the LP convention. This is a pretty clear-cut trend.

There is another way to look at the change in libertarian belief: we can look at how respondents estimated the influence of the leading articulators of each approach to libertarianism. Five of the six most highly rated influences on the intellectual development of libertarians in the 1988 survey were closely identified with these two positions: Rand and Rothbard with the moralistic approach, and Milton Friedman, F.A. Hayek and Ludwig von Mises with the eclectic, consequentialist approach.

This comparison is a somewhat less reliable way to gauge the change in sentiment, because the influential persons wrote extensively on subjects not terribly related to the central propositions that separate the two libertarianisms. Rand was a tremendously powerful novelist, widely read and greatly admired even by those who didn't buy into her political thinking; Rothbard, Mises, and Hayek were (and Friedman still is) impressive economists.

But the same trend is evident. The perceived influence of those who formulated and popularized the moralistic approach fell substantially by 1998, while the influence of leading proponents of the eclectic, consequentialist approach declined only slightly:

Influence	Lib 88	Lib 98	Change
Rand	4.02	3.51	- .51
Rothbard	3.93	2.72	-1.21
Friedman	2.95	3.08	+ .13
Mises	3.65	2.76	- .89
Hayek	3.02	2.74	- .28

The average decline of the moralistic libertarians was .86; that of the consequentialists only .35. This same trend appears when one compares the surveys of the 1987 Libertarian Party convention with that of the 1998 convention:

Influence	Lib 88	Lib 98	Change
Rand	3.44	3.40	- .04
Rothbard	3.98	2.41	-1.57
Friedman	2.60	2.86	+ .26
Mises	3.06	2.39	- .67
Hayek	2.64	2.34	- .30

The average decline of the moralistic libertarians was .81; while that of the consequentialists fell by an average of only .24. And the responses of those attending the LP convention

were remarkably similar to that of readers of *Liberty*, thereby suggesting, once again, that the decline in moralistic libertarianism, is not confined to readers of *Liberty*.⁴

In sum, whether gauged by their beliefs, policy positions or the perceived influence of specific libertarian thinkers on their intellectual development, libertarians are rapidly retreating from libertarian theories based on the non-aggression imperative. Over the past decade, the influence of that principle on libertarian thinking has diminished substantially. It is being displaced as the central core of libertarian thinking by a much simpler notion: that liberty is a good thing simply because it maximizes flourishing.

Why has libertarian belief evolved in this direction? There is probably no simple, unequivocal answer. Some of the reasons I've already touched upon: the slipperiness of the arguments for the non-aggression imperative; the fact that it seems to lead to anarchism, which is itself problematic for many libertarians; and its demonstrated ability to lead people to moral positions and policy conclusions that seem very strange, if not downright untenable. But the most important reason, I believe, is not intellectual. It is a practical one: the kind of libertarianism that grows out of the non-aggression imperative tends to promote dogmas and declamations, rather than dialogue; and dialogue is commonly necessary if you want to change people's minds. For this reason, libertarianism deduced from the non-aggression imperative does poorly in the intellectual arena. In fact, it is usually counterproductive, and libertarians are finding that out.

A reasonably comprehensive discussion of this theory, however, is beyond the scope of this analysis, and will have to wait for another time. □

Notes:

1. For a more detailed discussion of the two schools of libertarian thought, see "The Two Libertarianisms," by Ethan O. Waters (*Liberty*, May 1988, p. 7); "The One Libertarianism," by Sheldon Richman (*Liberty*, September 1988, p. 53); "The Two Libertarianisms Again," by Waters (*Liberty*, September 1988, p. 56); David Boaz, *Libertarianism: A Primer* (pp. 82-87); and "On The Duty of Natural Outlaws to Shut Up," by Murray N. Rothbard (*New Libertarian*, April 1985, pp. 10-11).
2. For *The New Intellectual* (p. 64).
3. See *The Ethics of Liberty* (1998 edition, p. 24).
4. It is worth noting, by the way, that the overall decline of perceived influence of the most prominent advocates of both moralistic and consequentialist libertarianism was part of an overall decline in perceived influence, or, put differently, an increase in perceived self-development. At any rate, between 1988 and 1998, the average perceived influence of all figures declined by 9.71 percent, compared to 21.7 percent for moralists and 9.7 percent for consequentialists.

Hating the Sin and the Sinner

by Sarah J. McCarthy

It takes courage to discourage violence. Many who hate do not have that courage.

Religious conservatives are angry at widespread accusations that their holy war against gays and abortion doctors has created a climate that encourages violence. "The constant degrading of homosexuals is exacting a toll in blood," says *Newsweek* columnist Jonathan Alter, an assertion that conservative columnist Don Feder denounces as "bizarre."

Does Alter actually think, asks Feder, that if some "yahoo in the hinterlands" believes that when religious institutions declare homosexuality a disorder it means that said yahoo will have "to go out and bash a queer?" Well, not exactly, Mr. Feder, that's usually not how it works. In fact, these yahoos in the hinterlands who robbed and killed Matthew Shephard and tied him to a fence post may have been just as influenced by class envy aimed at rich kids whose parents send their kids to prestige schools as Matthew Shephard's did, while the losers in life's lottery collect aluminum cans for a living, or fish for catfish in the boondocks.

Don Feder probably doesn't think it's "bizarre" when someone argues that class envy rhetoric aimed at rich people or store owners has exacted a toll in blood, at times leading to the incitement of armed robbery, burglary, lootings, rebellions, and even violent Marxist revolutions. When conditions were right, entire nations have been incited by incendiary speech to exterminate whole categories of their fellow man. Every one of these mass-murder movements had intellectual or religious organizations that justified their brand of "purifying" the nation. Speech, as Mr. Feder well knows, is a powerful thing. Why else would he write columns?

According to a *Newsweek* poll, six out of ten Americans believe that the red-hot rhetoric of the pro-life movement has led to a climate where abortion clinics are more likely to be targeted for violence. Though clinics are currently besieged by a flurry of shootings and bombings, threats of anthrax germs in the morning mail, and radical priests like Rev. Donald Spitz of Pro-Life Virginia pronouncing the sniper who killed Dr. Slepian "a hero," Pat Buchanan denies that

social conservatives have played any part in fanning the flames of this incendiary environment.

One can only begin to imagine the hue and cry that would ensue if Pat Buchanan or Don Feder were to discover that feminists had a radical website encouraging the killing of pro-lifers, with lines through the names of those already killed, and the names of the living listed complete with their children's names and addresses. What if there were a feminist website similar to the real pro-life website (www.christiangallery.com) that encourages true believers to kill abortion doctors? Can anyone doubt that Messrs. Buchanan and Feder would grab their pitchforks and set out for the capital?

Buchanan and other conservatives have written robust articles about the insidious dangers of rap music and Hollywood values that have led to cultural pollutants like promiscuity, drug use, and the rape and degradation of women. During his '92 presidential campaign, Buchanan said in a speech that the Los Angeles riots were the work of "a mob that came out of rock concerts where rap music celebrates raw lust and cop killing." Rap music with its street-smart lingo and hypnotic beat pounds into the receptive heads of minority kids that women are whores and that whites are devils. It glorifies cop killers. Can anyone seriously argue that such ideas won't swirl around in the heads of many, until they find a receptive few who will actually commit the acts the music glorifies — rape, robbery, mayhem and cop killings?

If people were not influenced by words and ideas, there

would be no need for schools, churches, political campaigns, or advertisements. The more respected an institution, the more power of persuasion it holds over the actions of its followers. Unfortunately, much of the social conservative movement has begun to generate more heat than light with its words and tactics toward abortion and gays. Pro-life activists have many effective arguments in their crusade against abortion. There is no reason to tolerate by their silence the self-destructive tactics of the bombers and the terrorists and their cheerleaders, who dwell in ever growing numbers at the margins. Pro-lifers have the power to call them back from the edge and offer tactics that will actually lead to fewer abortions.

To pound away at the idea that one group (gays) are sinners deserving of continuing condemnation and special ridicule, is not a good moral or strategic policy. To proclaim repeatedly that a particular class of people are "abominations" is an insidious way to dehumanize them. Religious conservatives have expended more energy on the so-called sin of Ellen De Generes than they did on the sin of O.J. Simpson, or the sins of divorce or adultery, which are far more threatening to children than a lesbian sitcom or a gay day at Disney.

If religious groups were to begin a national campaign of focusing on the sin of gluttony by spotlighting fat people, boycotting TV sitcoms with fat actors, jeering them and dehumanizing them as gluttons, then demanding that corporations take away their health insurance, it would probably not be long before we would see fat people impaled on fences. To argue against a lesbian in a sitcom, to

champion a boycott because a company freely chooses to offer health-care benefits for gay partners of employees, is not a campaign to deny "special rights," but an attempt to deny them human rights routinely enjoyed by heterosexuals, and to purge them from the culture.

Social conservatives were incensed about ads in the New York Senate race that helped defeat Al D'Amato by implying that he was a supporter of abortion-clinic bombings because he voted (on First Amendment grounds) against a law that increased clinic security. Political analyst Dick Morris responded that the D'Amato ads were merely the flip side of tactics used by the pro-life movement to smear anyone who had reservations about the partial-birth abortion ban.

Social conservatives portray candidates of character such as New Jersey Gov. Christine Todd Whitman as being a fan of partial-birth abortions because she wanted an exemption allowing it if the mother's health was at risk. In litmus-test politics and holy wars, truth is the first casualty. If pro-lifers focused on saving fetal lives while upholding conservative small-government principles, abortions could be effectively curbed by methods that convince, educate, and persuade, rather than using government force and lurid political scare tactics to legislate delivery-room emergency medical procedures, as partial-birth abortions often are. If social conservatives continue to use tactics such as targeting people as "abominations," and "baby-killers," they will be seen as zealots who generate violence in their wake. That, in the end, will do more damage to their movement than anything by their opposition. □

Reflections, *continued from page 10*

buys more beer than usual? After all, he might be providing it to minors. Or more sugar than usual? He might be using it to make alcohol illegally. Or a copy of *Playboy*? It sure would be handy for the local police to have a list of everyone who buys nudie magazines in case a peeping tom is reported . . .

According to Paul, there's talk of backing down a little: the FDIC might compromise and write the regulation to cover only new bank accounts and delay its implementation until next year. Paul isn't satisfied. No American should be satisfied who values such shreds of his liberty or privacy that haven't already been stolen from him.

The FDIC has invited comments from affected parties. The way I figure it, that includes anyone who might ever have a bank account. The *Wall Street Journal* asked someone — it didn't report who — at FDIC whether a college student should be worried he might be tagged "suspicious" when he starts making larger bank deposits after he graduates and gets a job. "Not a chance," was the response, "so long as his job is legal."

If you weren't already frightened, think a little about this response, intended to allay your fears. How will your bank know that you got a job? How will it know that the job is legal? Will you have to report to your bank details of any new job and any raise you get? Will you have to show that your job is "legal"? Or will your bank, perhaps with help from their friendly federal authorities, have a database of "legal" jobs against which it will check the source of your paycheck?

"Comments must be received by March 8, 1999," the FDIC advises. "Comments should be directed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, DC 20429." Or you can fax them to (202) 898-3838. Or email them at comments@FDIC.gov. —RWB

The poverty of the Left — One of the most delightful aspects of the whole Clinton mess is the way in which it illustrates the desperate hopelessness of what's left of the radical left in this country.

Case in point: when Ken Starr testified before the House Judiciary Committee on November 19, 16 Democrats had the opportunity to question him. Not one of them chose to use that opportunity to challenge any aspect of the case Starr has made — that Clinton lied in a deposition for a federal suit, lied before a federal grand jury investigating the possibility that he had lied in the deposition, obstructed justice, suborned perjury, or exceeded his constitutional authority. One after another, they accused Starr of various malfeasances.

Several asked Starr questions about minor details of one or another aspect of his investigation; and, whenever Starr responded that he did not recall that particular detail, they triumphantly charged him with the same sort of memory lapse that plagues the president. They operated on an equivalence theory: Starr's inability to remember whether Linda Tripp's

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A Shame Upon the Presidency

by Frank Fox

Bill Clinton and Richard Nixon have more in common than their contempt for truth.

The mystery and majesty with which we endow those who rule provides them with a most effective shield, and the stripping away of their authority is undertaken only for the gravest of offenses. It is therefore an unusual historical event when an office is irretrievably diminished or lost for reasons that have more to do with personal shame and humiliation than with weighty affairs of state.

The tragicomedy of the Clinton presidency bears a striking resemblance to that which attended the scandal and resignation from office of Richard Nixon. Then and now a public irreverence accompanied the decline and fall of the officeholder. With Nixon as with Clinton, the parodies and late-night humor are examples of a society where guffaws can be as broad as the great outdoors. We have been lied to and humiliated by these public figures. We counterattack with scorn and obloquy to mitigate our own shame.

Like the Nixon hearings with their assortment of miscreants (Mitchell, Haldeman and Erlichman, a trio of Cuban burglars and a Runyonesque New York City detective), the Clinton drama has offered a fascinating script and an unforgettable gallery of characters. These have included Webster Hubbell, a rotund and perennially disheveled fraudulent financier; Susan McDougal, whose lips were unaccountably sealed and whose fashion statement until recently was an orange jumpsuit and shackles; the late James McDougal, her cane-wielding husband, with the manner and attire of a riverboat gambler, who suspected that his wife had an affair with the president; Richard Morris and James Carville, smiling, loquacious and oleaginous political operatives, and a succession of nominees for high offices who saw nothing wrong in commingling the Republic's funds with their own. Heading this cast was the president. Unlike Nixon who favored a simple fare of cottage cheese and ketchup, Clinton was a man of exotic and voracious appetites. And then there was Monica. The American public knows entertainment when it sees it.

But whatever one thinks of Richard Nixon, his offenses were part of an unending struggle with political and ideological enemies. His mind ranged over global issues in which he played a major role. His risk-taking was part of a high-stakes game that earned him grudging praises. Whatever his faults and obsessions (and there were a handful), they were not peccadilloes or teen-age fantasies, sexual exploits in which furtiveness was of more importance than the pleasure achieved, where nothing was worth the risk except the risk itself.

Seeking a Moral Compass

The king of the baby boomers is being dethroned. The boomers could have forgiven him almost anything. After all, they shared his feelings about the Vietnam War; they too inhaled and understood his reluctance to admit it; they too eased into middle age full of shared musical memories even as they forgot the damage done to the body politic by the excesses of the '60s. What spells the end of an effective Clinton presidency is not the unrelenting attack by those who oppose him, but the erosion of support from those who voted for him. Many of them have turned against him with a vengeance, for now they have children (and even grandchildren), and they will not tolerate for their young the breakdown of moral barriers that have characterized the decades since the 1960's. Comedian Steve Allen's campaign against television's "sex and violence" launched in full-page advertisements, and former Secretary of Education William J. Bennett's book *The Death of Outrage*, the number one best

seller on *New York Times* list, are proof that Americans are once again searching for a moral compass. The Clinton presidency with its emphasis on image-making has reflected his generation's symbol, the television screen, a medium that made it easy to confuse make-believe with substance, one in which the bedside manner of a Marcus Welby was mistaken for that of a real physician.

Exquisite Agony

In September, 1974, I co-authored with Stephen Parker a series of investigative reports on Watergate for *New York* magazine. The cover illustration for the first article that appeared shortly after Nixon's resignation showed him hoisting himself by a hangman's rope. Titled: "Why Nixon Did Himself in: A Behavioral Examination of his Need to Fail," the report enumerated what we saw as contradictions in his character: "His drive for the presidency and his disre-

The cover-up exposed both Nixon and Clinton to ever greater danger. Their responses however were not those of leaders intent on surviving. Each clutched to his bosom that which could destroy him.

gard of high office; his passion for detail and his poisonous negligence; his knowledge of history and his distortion of precedents; his concern for candor and his disdain for the truth; his concern for his country and his assault on its Constitution; his desire for privacy and his pursuit of publicity . . . his love of the law and his commission of crimes; his taste for triumph and his extraordinary capacity for humiliation." Except for the absence of the word "sex," these lines written 25 years ago could easily apply to President Clinton.

We detailed the extraordinarily long list of Nixon's self-destructive behavior, embarrassments and risks. There was the break-in at the Dean's office while Nixon was still at the Duke Law School and many years later his encouragement of break-ins at the Brookings Institution and Daniel Ellsberg's psychiatrist's office. But his gravest risk was installing a voice-activated taping system at the Oval Office, the president's Executive Office Building retreat, the Cabinet Room, several private White House rooms and the president's cabin at Camp David, a means of recording the very conversations that would force his resignation. We described as "fatal ambivalence" the actions that Nixon took in the Watergate affair which, along with the use of executive privilege, proved to be self-destructive. Nixon's behavior (astonishingly passive in contrast to Clinton's boldness and ability to maneuver) was in the end self-defeating. A protracted defense, where nearly all actions only led to demands for more disclosures, failed to save his office and resulted in ever greater pain, that "exquisite agony," as Nixon once described such feelings in his book, *The Six Crises*.

Those who have complained that Special Prosecutor Kenneth Starr spent millions investigating the Clintons missed an essential point. In investigations or impeachments or, for that matter, in any great undertaking, a point is

reached when the amount of energy, time and money already invested virtually guarantees that the process will be completed. Once begun, the investigations cannot be aborted. The unthinkable becomes thinkable. That no one in Nixon's or Clinton's camp understood this simple truth was passing strange.

Clinton's inclination (as was Nixon's) was to lie, approve and participate in a cover-up. But while Nixon could and did discuss his criminal activities with his closest friends (Nixon's telling remark about an aide in whom he was not absolutely confident: "He is not one of us."), Clinton could not. On the practical political level his advisers did what is second nature to those who cluster around a source of power. Working in a perpetual twilight that enabled them to blur the distinction between political necessity and personal need, they knew from experience what rewards loyalty brought. And if all their efforts failed, they could always claim to have been misled, the betrayal of their leader a final assertion of their own independence. Here the difference between Nixon and Clinton was a telling one. Whereas Nixon was ill-served by those around him and allowed his office to be degraded, Clinton himself violated the trust of those who were closest to him (including his wife and daughter), and in the end far more actively humiliated his most loyal supporters and degraded his office.

The cover-up exposed both Nixon and Clinton to ever-greater danger. Their responses however were not those of leaders intent on surviving. On the contrary, their actions seemed designed to create a situation that would repeat the familiar pattern of crisis, humiliation and punishment. Each clutched to his bosom that which could destroy him. In Nixon's case, if the tapes were discovered he would be considered a criminal; with Clinton, his affair with Monica Lewinsky and his desperate legalisms threatened to destroy

The essential question asked of Nixon should now be asked of Clinton: How does one lose the most secure job in the world? Short of a physical infirmity or an assassination, the answer is: an act of extraordinary carelessness.

his credibility. But more important from the standpoint of their emotional needs was the fear that they might be accused of something worse than criminality, that the ensuing public disgust would confirm what human beings dread exposing most: a fundamental flaw of character. Clinton's predicament is more serious than the one that confronted Nixon.

For Clinton to have told the truth, always a healthy defense against shame, and to acknowledge his basic humanity, would have subjected him to a totally intolerable humiliation. His lies and the shame they triggered were intensely personal, primal rather than political. To tell the truth about any of the charges against him would have meant untangling a skein of shame that he had wound tightly around himself all his life.

The essential question asked of Nixon should now be asked of Clinton: How does one lose the most secure job in the world? Short of a physical infirmity or an assassination, the answer is that one has to help remove the shield by an act of extraordinary carelessness. History illustrates that people in power seldom surrender their prerogatives. Only one pope resigned in two millennia of the Church's existence. Only one king abdicated in the centuries-long line of English royalty. Only one American president surrendered his powers in more than 200 years since George Washington.

But even if the office must be abandoned, those in power are not defenseless. Here it is important to recognize the human potential to undertake actions that simultaneously encompass both the rational and the irrational. The departure of a leader, even if caused by self-destructiveness, is seldom undertaken without protecting the self.

Nixon's use of the tapes illustrates the multiple levels of such behavior. On the one hand the secret taping system, even though it posed a real danger if discovered, provided Nixon with incalculable psychological pleasure. On the practical level, the system also offered Nixon a means to defy, if necessary, his enemies in the future. Stanley I. Kutler, the foremost authority on the tapes, in his *Abuse of Power: The New Nixon Tapes* (New York, 1997), quoted Nixon as saying: "They're kept for future purposes." That Nixon was not simply thinking of the tapes as an historical record is made even more explicit in his *Memoirs* where he wrote that the tapes "were my best insurance against the unforeseeable future. I was prepared to believe that others, even people close to me, would turn against me just as Dean had done, and in that case the tapes would give me at least some protection." For Nixon, as for other leaders, such a covert record is a formidable last line of defense. One is privy to priceless information. Like blackmail, its value lies in it not being revealed.

The notion that another president would contemplate surrendering his office just a quarter of a century after Nixon seems improbable, though it cannot be dismissed. If it should come to pass it will not be a pretty scene. When the aura of a world leader is reduced to tearful farewells on the front lawn as the movers are loading vans in the rear, the stage of history resembles not so much a scene from a Shakespearean tragedy as one from Genet's *Theater of the Absurd*.

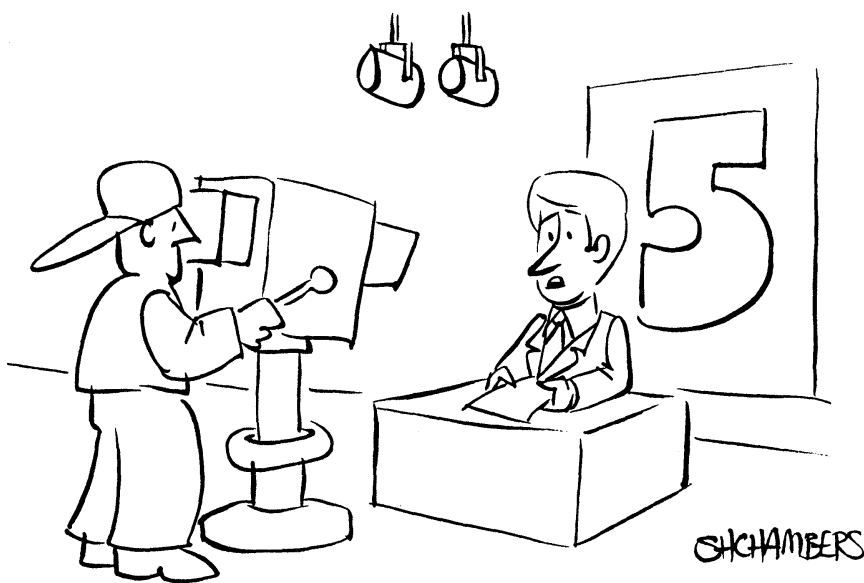
Can Clinton Think?

Four years ago, journalist and author Edith Efron attempted to get at the essence of Clinton's psychological problems (see "Can the President Think?" *Reason*, November 1994). She reflected on a "peculiar" media conference held on June 7, 1993, at George Washington University, five months after Bill Clinton had been in office. At this meeting on "The Politics of Illness in High Office," questions were raised about "emotionally unstable leaders," but no concrete answers were provided by the "journalistic eminences." Efron posed questions that four years later seem extraordinarily insightful. Her psychological profile of

Clinton portrayed "a brand new president [who] was staggering around in Washington, falling repeatedly on his face."

She was reacting to a growing record of comments about the president's character. During the New Hampshire primary one writer described Clinton as someone with "little inner sense of self." Shortly thereafter another observer commented that Clinton's conduct "suggests emptiness of a soul that knows itself only by the names of what it seizes or consumes." A third noted that "with [Clinton] there were too many hands, too many friends, too many words, too many hours before he went to sleep, too many hours on C-Span — and in the end too little else — as though he were afraid that if he excused himself from the public eye he might no longer be real." Efron concluded that Clinton was a "human puzzle." She refused to comment on the sexual aspects of Clinton's personality, but examining the already proliferating books about him took note of the "contradictions." She diagnosed Clinton as "cognitively disabled."

Efron documented some of Clinton's self-defeating habits: his inclination to engage in several projects at one time ("I am always churning and doing things"), a conclusion also reached by Robert Woodward in his book *The Agenda*, in which he compared the president to a driver with one foot on the gas pedal and the other on the brake. Clinton, Efron wrote, failed to think matters through, "his mind in a cloud of squid ink." She cited depressive episodes, obsessive eating and insomnia. And there were reports of an explosive temper that belied the public effusiveness. Clinton displayed a "cold, controlled anger" when reporter Brit Hume, on June 14, 1993, asked him about his "indecisiveness," and abruptly ended the press conference. Those around him have noticed this anger when confronted by a failure in decision-making. George Stephanopoulos said: "He never makes a decision. His eyes bulge, his face grows scarlet, he yells, he screams, he shrieks." The American public saw some of that red-faced simmering anger last January when Clinton wagged his finger at assembled reporters as he lied about Monica Lewinsky.



"Today, in a startling development, President Clinton admitted that for the past six years he has been involved in what he termed an "inappropriate relationship" with the American people."

Efron emphasized that Clinton was never satisfied with his achievements, was preoccupied with details, unable to set priorities, and most importantly, procrastinated. He was, in her words, a "spectacular procrastinator." She wrote that "one cannot fix Bill Clinton," that Clinton's mind was so "out of control that he is in pain (and) lives in an epistemological hell." She concluded that "we have a mentally impaired president in the White House," and cited Clinton's lies as another important characteristic. Not just lies, but "preposterous lies." Finally, it was Efron who first men-

It may be time to stop the endless debate of what makes a farsighted leader and examine the human propensity to be a blind follower.

tioned the "reiterated formula" of pride and shame as features of Clinton's behavior. Her words were prophetic. "Pride and shame" do provide us with a key to a better understanding of his character.

The Shame Sham

One hears it said more and more: The president has no shame. A.M. Rosenthal in his column in the *New York Times* on September 18, 1998, quoted Jesse Jackson as saying in 1992: "There is nothing this man won't do. He is immune to shame."

But in fact the contrary is true. This president has been and is consumed by shame. If there is to be any benefit from the current personal and national tragedy it could be the recognition of that psychological truth.

Dr. Donald L. Nathanson's *Shame and Pride: Affect, Sex, and the Birth of Self* (New York, 1994) is an analysis of shame and other affects. Nathanson's important contribution rests on the pioneering work of the psychologist Silvan Tomkins and his study of affects in the early 1960s. An affect, according to Nathanson, is a "strictly biological portion of emotion." When triggered by some stimulus, "an affect releases a known pattern of biological events," lasting from a "few hundredths of a second to a couple of seconds," with evidence that "these patterns are genetically transmitted." Whereas an "emotion" includes a vast number of experiences and memories and may persist, an affect is momentary. What is striking about innate affects, either those that are positive (be they interest, excitement, or joy) or negative ones (such as fear, anger or shame) is that they are signaled by facial expressions. Those who have been watching Clinton have noted his tendency in times of stress of looking away, holding the head down, blushing, clenching the jaw, raising and biting his lower lip. What comics have found so convenient to mimic are involuntary facial expressions that are universally common to those who experience distress, anger, disgust, and shame, to mention some of the negative affects.

Nathanson's account of the genesis and evolution of the shame affect in the life of an individual and its frequent association with a history of family violence and dysfunction, particularly addictions, bears a striking resemblance to

Clinton's early experiences that both he and his brother have described candidly. Leon Wurmser, an authority on addictions, has noted in his pioneering study *The Mask of Shame* (Johns Hopkins, 1981) the connections between shame-prone individuals and drug use. He also mentioned eating disturbances such as "compulsive gorging." Nathanson's discussion of the shame affect and its impact on the individual, how it limits both cognition and intimacy, is almost a mirror image of the president's problems.

Those who see the president's current difficulties as being primarily sexual in character may be surprised to learn that the shame affect interferes most significantly with the joy of sex. Shame has to do with "an absence of love." As Nathanson puts it: "Hedonism is usually a way of decreasing chronic shame and distress." Sexuality as a defense against shame is not a titillating notion in a society consumed by endless discussions on more and better orgasms, but it may help us attain more wisdom. For those who wonder how risks in sexual activity could have been entertained in the president's inner sanctum, Nathanson explains that for a person consumed by shame there cannot be a more ideal setting than a seat of power. "With enough wealth to build a citadel within which you may be isolated from all but those who salute your excellence, you have evaded shame. What is regarded as deficiency, immaturity, 'neurosis,' weirdness, instability, or weakness in an 'ordinary' person is labeled 'eccentricity' and tolerated with grace in the very wealthy

Jesse Jackson said "There is nothing this man won't do. He is immune to shame." But in fact the contrary is true. This president has been and is consumed by shame.

and powerful." Indeed, feelings of grandiosity are not that far from feelings of shame. After all, what better way is there to overcome shame than to improve one's value!

Those who are subject to the affect of shame are often "workaholics," a condition that is especially evident in the case of those who feel driven to succeed. Nathanson singles out as an example the "philandering politician," usually one who is able to attract masses of people and writes: "Drill an exploratory hole into the inner lives of these icons of our culture and you are likely to tap a gusher of shame."

We conclude with the most obvious of Clinton's habits, one which is very likely to be the centerpiece of the impeachment process: the telling of lies. Here Nathanson has important points to make in showing how shame precedes misrepresentations of fact. An excess of shame makes true intimacy intolerable; lying, therefore, is almost inevitable. Paul Ekman, in his book: *Telling Lies: Clues to Deceit in the Marketplace, Politics and Marriage* (New York, 1985), explains the dilemma where shame and guilt are two emotions that tear a person in opposite directions and where a wish to relieve guilt may force a confession, but where the wish to avoid humiliation and shame may urge the opposite tactic, that is to lie. As for intimacy, it has been noted that while there are thousands of "Friends of Bill," preserved in a life-



Eliminate, Don't Reform the IRS

by Sheldon Richman

Yet again a taxpayer "bill of rights" has been enacted into law. And so, after all the recent revelations of Internal Revenue Service abuse, we can all now be confident the tax collector will respect the rights and dignity of every American.

Right. And pigs have started flying.

We've been here before. This is the third so-called bill of rights for taxpayers passed in recent years. Doesn't that strike you as strange? Do you think they got it right this time?

At first glance, the law might look like it will afford some protection for taxpayers. It will create a nine-member board to oversee operations, six of whose members will be from the private sector. The law will also shift the burden of proof from the taxpayer to the IRS in court cases. Currently, the taxpayer is guilty until he proves himself innocent. Other provisions will

let citizens harmed by IRS negligence sue for damages and relieve taxpayers of liabilities of former spouses. Homes can no longer be seized without a court order. Some penalties will be reduced and IRS deadlines tightened.

But in the world of legislation, especially IRS "reform" legislation, things, as W.S. Gilbert wrote, "are seldom what they seem."

The oversight board and the shift in the burden of proof "are said to be the silver bullets that will end IRS abuse," writes Daniel J. Pilla, one of the great IRS watchers. "They are more likely to be blank cartridges."

Pilla writes that the oversight board is not what we have been led to believe it is. To judge by the news summaries, you'd think that this board of overseers will be able to come to the rescue of battered citizens. But that's not the case. The new body will be involved in planning for the future and in overseeing the IRS budget and commissioner. "In other words," writes Pilla, "the Board will function as a forum for thinking about the overall direction of the IRS." It won't have the power to prevent agents from treating taxpayers like child

molesters. Pilla notes that the board is specifically denied authority over the agency's law-enforcement apparatus. Don't expect it to rectify the abuses associated with audits and other activities designed to wring more revenue of Americans. Pilla says the board could not avert the tyrannical conduct citizens reported at Senate Finance Committee hearings.

And what of the burden of proof? A clue to the bogus nature of the "reform" lies in the bill's command that Americans keep records and cooperate with the IRS during investigations. In other words, the IRS may have the nominal burden of proof, but you must furnish the records it will use against you. But there's even less to this provision than meets the eye. The burden is shifted only in court proceedings. "The problem," Pilla writes, "is that 97 percent of everything the IRS does involves no 'court proceeding.'" Most of the problems that citizens have with the IRS occur outside of the court. They involve, Pilla says, "its powers of lien, levy, and seizure." In other words, the shift in the burden will make no difference to most taxpayers who are hounded by the IRS.

Even in court, there is hardly real relief forthcoming. To shift the burden to the government, a taxpayer will have to make a "reasonable" case that the IRS position is defective. In other words, the citizen has the burden of showing that the burden should be shifted! Some protection.

Bills of rights have never restrained the IRS. In a sense, it's not the agency's fault. The fault lies with Congress, which has charged the IRS with extracting more than a trillion dollars from the hide of the American people. There's no way to do that while being nice. No amount of legislation will make the agency a "service provider." Taxpayers cannot be its customers.

There is one way — and only one way — to respect taxpayer rights: Repeal all income taxes, abolish the IRS, and repeal the outrageous spending that requires them.

Sheldon Richman is senior fellow at The Future of Freedom Foundation in Fairfax, Va., author of its forthcoming book *Your Money or Your Life: Why We Must Abolish the Income Tax*, and editor of *The Freeman* magazine.

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long card file, the president "has virtually no intimates." As one of his longtime friends and advisers has stated: "He likes people to be his audience. He loves to tell stories, to have long discourses. He loves to charm, to conquer, to get people to admire and love him. But that's a different set of human interactions than friendship. It's a one-way charm street."

Nathanson's aim is to show us the importance of the shame affect in our lives and to point out the damage it causes. The unintended but welcome consequences of the Nixon and Clinton presidencies may be that many more people will reflect on the destructive nature of emotions. But even as we try to understand the significance of shame affects we cannot assume that the individual is without choices. We must rely on time-tested morality, which recognizes responsibility, especially in an age that deems that everyone qualifies as a victim. As for the president, seeking counsel from religious advisers may be a useful first step, but the best course once he leaves office is to seek a wise therapist.

Misplaced Faith

We must ponder the place of leadership in America, as this most tragic of all centuries ends. Plato in his prescription for an ideal leader in *The Republic* urged that such individuals combine the qualities of philosopher and king, an idea

that has fascinated students of philosophy and politics. Machiavelli in *The Prince* referred to the characteristics of a lion and a fox when considering the proper traits of leadership.

It may be time to cease endowing those in power with such abstract attributes. The history of human societies is a record of misplaced faith, of investing those who lead with qualities we never consider appropriate for ourselves. It may be time to stop the endless debate of what makes a far-sighted leader and examine the human propensity to be a blind follower. The Greeks, whose plays anticipated Freud's insights, explored the dilemma of leadership. Creon, the cruel ruler in *Antigone*, argued that he had a right to make decisions of life and death because he had brought the ship of state to a safe harbor when no one else was willing to take responsibility.

But we must also realize that something happens to even the most ordinary of people once they enter the Oval Office, 10 Downing Street or the inner sanctum of the Kremlin. The Founding Fathers wisely provided for the checks and balances that have so far vouchsafed us a government in which no one is above the law. Should our society thoroughly comprehend what Nathanson has said about shame and pride, the machinations of our leaders would no longer mystify the general public. □

Comparison

The Men Who Would

by Stephen Cox

People — some people — talk about Bill Clinton's "charm." I'm not sure I've ever seen it. Maybe you need binoculars and a Field Guide to North American Attitudes if you want to be able to identify the real thing, which is usually off in the underbrush somewhere, camouflaging itself as sneakiness, dopiness, smarminess, and the cruder forms of vote-licking. But I think I may have seen it once.

I think I saw it on that videotape where Clinton is being questioned by Starr's assistant prosecutors about whether he wanted to hush up Monica Lewinsky, and he says that he always knew she would talk because "it's just her nature" to talk. He doesn't say it in a cruel way; he says it with a sympathetic little smile, a warm, indulgent, almost appreciative smile. He likes Monica. He likes women. He likes to have sex with women, even when he knows they're the kind of women who talk. There is something charming about a generous enjoyment of sex.

Of course, there's nothing charming about Clinton's prot-

estations that sex is not, in fact, sex, and lying is not, in fact, lying — protestations that are especially uncharming when delivered in tones of wounded innocence or righteous wrath against anyone who might presume to question his standing as the nation's foremost exemplar of moral rectitude. When Clinton gets into that self-righteous mood, he's positively creepy, and he's in it a lot. Mrs. Clinton is almost always in it; it's just her nature to be in it. And the swarms of Democratic Party apologists, hacks, cranks, and office-holders have made a profession out of getting into that mood. These days, they spend virtually all their time making moralistic diatribes against people who worry about Clinton's lack of morals.

This form of puritanism is no more charming than any other, but the "news" media seem to like it, and it has now grown bold indeed. Clinton's friends now regularly assert to unobjecting (because totally uninformed) purveyors of "information" that what Clinton did — whatever it was — is nothing more than what "most other presidents have done,"

and that anyone who claims to doubt it is either an ignoramus or a horse-faced hypocrite. Certainly this is puritanism twisted like a pretzel, and it's just as empty as a pretzel, too.

The only presidents whose private morality was demonstrably on a par with Clinton's were Harding, Kennedy, and Lyndon Johnson. Harding and Kennedy liked women and indulged their liking; they had charm. Lyndon Johnson liked Lyndon Johnson; he had as much charm as is usually possessed by people who express their sense of themselves by

He likes Monica. He likes women. He likes to have sex with women, even when he knows they're the kind of women who talk.

making their advisors confer with them while they're on the toilet, taking a shit. If Johnson had sex with anyone in the White House, I don't want to know about it. But it certainly would never have occurred to Johnson, much less to Harding or Kennedy, to get self-righteous about his back-room escapades.

The other presidents whose names we hear dropped by Clinton's New Age Puritans are Washington, Jefferson, Grant, Franklin Roosevelt, and Eisenhower. (You don't hear so much about President Nixon, who lied to the American people and was *forced out of office* by such Democrats as the current Mrs. Clinton.) None of these people is accused, by the way, of having his cock sucked in his office in the executive mansion, then mobilizing every resource at his command to conceal his indiscretion, meanwhile berating the country for its wicked belief that this could possibly have happened.

But let's just go down the list of supposed sinners, and see what we find.

A few people like to say that Washington had sex with his slaves. They say this because he was a slaveowner. There is no other evidence.

There is evidence — inconclusive, to say the least of it — that Jefferson may have slept with one of his slaves.

The charge against Grant is that he naively presided over a corrupt administration, not that he was personally corrupt.

The charge against Franklin Roosevelt is that he "had mistresses" or "had affairs." He did have at least one extra-

marital affair before he became president. While president, he may have had another, or polio may have rendered him incapable of having one. There were sexual attractions, certainly.

Eisenhower is charged with having had an extramarital affair before assuming the presidency. There is no conclusive evidence of this.

From a political point of view, most presidents of the United States, like most presidents of anything, have been second-rate or worse. From the point of view of traditional morality, they have been surprisingly good. This is partly because they have needed to win political support from what has been, until now, a highly religious constituency. Running for president in 1912, Woodrow Wilson heard a *fifth-hand* rumor that he was implicated in an action for divorce. He was really scared. "The mere breath of such a thing," he wrote, "would, of course, put an end to my candidacy and to my career. It is too deep an iniquity for words." The rumor was false.

Morality, of course, is not to be equated with sexual abstinence, nor is character to be equated with charm. Some presidents who had very modest gifts of statesmanship, or charm, still had very considerable strength of character. President Grant, who after leaving the White House lost all his money in a business deal, spent the rest of his life writing his memoirs so that his family would be provided for when he died. Tortured by cancer, with only a few days left to live, he finished the book. And it was a real and important book, not just "memoirs."

On September 6, 1901, President William McKinley stood shaking hands in the Temple of Music at the Pan-American Exposition in Buffalo, New York. While McKinley was absorbed in this political exercise, an anarchist named Leon Czolgosz stepped forward and shot him twice. McKinley collapsed in excruciating pain, but when he saw his assailant being beaten, he roused himself to say, "Go easy on him, boys"; and a second time, "Let no one hurt him." McKinley died a week later. His last words were, "Good-bye all, good-bye. It is God's way; His will be done." That took some guts.

But the story that I most often recall when I hear the blithe discounting of Slick Willy's slickness (and there's nothing else to him; there is nothing else) is a little anecdote of President Taft. Taft was not a good president, but he was a good man. He was asked, on one occasion, to do something that was not quite criminal, but not quite reputable, either. "Oh no," he said. "I couldn't do that." □

Curiouser and Curiouser — As the House Judiciary Committee staggered across the goal line with its case for impeachment of the president still clutched in its clammy paw, Democrats both within and without the committee continued a futile defense. Futile — but bold. Even brazen. And peculiar. Very peculiar.

The Democrats argued that their president had done evil, evil things, and that he must be given a punishment he'd never, never forget: he must be censured! And they argued that there was no good evidence that he had ever done anything that was *really* wrong: he must therefore never, never be impeached! Confronted with the Special Prosecutor's evi-

dence against the president, they dismissed it out of hand; invited to produce their own evidence to acquit him, they declined. It wasn't *their* job to deal with facts!

A strange collection of arguments. And notice: these arguments were not delivered with shame and hesitation; they were delivered with apparent pride, with the constant implication that anyone who did not buy them must be suffering from some hideous moral deficiency.

If you needed any more evidence of the intellectual demise of the Democratic Party, this is it. Now what we need is some evidence of intellectual life in the Republican Party.

—Stephen Cox

Panegyric

Conservative Suicide

by Richard Kostelanetz

American conservatives took a grave risk when they decided to focus on the scandal of Bill Clinton's "inappropriate" relationship with Monica Lewinsky. They must have known that this dalliance had no effect on foreign policy, economic health, or anything else politically important. The initial conservative hope, I assume, was that merely the suggestion of something improper would either prompt Clinton to resign "in disgrace" or rouse the offended American public to storm the White House. Or something. One implicit motive was revenge for the early departure of Richard Nixon from the White House a quarter century before.

What happened, instead, is that the mass media prospered with salacious revelations, all under the guise of impartially presenting "the news." Kenneth Starr and his cronies became shills for the mass media, getting publicity for themselves by giving publishers and broadcasters "what they want" (which has always been the literary definition of "selling out"). One result, however, was that Americans — and children in particular — heard frequently and in detail about the kinds of experience from which conservatives traditionally wanted to protect us. Media watchdogs they weren't.

Conservatives raised the ante with publicizing yet more salacious anecdotes, perhaps too desperately desiring revenge, only to discover that trashier revelations had little effect, as Clinton usurped Ronald Reagan's title as the "Teflon President." Simply by staying in office, blithely ignoring calls for his impeachment, Clinton won the world-class street fight and, to my mind, displayed exemplary heroism by functioning somewhat presidentially in the face of such a rapacious and vulgar onslaught. (How many of us could be so strong?)

To my mind, this conservative support for publicly exposing Bill Clinton's modest sexual indiscretions, "cloaked with the best of intentions and an aura of utter inevitability," to recall Michael Medved's phrase, has been a mistake, particularly for conservatives — a grievous deviance comparable historically to American liberals' excuses in the 1940s for Stalinist Russia. Each error was profoundly wrong, given the aims of liberalism on one hand and conservatism on the other, both errors prompting other unfortunate compromises. Just as supporting Stalinism was illiberal, so the dissemination of smut is unconservative. In both cases, there was a reluctance, a sorry tardiness, to realize not only that a thoughtless enthusiasm could bring undesirable effects but

that yet more blind enthusiasm could be disastrous.

Just as liberals should have known by the 1940s that Stalinism was scarcely liberal, so intelligent conservatives should have learned by 1998 (six years after Gennifer Flowers's appearances on national television) that Bill and Hillary Clinton would overcome allegations, even fairly persuasive allegations, of extramarital sex. Indeed, given the recent conservative enthusiasm for non-marital sexual "outercourse" over intercourse, they ought to have certified Clinton's modest heterosexual style (unless of course hypocrisy about this distinction was meant to be understood). As long as a majority of Americans support Clinton's presidency while deploring the mass dissemination of sleaze, conservatism has been hoisted by its own opportunistic petard.

The biggest fools, of course, were the aggressive congressmen with sexual skeletons in their pasts, discrediting not only themselves but the attack on Clinton with their own reticence about similar sins. What they forgot in their chutzpah was any fear that breaking the traditional taboos against journalistically exposing politicians' private lives would eventually apply to themselves. The classic slang for their fate is comeuppance. The truth temporarily forgotten is that seduction is what politicians do, whether of voters or groupies; circumspection is not among their virtues.

William Styron attributes to the late French President Francois Mitterand this remark: "I don't know a single head of state who hasn't yielded to some kind of carnal temptation, small or large." What is true for chiefs of state is likewise applicable to the heads of any institution bestowing charisma, whether universities, churches, and sexy corporations (such as movie studios and publishers, say, but not trucking companies). According to Styron, Mitterand to that first truth added a critical corollary: "That in itself is reason enough to govern." What is dumb is not the discovery of such indiscretions — certainly not if such discoveries help sell newspapers — but professions of shock and, worse, surprise.

It follows that American conservatism will forever be discredited unless it initiates a purge of everyone collaborating in bringing the sleaze of Starrgate to America — the Schlockmeisters subjecting children in family hours to detailed smut that, to repeat, conservatives purportedly claim should be kept from innocent eyes and ears at all costs. Just as American liberal institutions in the 1950s had to exclude Stalinists to survive, so must conservatives purge the subversives among them. Only conservatives can initiate this

cleansing, as liberals have an interest in letting the Schlockmeisters run amok, much as McCarthyites, a half century ago, needed support of Stalinism by some liberals to justify themselves.

I find it hard to explain how cultural conservatives can object to National Endowment for the Arts grants of a few thousand dollars apiece to certain artists who have no more than several thousand fans while giving millions of dollars of public funds to Kenneth Starr and his associates to pollute the mass media. Is it sufficient that Starr was thought to be conservative or that he had received a patronage appointment from Ronald Reagan? Remember that true

American conservatism will forever be discredited unless it initiates a purge of everyone collaborating in bringing the sleaze of Starrgate to America.

conservatism depends on claiming a moral Higher Road over economic or personal interests.

While conservatives frequently ask that the government "be run like a business," with a stricter accounting of costs and thus an elimination of waste, I find it hard to imagine that the directors or stockholders of an otherwise successful corporation would waste more than a few minutes debating the propriety of its chief executive's consensual carnal relationships with assistants. Similarly, it is hard to imagine the contributors or subscribers to this magazine worrying about similar indiscretions by its publisher or editor. Quite reasonably, we wouldn't want to waste his valuable time with such distractions. (Consider this an argument for the benefits resulting from privatizing the entire government.)

Harassing a president for increasingly minor infractions also sets a dangerous precedent. Whereas Nixon condoned

pre-electoral dirty tricks and Jimmy Carter undermined the economy, all with "the best intentions and an aura of inevitability," the current chief got several blow jobs. Were Clinton removed for this indiscretion, you could wager that the next Republican President would be persecuted for something like jaywalking and, then should he deny it, for lying about jaywalking, as if perjury about deviance so mundane were a monumental sin.

One subsidiary benefit of a conservative purge might be eliminating from public life the America-haters who under the banner of conservatism have terrorized our cultural life these past few years. I first encountered these subversives at the cultural endowments in the mid-1980s, where they made with smug enthusiasm decisions implicitly intended to embarrass America, as in withholding funds from internationally recognized work or vociferously revoking grants to mildly provocative artists. I'd been a guest artist in West Berlin a few years before and knew not only about the need for strength in the East-West cultural competition but about dubious characters functioning as double agents, their enthusiasm covering insidious subversion. I could imagine Linda Tripp, a veteran Washington operative, as a double agent/provocateur embarrassing conservatives while exploiting their desires for revenge. Since the "conservative" America-haters weren't thwarted then, they simply moved on and up in the Republican hierarchy once then won Congress while Clinton took the presidency. Any move that makes America a laughing stock whets their appetite for more subversion.

I hypothesized decades ago that, in the wake of Alger Hiss's arrest, KGB subversion worked in America to penetrate not liberal Democrats but Republicans who called themselves conservative, much as the East German external spying recruited people employed by Christian Democrat West German administrations, the assumption being that the press was prepared to uncover only those subversives who called themselves leftists. Why conservatives hate America I can't explain, nor can I tell whose interests they now serve; but exist they surely do.

What did you do during the impeachment, Daddy? — One of the reasons that I rejoice in the fact that

I am not an attorney is that if I were I might be called on one day to defend a lowlife like Bill Clinton. I recalled this fact on December 8, when I witnessed the following exchange between the Hon. Mary Bono, Member of Congress, and Gregory Craig, Attorney for the Perjurer-in-Chief:

Mrs. Bono: Mr. Craig, do you have small children at home?

Mr. Craig: I do.

Mrs. Bono: What do you tell them? How do you explain to them that your president has lied and it's okay?

Mr. Craig: Oh, it's not okay to lie, Congresswoman. I say that it's the most important thing in the world to tell the truth all the time.

Mrs. Bono: The whole truth and nothing but the truth?

Mr. Craig: The whole truth and I tell them that one of the reasons the president is in such trouble is that he didn't. He misled the American people, he misled his family, and he misled his colleagues and that is wrong and the president should have made full disclosure earlier and he did not and

that was wrong and that's a very important lesson . . .

When I saw this, my first reaction was: Oh my God, this guy is spin-doctoring to his own children! "Misled"? Failed to make "full disclosure"? He's so used to piling on euphemisms to mitigate the president's manifest guilt that he's even doing it with his own children!

But after I prepared a transcript from my videotape, another thought occurred to me. The first part of his answer was: "The whole truth and I tell them that one of the reasons the president is in such trouble is that he didn't." This, I believe, is the first and only time one of Clinton's attorneys has admitted in public that his client didn't tell the truth.

As I read over the transcript, I figured out what had really happened: he let slip the fact that he believes the president didn't tell the whole truth — in other words, that he had violated the oath he had taken. Embarrassed by his gaffe, he did what he was sent to Congress to do — obfuscate, euphemize, spin — in hopes that no one would notice his admission.

—R.W. Bradford

My moral judgment is that if conservatives didn't understand in advance the possible risks of polluting American media, they have succumbed to a thoughtless self-righteousness, which is precisely the sort of sin that conservatives are forever attributing to liberals. Only conservatives

can protect America from subversives who claim (or pretend) to be conservative. Only when such "conservative" subversives are purged will the general public feel more secure that conservatives can be trusted not to serve so generously descriptions of "inappropriate" behavior to their children. □

A Tale of Two Hearings — I enjoyed one of the best-spent summers of my youth in front of the TV, watching Sam Ervin and the members of the US Congress investigate the Watergate mess. Heroes, villains, and the American Way; the next summer I had to read *The Lord of the Rings* to get a comparable high.

A few years later, however, I had lost some innocence, and had at least gained the confidence of a newborn nominalist. A teacher asked what the history of the Watergate affair "proved." I responded, much to my teacher's ire, that "History proves nothing. *Historians* prove things. What does Watergate teach us? That the media can whip up enough interest in the American populace to start legal proceedings that forced a dishonest and criminal president out of office."

What I wrote, my teacher impatiently instructed me in front of the class, was vacuous. I had merely restated the events. He was much more pleased when a more dutiful student hazarded that "It proved that the American system works." I confess to being a bit embarrassed for that student, and for my beaming teacher. Their ability to concoct an oh-so patriotic spin on the events seemed to me almost indecent. Yes, the Constitution creaked on. But what would have happened if it had been a Republican congress in the majority at the time?

Now, over 20 years later, I watch another set of hearings on TV. There are eerie similarities, and some striking dissimilarities.

Once again, it seems obvious that the president of the United States obstructed justice, in this case by lying under oath. It also seems certain that he mounted a campaign against one or more of the witnesses, but that this was fairly quickly aborted by some interesting turns of events. The charge of perjury seems apt, and the arguments to the contrary are so silly that it took the superb bearing of White House Council Ruff to make the defense seem not worthy of dismissing out of hand. His defenses are only worth dismissing after careful consideration.

Once again, the moral character of a president was revealed for all to see, and the character was found wanting.

But this time, a lot of politicians were defending the president, even after the crimes and the failings and the vacuity of soul had become common knowledge. Not surprisingly, they are nearly all Democrats.

The spectre of partisanship that, in my youth, had exercised my mind as a possibility, now shows itself in full flower. I do not remember any Republican congressman behaving with the ignobility of, say, Barney Frank or Maxine Waters. Frank may still be fun to watch, but his scattershot arguments in defense of Clinton are more amusing than convincing, while Waters's performances have been almost uniformly idiotic, proving herself only as the designated toady, wholly without shame. Unlike in 1974, in this round I often must turn the TV off, simply to avoid watching supposedly

respectable individuals behave despicably. It is almost embarrassing to be a human being while watching certain members of Congress.

And then there are the cases of fantastic stupidity. A commentator on PBS even went so far as to notice a deterioration in the intelligence and competence of the members of Congress since 1974. I believe him to be right, though there is no way I'm going to sit through the whole of the hearings to justify the claim. But rest assured, stupidity in the House clearly crosses party lines.

As I write, the House is contemplating the awesome task of deciding to impeach the president. *Liberty* will go to press before they vote, and be in the mail afterwards. I await the outcome with curiosity, but no sense of urgency. Not much rides on impeachment.

If Clinton is impeached, the trial before the Senate would certainly be interesting, and, I hope, more dignified than the proceedings in the House. But to do such a thing requires some moral high ground, and the Republicans have always had a problem striking the right moral note. Can they convince enough Democrats to offset the defecting moderate Republicans? I have no way of knowing. Can the heinous nature of lying under oath be communicated to the jaded American public? I am skeptical. And an impeachment without the lesson would be hollow. (Because the event itself will not teach Americans much of anything.)

If the House fails to impeach our Liar in Chief, no tragedy would occur. The Constitution does not require that the House impeach a felonious president; it merely offers the House an option to do so. Americans seem quite willing to let Clinton's crimes go unpunished. Americans know that politicians are liars, and they had every reason to believe that Clinton liked sex with women other than his wife when they elected him.

Impeach or no, the real losers will be feminists, and those individuals who like to make much of their standing as being "for" women (in ways quite different than Clinton being "for" women). Feminism's most recent cause has been the "date rape" and "sexual harassment" laws, and the lack of dedication to the sanctity of the working of one of those cases — against the president of the United States — by congressional Democrats, feminists in general, and by the American people at large, shows that the days of feminist ascendancy are over.

And if the Democrats win, and Clinton is left in office, either by the Senate or a House that fails to impeach — well, that victory will likely be pyrrhic: for the young kids watching will likely draw their own lessons, conclusions at variance with the repeated charge by the Democrats that the Republican investigations were somehow inappropriately "partisan." But it is the Democrats who seem most "partisan" here, unwilling to repudiate one of their own.

—Timothy Virkkala

Report

A Weekend in Pittsburgh

by *Ralph R. Reiland*

Gay rights activists and the Labor Party create socialism in one city.

It was one of those curious weekends in Pittsburgh, a bona fide flashback to the '60s. A 12-foot tall Statue of Liberty was floating down Liberty Avenue, complete with an intravenous drip in her arm. The message? "America Is Sick!" At around the same time, four gay men outside the Westin William Penn were talking about not selling out to corporate America. It was Pittsburgh's double convention weekend — for the Gay, Lesbian, Bisexual and Transgender Movement and the Labor Party.

On top of parading a languishing Miss Liberty through town, Labor Party delegates demanded a world of three-day weekends, 32-hour work weeks, higher wages, better fringes, more government, free universal health care, and mandatory pensions. Marx's theorizing notwithstanding, a mandate for less work at higher pay would simply undermine America's global competitiveness, increase imports, produce greater inflation and more unemployment — like the Italian or French models, where taxes now take more than half of the average worker's paycheck and unemployment runs at four times the U.S. rate.

I asked one of the delegates, "How can labor be liberated by fewer jobs, higher taxes and more inflation?" Her answer? "We support a Constitutional amendment that guarantees a job for everyone." How simple. Something like the former Soviet Union: no unemployment, with everyone pretending to work and the government pretending to pay them. At the end of the day, unfortunately, economic reality hits when there's nothing on the shelves, nothing to distribute but equal misery.

Sorry 'bout That Penthouse

Michael Moore, anti-capitalist filmmaker and a star at the Labor conference, spent much of his time apologizing to the conventioners about his \$1.27 million penthouse in Central Park. His apologies were reminiscent of the days when China's most productive peasants were forced to repent to

the communist authorities for their unequal talent and incomes. Moore explained that he gives away half his money and still has the same wife. The penthouse, he confessed, buying the collectivist notion that it was anyone's business, "costs a boatload of money" because it's in Manhattan. By day's end, Moore had turned over \$10,000 in royalties from his latest book to the Labor Party's education fund. The money, one assumes, will be spent to teach the next generation about the evils of individualism.

At the conference of the Gay, Lesbian, Bisexual and Transgender Movement, sponsored by the National Gay and Lesbian Task Force Policy Institute, it was much the same Workers-of-the-World-Unite bluster. At the opening plenary in the grand ballroom of the Westin William Penn, hardy cheers greeted AFL-CIO Executive Vice President Linda Chavez-Thompson's condemnation of the Log Cabin Republicans, the nation's largest gay and lesbian Republican organization. Speaking of gays who dress too well and earn too much, she declared: "They should be called Split-Level Republicans," not Log Cabin Republicans, adding that they quite wrongly think that they can "go to the beach together" with their "upscale friends."

Taking the economic victimology paradigm a step further, Yale University professor Cathy Cohen proclaimed that liberation means more than "inclusion" in a system "based on repression and oppression." With Marxist unity outranking lesbian solidarity, Cohen urged the delegates to keep an eye on gay business owners, lest, God forbid, some lesbian capitalist underpay a dishwasher or charge too

much for a cappuccino.

Don't Whitenize Me

Proclaiming dedication to "a politics that's anti-capitalist but democratic," Cohen decried both the attempts to "sanitize, whitenize and normalize" gay politics and the "increasing corporatization of our national organizations by the likes of Coors and Nike." Professor Cohen's bottom line? "I am not willing to associate with queer conservatives," she proclaimed. "Shared identity does not go that far for me."

There it was, I thought, in that one grotesque statement, a straight dose of Ivory Tower bigotry, the quintessential dogmatism of leftist elitism: a black lesbian collectivist from

"I am not willing to associate with queer conservatives," she proclaimed. "Shared identity does not go that far for me."

Yale, unwilling to even associate with a fellow lesbian who might be so bold as to favor something like lower taxes or the privatization of Social Security.

How fast, I wondered, would Ms. Cohen run if she came face to face with someone like me, a straight white male capitalist, a restaurateur who sees nothing wrong with the market setting the price of kitchen help and cappuccinos.

Up next, delivering a bit more rich-bashing of his own, was Sydney Levy of the International Gay and Lesbian Human Rights Commission. He recounted how he was "shocked and actually hurt" last January by America getting all "up in arms" over a gay cruise ship that was denied landing rights in the Cayman Islands. Think, he said, of the "big sense of entitlement" among Americans, with CNN and the *Washington Post* showing up to defend the rights of "900 well-heeled men who want to stop for seven hours of diving and shopping." Where were the reporters, Levy asked, when his organization had to "move heaven and earth" to get a passport for a "sex worker" from Turkey, a transsexual activist, the intended guest of honor at a gala dinner in New York City? "The U.S. government," explained Levy, "doesn't like bringing sex workers in." In the end, the whole affair came off without an ounce of state tyranny. "The State Department," Levy said, "stamped on her passport a waiver of moral turpitude."

It went on like that, with speaker after speaker mocking corporate sponsors and fretting about how moneyed benefactors "control the agenda." Pointing to the "cost of compromise" for someone like himself for whom, he proclaimed with aplomb, "outdoor group public sex is very important," Rich Burns of the New York City Lesbian and Gay Services Center told about a "corporate funding prospect" who raised an eyebrow about a brochure that included a photo of "two guys fooling around in a warehouse." It was "a butt shot," explained Burns. "It was gorgeous!"

Meet the Straight Press

It ended with the White House's Virginia Apuzzo, Assistant to the President of the United States for Management and Administration, declaring that she hadn't

"spent 29 years of my life to become part of a market niche." God forbid that Coors or Nike might pile up even more profits through targeted marketing.

I asked a group of delegates after the speeches if they remembered anything from Economics 101. No answer. I explained that my press packet (marked "Straight Press" in sizable black Magic Marker lettering on the cover) said that the conference is about hate crimes, civil rights, and discrimination. "Why's every speech," I asked, "about capitalism?" Finally, one young man spoke up. "It was the same at Pitt," he said, referring to the University of Pittsburgh. "I joined a gay group and all they talked about was socialism." I thought he should go back and ask the group about how gays are treated in Cuba, or if they thought that the cure for AIDS would come from a socialist bureaucracy or a capitalist company.

Fortunately, not every speaker championed leftist economics. Rich Tafel, executive director of the Log Cabin Republicans, reported the results of a new survey by American Viewpoint, a Republican polling firm in Alexandria, Va., of 1,000 Americans who voted in November. Referring to a widely-reported public statement by Senate Majority Leader Trent Lott in June comparing gays with alcoholics and kleptomaniacs, the voters were asked, "Are you more or less likely to support a candidate for public office who says that homosexuals have a disease, much

With Marxist unity outranking lesbian solidarity, Cohen urged the delegates to keep an eye on gay business owners, lest, God forbid, some lesbian capitalist underpay a dishwasher or charge too much for a cappuccino.

like alcoholics or kleptomaniacs?" The results? More likely, 20 percent; less likely, 69 percent; don't know, 11 percent.

Overall, the American Viewpoint survey shows that 69 percent of all voters say they're less likely to vote for politicians who agree with Lott's statement, including 60 percent of Republicans, 64 percent of Republican women, 68 percent of Republicans aged 18-29, 60 percent of high frequency church-goers, and 51 percent of those describing themselves as "devout right."

A second question dealt with the upcoming presidential election. "Would you be more or less likely to support a Republican candidate for president who confronted the religious right, rather than pandered to them?" More likely, 46 percent; less likely, 34 percent; don't know, 20 percent. "There's nothing ambiguous about these polling numbers," said Tafel. His recommendation? The Republican leadership should get back to its economic message. My recommendation? The National Gay and Lesbian Task Force should skip the socialism and get back to its human rights message.

Leaving the conference, I thought about how Senator Lott and Professor Cohen are flip sides of the same mindset, both insulating themselves from any discordant reality, both seeing themselves as somehow uniquely anointed to judge everyone else's bedfellows. □

Alias Dr. Death

by Thomas S. Szasz

If you think Dr. Jack Kevorkian supports a person's right to die, think again.

Many people sympathize with Jack Kevorkian's efforts because, mistakenly, they believe that he wants to expand the scope of human rights to include suicide. Nothing could be further from truth. Kevorkian wants to expand the scope of medical duties and privileges to include killing persons — with and without their consent — whom physicians deem qualified to be killed.

He defines as suicide what he calls "obligatory assisted suicide," which "includes everyone who must, without exception or recourse, be put to death by a person or agency having sole jurisdiction over killing." And he calls "the killing, by the decision and action of another, of fetuses, infants, minor children, and every human being incapable of giving direct informed consent," also "suicide."

The Bill of Rights protects our inalienable rights. If we view suicide as an inalienable right, then that right needs to be safeguarded against those who regard it as their moral mandate and professional duty to use the coercive apparatus of the state to prevent people from killing themselves and to punish those who plan or try to do so. The state does this by depriving people of access to drugs useful for suicide (by prescription laws and laws against "illicit drugs"), and by authorizing psychiatrists to imprison and torture people considered to be "suicidal risks" or "failed suicides."

The Bill of Rights protects our rights by limiting the ways the government can infringe on our liberties. That idea is alien to Kevorkian. What he and most other supporters of so-called physician-assisted suicide advocate is not a right to suicide or even the abolition of coercive psychiatric suicide prevention, but the medical privilege for physicians to have the state-mandated authority to decide who has, and who has not, a "right" to kill himself with a drug prescribed for him by a doctor. That is far cry from, say, the right to a jury trial, which does not mean that lawyers have the legal privilege and state-mandated authority to decide who has and who has not such a right.

We cannot have it both ways. Either we value mental health more highly than personal freedom or vice versa: either we believe in mental illness and the virtuousness of psychiatric coercion, or we believe in our inalienable right to ourselves and the wickedness of psychiatric coercion (regardless of how it may be rationalized).

In my forthcoming book, *Fatal Freedom: The Ethics and Politics of Suicide*, scheduled for publication this summer, I discuss these matters in detail. Because of the timeliness of the Kevorkian case, I offer herewith (without alteration) a part of my comments about Jack Kevorkian's words and deeds.

Jack Kevorkian, a former pathologist, has become famous for helping scores of persons commit "suicide." Although he flaunts his contempt for physician-assisted suicide (PAS) as unworthy of the physician's concerns, the media have so misrepresented his views that, in the popular mind, he has become one of the leading advocates for PAS.

Medicide and Obiatriy

In *Prescription: Medicide*, Kevorkian emphasizes that his "ultimate aim [is] not simply to help suffering or doomed persons to kill themselves — that is merely the first step, an early distasteful professional obligation (now called medicide) that nobody in his or her right mind could savor. . . . what I find most satisfying is the prospect of making possible the performance of invaluable experiments or other beneficial acts . . . in a word, obiatriy."

The term "medicide" is typical of Kevorkian's inept neol-

ogisms. As "germicide" means killing germs, so medicide means, or ought to mean, killing medicine or killing doctors.

Obitiatry, Kevorkian further explains, "is the name of the medical specialty concerned with the treatment or doctoring of death to achieve some sort of beneficial result, in the same way that psychiatry is the name of the medical specialty concerned with the treatment or doctoring of the psyche for the beneficial result of mental health."

According to Kevorkian, death is "doctored," not patients; the doctoring is done by obitiatry, not doctors; and the subject's death is caused by a machine, not a person:

[N]o longer is there a need — or even an excuse — for anyone to be the direct mediator of the death of another who is alert, rational, and who for some compelling reason chooses to, or must, die. Performance of that repulsive task should now be relegated exclusively to a device like the Mercitron, which the doomed subject must activate. . . . medicide has now been eliminated as an ethical problem for the medical professional. . . . The device's impact on morality extends to execution chambers as well. . . . Only by using the Mercitron . . . [can] the execution be made even more humane. . . . The Mercitron can diffuse it [moral guilt] even more by eliminating entirely the need for anyone to inject anything.

By attributing self-killing to mental illness, the psychiatrist eliminates the mental patient as a moral agent responsible

What Kevorkian advocates is not a right to suicide, but the physicians' state-mandated authority to decide who has a "right" to kill himself with a drug prescribed by a doctor.

ble for his act. Similarly, by attributing the killing of the "doomed person" to the Mercitron, Kevorkian eliminates both the physician and the subject as moral agents responsible for their actions. Obitiatrists and psychiatrists both oppose "irrational" suicide: "For the first time in history, medicide would offer the objective means of distinguishing rational from irrational suicide. After all, with that option at hand, would anyone in his or her right mind 'choose' (that is, driven by panic) instead to commit suicide by other ordinary, messy, and usually violent means?"

Kevorkian identifies himself with his Armenian forebears murdered in the Turkish holocaust, yet glamorizes physician-participation in state-sponsored killing, crediting the practice to medieval Armenian scientists: "Criminals condemned to death in medieval Armenia were vivisected for the purpose of not only studying the complexity of human anatomy, but also searching for better ways of treating and preventing disease."

Kevorkian concludes: "The time is not far off when the culling of medical benefit [sic], too, from rationally planned death will denote the highest degree of morality applied to

the legal and purposeful termination of individual human lives. . . . In short, medical experimentation on consenting humans was, is, and most likely always will be a laudable and correct thing to do."

We use the word "suicide" to refer to voluntary (non-coerced) self-killing. Kevorkian uses it to denote the following types of killings:

Obligatory Assisted Suicide. This includes everyone who must, without exception or recourse, be put to death by a person or agency having sole jurisdiction over killing. . . . the executioners may or may not be legitimately empowered . . .

Optional Assisted Suicide. This is for those individuals . . . who choose to be killed by another as the preferable of only two almost equally unpleasant alternatives. . . . [such as] the forebears of Christianity in ancient Rome . . . Obligatory Suicide. . . . The ritual suicide of suttee in India . . . fits this category. . . .

Optional Suicide. For persons who are in no way afflicted by illness but have arbitrarily and irrevocably decided that they must die . . .

Suicide by Proxy. This category encompasses the killing, by the decision and action of another, of fetuses, infants, minor children, and every human being incapable of giving direct informed consent.

Abortion, infanticide, judicially authorized execution, and gangland killing are all instances of "suicide."

Satisfied with that classification, Kevorkian states: "The above list of categories encompasses all potential candidates for the humane killing known as euthanasia, by others or the self."

Not Who You Think He Is

Despite his clearly expressed opposition to suicide and support for involuntary medical killing, many people think that Kevorkian defends the individual's right to suicide. A psychologist even identifies him as an "exponent of Hume's position."

To the press and the public, Kevorkian represents his activities as a medical obligation. He tells a reporter for the *Detroit News*: "There was a patient suffering. . . . I'm a physician. . . My duty is to this patient."

However, Kevorkian is not, and never was, a practicing physician. He was a pathologist. His "subjects" were cadavers. By the time he began to practice obitiatry, he was a retired pathologist.

Kevorkian maintains that because he has a medical degree he has a right to help suffering patients commit suicide; that suffering patients have a right to suicide with his assistance; and that he does not help anyone to commit suicide. In one of his court appearances, his lawyer Geoffrey Fieger asked him: "'Have you ever wanted a patient to die?' 'Never,' Kevorkian said . . . '"

In another court appearance, Kevorkian "branded his accuser, the Oakland County prosecutor Richard Thompson, 'a lying psychotic' . . . [and] denied 'he has ever assisted in a suicide.'" Fieger, too, maintains that "all Kevorkian does is 'engage in the relief of human suffering.' . . . 'I am not aware that he [Kevorkian] has ever been present at any suicide. He has sometimes been present when people have ended their

ERRATUM

The January 1999 issue of *Liberty* featured an article by Thomas Szasz ("Facing Up to Coercion") in which Dr. Szasz's byline was deleted. *Liberty* regrets the error.

continued on page 45

Clinton's Race Initiative: Not Too Swift

by Michael Drew

The business of America is . . . talk.

Fifteen months, 1,400 dialogues and \$5 million later, the White House traveling road show on race relations suddenly appeared at the finish line like a little tortoise, all but forgotten in the din of Monica Mania this past September. President Clinton gratefully took the opportunity to deflect attention from unwelcome reports about his misdeeds by receiving with public fanfare the final report of his pet Initiative on Race, "One America in the 21st Century: Forging a New Future."

A warning to our readers: the material contained in this document is considerably less salacious than the Starr Report.

Even leftist critics complain of "hundreds of pages of verbiage that say nothing and lead nowhere." There appears to be some confusion between the purported mission of the president's Advisory Board — to "promote a constructive national dialogue to confront and work through challenging issues that surround race" — and this rambling monologue on "how America's history of slavery and racial exploitation has helped to set the stage for the framework of racial hierarchy, discrimination, and domination with which we now contend as a nation."

For millions of federal employees who sit through the ubiquitous Special Interest History-of-the-Month presentations held during work hours each year, there's not much new here. For the rest of you, this latest edition of "the long legacy of mistreatment" ranges from a contemporary account of U.S. atrocities in Mexico in 1848 to the present problem that "Even today new immigrants . . . continue to be perceived and treated as foreigners." (While this is undoubtedly true, it's worth noting that the Oxford American Dictionary defines *foreigner* as "a person who was born in or comes from another country.") In a similar vein we learn that "West Indian, Haitian and African immigrants are more likely to be identified or treated like blacks." Considering that they *are* black, this phenomenon is also likely to continue.

Once we've fully absorbed our "history of legally mandated and/or socially and economically imposed subordination to white European Americans and their descendants," we're ready for such light fare as "Searching For A New Language Of Diversity" and "Racial Designations Are Becoming More Complex." The latter cites recent trends in racial intermarriage as being "important for two reasons. They measure social interaction between persons of different races [duh], and they complicate the way the offspring of these marriages may identify themselves by race. The U.S. Census has only recently allowed individuals to identify themselves by race using more than one racial category. It remains to be seen how offspring of racial intermarriages will identify themselves."

Okay, so it's not up there with Monica flashing her underwear — we warned you. A less amusing aspect of this inane racial name-game may be found in the recent Office of Management and Budget's (OMB) *Regulation Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*. Due to popular demand, the category of "Asian/Pacific Islander" will now be split into the two distinct categories of (you guessed it) "Asian" and "Pacific Islander." It seems the Native Hawaiians were tired of being stuck in the same old box with Asians on the federal reporting forms, but indicated they wouldn't mind moving into the American Indians' box since Native Americans are considered "indigenous" people like themselves. Alas, it turns out the Indians didn't want the Hawaiians or other Islanders moving into their box at all (it's all there in the Federal Register, folks).

Like King Solomon before them, the wise Office of Management and Budget finally offered to cut the box in two, resulting in our new separate category for "Native Hawaiian or other Pacific Islanders."

What the little-known government Interagency Committee for the Review of Racial and Ethnic Standards doesn't advertise is that even one such category change will cost unknown millions of dollars to modify the hundreds of existing federal, state and local computer systems and certification forms needed to "correctly" report racial/ethnic participation data to their federal funding agencies.

The report said that "West Indian, Haitian and African immigrants are more likely to be identified or treated like blacks." Considering that they are black, this seems likely to continue.

Furthermore, the prospect for continued bifurcation and redefinition of racial types is now unlimited in an atmosphere that encourages all groups and subcultures to stand up and be counted (differently). Indeed, the new "Pacific Islander" classification is largely the result of a Hawaiian contingent's direct mailing of some 7,000 pre-printed yellow postcards lobbying the OMB for their very own category during the regulatory comment period. We haven't seen this level of obsession with racial classifications since the little Austrian guy with the mustache and the bad temper went on his tour of Europe a few years back. This is "One America"?

As for what we may expect down the road, "Topics for Further Research" by OMB include "(1) multiple responses to the Hispanic origin question and (2) an ethnic category for Arabs/Middle Easterners." In case you're puzzled by the need for item (1), here's the scoop: "Allowing individuals to select more than one response to the ethnicity question would provide the opportunity to indicate ethnic heritage that is both Hispanic and non-Hispanic." (Got that? If so, you may be eligible for federal employment!)

But hey, talk is cheap — what about action? In presenting the Advisory Board's recommendations for change we must briefly return to the Introduction: "No other president in the history of this nation has had the courage to raise the issue of race in American society in such a dramatic way." (So much for the Emancipation Proclamation.) "The bold step that you, the vice president and the first lady have taken is making an enormous difference in bringing us closer to becoming One America in the next century."

Here are some of the board's bolder recommendations:

Establish a permanent "President's Council for One America." "The priority of the Council would differ dramatically from those of the Civil Rights Division at the U.S. Department of Justice, the Equal Employment Opportunity Commission (EEOC) and the U.S. Commission on Civil Rights." Its stated goal is that "The president should continue his commitment to racial dialogue so that it is institutionalized" (hopefully before he is).

Increase the civil rights enforcement budget. "We urge

the president to build on the FY 1999 budget proposal [an increase of \$86 million, the largest in nearly two decades] and propose additional funding increases in FY 2000." Why are these increases needed? Because the EEOC was forced to operate in 1997 with "only 2,680 full-time staff" to process discrimination complaints. Their counterparts at the Department of Education's Civil Rights Office are even worse off, with only 681 full-time staff.

Improve data collection on racial and ethnic discrimination. See above for efforts already underway as well as future research in this area by the OMB.

Strengthen laws and enforcement against "hate crimes." Presumably this is to distinguish them from the usual "love crimes" of murder, rape and robbery. The report claims that "Hate crimes are far more destructive than other criminal acts . . ." Tell that to the families of this year's estimated 20,000 plain old murder victims.

Support supplements for small business administration programs. "Such financing is critically important; many, if not all, of the clients for such programs have damaged or limited credit histories that prevent them from seeking funding from regular lending institutions or from the Small Business Administration." Call us if you've got *bad* credit — call us if you've got *no* credit!

Hold a presidential event on stereotypes and what can be done about them. This could be expanded to include workshops on sex addiction and compulsive lying. You

The report calls for federal action to help solve the documented problem that black children are not read to, or taken to the library, as often as white children.

know, those who criticize this report as being too dry or pedantic may have missed some of the subtle humor of its authors, such as: "Our ability as a nation to be credible and effective moral leaders around the globe rests largely on our ability to exercise moral leadership within our own borders."

Eliminate racial stereotypes in policing and diversify law enforcement. The report points out significant "differences in the rates of arrest, conviction and sentencing between whites and minorities and people of color." Perhaps we could implement a program for the speedy arrest, conviction and sentencing of appropriate numbers of *each* group, thereby eliminating these disparities as quickly as possible.

Enhance education and promote the benefits of diversity in K-12 and higher education. On this point "The Board is concerned that the rejection of bilingual education is another indicator of the growing backlash against newcomers to America." Again we see a chronic tendency to evaluate every action through the lens of hurt feelings and rejection rather than the question of its effectiveness. For example, the reason the mostly white middle class Peace Corps uses single language "immersion" rather than bilingual training is very simple — it works. (But then, maybe this is a form of backlash against people *leaving* America.)

You may be wondering: "What about affirmative action?" Ah, yes. One of the more remarkable achievements of the Initiative on Race was its comprehensive dodging of this bellwether issue in race relations. You see, Clinton wants to "mend it, not end it," and nobody wants to have to explain what that means. Thus his Advisory Board refused to place affirmative action on the agenda of their public "dialogue" early on, leading to a celebrated walkout by University of California Regent Ward Connerly — the chief advocate for State Proposition 209, banning racial preferences in California's hiring and admissions. As a result, the term "affirmative action" cannot even be found in the table of contents of the report — much less the official recommendations — but is buried in an "Other Issues" section in the final chapter. Here, after a dull recital of legislative history on the subject and the observation that "this is an area in flux," they finally come out and say it in the small print: "Affirmative action continues to be a critical and necessary tool for overcoming past discrimination, eliminating disparities in education, and moving us toward the goal of One America." Evidently they're neither mending it nor ending it, but they do add a footnote on UC's highly publicized rejection of 800 black and Latino students with 4.0 grade point averages in 1998. (No mention is made of the 6,200 other high-school students with 4.0's who were also rejected in the same year, a fact later cited by Connerly in responding to press reports on the subject. Instead it's quickly on to "Police Misconduct" and other items of interest.)

In a typically "diverse" panel discussion on the Jim Lehrer News Hour (with two African-Americans, one Asian and a Latina), Professor Roger Wilkins of George Mason University commended the Clinton Advisory Board for covering "nearly every base they need to cover; I approve of it all." But he complained of the lack of direct government action when "we've got kids in inner cities . . . black kids particularly, who are being destroyed in very large numbers" and our prisons are full of "kids who have been abused as children . . . [and] . . . young people who can't read." One wonders if Professor Wilkins has ever made the connection between that crisis and a long-standing direct government action known as Aid for Families with Dependent Children, a program that began as a simple attempt to help several thousand deserted women during the Dust Bowl era but evolved into the primary vehicle for enabling women to create families without a father in the home — a direct cause of the social catastrophe in our cit-

ies today. What do they want to try next? Incredibly, the report calls for federal action to help solve the documented problem that black children are not read to, or taken to the library, as often as white children.

Of course, Clinton has already used the occasion of his One America press conference to announce a new billion-dollar loan set-aside exclusively for women and minorities — compliments of the Small Business Administration. Make no mistake about the timing of the message here; it's still business as usual.

They really don't get it. Despite the Clintonesque doublespeak in the title of his initiative, "One America" can never be realized so long as we continue to foster more than

Despite the Clintonesque doublespeak, "One America" can never be realized so long as we continue to foster more than one standard of school performance, more than one category of loan applicant, more than one definition of discrimination.

one standard of school performance, more than one category of loan applicant, more than one definition of discrimination. We might generously give our friends on the Race Advisory Board and their supporters a B-minus in history (given the factual truths of slavery, the incarceration of Japanese-Americans, etc.) but they get a D-minus in psychology.

All of this isn't to say that talking about race is a bad idea by any means. We should most certainly talk more often, and more frankly, than we do now. Judging from the fruits of this blatantly rigged "dialogue," however, such interaction would probably best be accomplished: 1) in our own spare time, and 2) well out of the glare of the ideological searchlight of this (hopefully temporary) presidential commission.

We close with the words of the Commander-in-Chief himself, spoken on the day he launched his One America Initiative back in 1997: "If we do nothing more than talk, it will be interesting — but it won't be enough."

Sorry, Bill, but it wasn't even interesting. □

"Alias Dr. Death," continued from page 42

horrific suffering."

As the number of suicides acknowledged to have occurred in Kevorkian's "presence" increased, the press lost interest in him. In June, 1998, in an evident bid for fresh publicity, Kevorkian enacted the dream he had announced in *Medicide*, "the culling of medical benefit . . . from rationally planned death."

After helping a 45-year-old quadriplegic man to die, an unnamed person or persons removed the man's kidneys, and Kevorkian offered them to any transplantation team that wanted them. None did.

Addendum, December 1998: Res ipsa loquitur. □

ERRATA

In the January *Liberty* we incorrectly reported that Oregon voters passed an initiative making possession of small amounts of marijuana a Class C misdemeanor (p. 17). Thankfully, Oregonians voted against the initiative. We also reported that the Libertarian Party gained ballot access status in New Mexico and Vermont and lost ballot status in North Dakota (p.16). In fact, the Libertarian Party lost ballot status in South Dakota, not North Dakota, and achieved major-party status in New Mexico and Vermont, making it eligible for the primaries in future elections.

Pinochet Reconsidered

by Karen Araujo & John Cobin

Have the Redcoats arrested the George Washington of Chile?

Few wars can be called just from a classically liberal perspective. Like America's war for independence, however, Chile's struggle against the communists was a just one. The revolution in Chile was an act of self defense against legal looters and armed bandits. As is inevitable in any war, errors were made and innocent lives lost. But despite its mistakes, the Chilean revolution led by Gen. Augusto Pinochet left a positive legacy: a free and prosperous economy and stable republican institutions. This is the context in which the British arrest of General Pinochet must be judged.

When Pinochet took over, chaos ruled. Salvador Allende had been elected president in a three-way election, in which he won a minority of the vote, and immediately set about making himself into the dictator of a socialist country. There were reports of Allende cohorts killing dozens or even hundreds of people in the countryside. He was stealing and nationalizing private property. Inflation skyrocketed to 1,000 percent during his 1,000 days of rule. Hunger plagued much of the population, especially those who were not "in" with the socialists. During Allende's rule, it was not uncommon to see people without shoes.

Hector Hevia, a Chilean professor who lived through those turbulent times, recalls, "You had to wait in line for hours to get a piece of meat you could not eat." By July 1973, Allende had centralized control of nearly everything. He went so far as to replace the top two men in every firm with a bureaucrat. In short, Allende was destroying people's lives, and Chileans had a right to defend themselves against him.

At the time, Chile was a battleground in the Cold War between the United States and the Soviet Union. President Allende showed his true colors by calling for total power for the workers and by undertaking action to socialize the economy with the help of the Cubans and Soviets (both of whose embassies in Santiago overflowed with personnel). Armed groups of the left and the right were taking over the streets. Civil war was imminent. Massive demonstrations called for

Allende's resignation. On August 22, 1973, the Chilean chamber of deputies passed a resolution of censure against Allende. Congressional deputies condemned him and his government for violating the constitution and the law in order to "institute a totalitarian system absolutely opposed to the representative system of government that the constitution establishes," and called on the military to intervene.

On September 11, the Chilean military ousted the Allende government. In less than 24 hours, the armed forces had consolidated control of the country. But the Marxists did not retreat quietly into the night. They reorganized and regrouped and continued to fight the government. During the immediate aftermath of Allende's ouster, Pinochet's forces likely killed some innocent people. In the tense early period of the military regime, some of these deaths resulted from civilians falsely accusing others of being armed leftists in order to settle private scores. But most of those killed by the military were part of the armed left.

According to the report of the respected Rettig Commission of the democratic Aylwin government, there were 1,173 deaths, including military personnel, both during the revolution and in its aftermath, from September to December 1973. The Rettig Commission reported a total of 2,033 deaths perpetrated by the military during the 17-year military regime, and 265 deaths of military personnel, civilians killed by terrorists, and deaths due to general political violence. The deaths are undercounted for both sides, and the number of people who disappeared are included in the total.

The majority of those killed — 63 percent — were mem-

bers of Marxist political parties, such as the Movement of the Revolutionary Left, an entirely terrorist group; the Manuel Rodriguez Front, entirely terrorist; the Socialist and Communist parties, both of which had armed contingents; and smaller, violent Marxist parties. Sola Sierra, president of the Group of the Relatives of the Arrested-Disappeared in Chile, herself a communist, has stated that the percentage of people killed who were affiliated with Marxist parties was actually much higher, since relatives often feared publicly to reveal the political affiliation of the dead.

All wars have social costs, not the least of which include loss of innocent life, and Chile's anti-Marxist revolution was no exception. Generals made mistakes in the heat of battle and the nature of guerrilla warfare makes the enemy particularly hard to identify.

But what would Chile be like today without Pinochet? Take a look at Cuba, where people are starving during the 39th year of Marxist dictatorship. Most Chileans feel badly that innocent people died during Pinochet's war on Marxist terrorism in Chile, and they wish such tragedies had been avoided. But those who love liberty should be grateful that Pinochet stepped forward to resolve the chaos and terror fomented by the Marxists in the 1970s and 1980s, and usher in an era of peace, a democratically elected government, and prosperity.

Western news media seldom report the terrorist activities of the communists that Pinochet fought, and Pinochet gets little sympathy in Europe or North America. Things are very different here in Chile. Most people we have talked to are uneasy, sad, and even outraged about the arrest. Recent polls put popular support in Chile for Pinochet's release at over 75 percent. Alvaro Vial, academic Vice President at Finis Terrae University, who frequently writes on Chilean political issues for the national press, said that he believes that perhaps 40 percent of Chileans would firmly stand behind Pinochet.

Whatever mistakes he made along the way, Pinochet's actions created a free republic and transformed a ruined economy into a prosperous one, to the benefit of all Chileans.

Then there are probably another 30 to 40 percent who support his return to Chile out of reasons of nationalism, if nothing else. The vast majority of Chileans want Pinochet to be freed.

Pro-Pinochet demonstrations often amass in front of the Spanish embassy. They can easily turn violent, as demonstrations in Chile often do. Accordingly, the boulevard in front of the Spanish embassy is at times sealed off and that embassy, along with the nearby British Ambassador's residence, are continuously barricaded.

As Americans living in Santiago, we see that many Chileans feel helpless in this situation. They resent it that the world does not seem to care about their views on an issue of utmost importance to them. The man who saved Chile from so much anguish at the hands of Marxists has now been caught in a snare set by their leftist compatriots in Europe.

Rather than go after the true criminals who retain power by force (Fidel Castro comes immediately to mind) the world now watches as the mighty left seeks to destroy the man who saved Chile from socialist hell.

We think Pinochet's supporters in Chile have a good point. To charge Pinochet with murder would be as unjust as charging George Washington with murdering Redcoats or with accidentally shooting a neighbor while trying to kill a Redcoat. All such revolutionaries act in self defense against an oppressive state, and thus their cause is just.

The media in the United States and in Europe have distorted the facts regarding Pinochet. He stands accused of murder and crimes against humanity, and that is the begin-

To charge Pinochet with murder would be as unjust as charging George Washington with murdering Redcoats or with accidentally shooting a neighbor while trying to kill a Redcoat.

ning and the end of the story as far as most journalists are concerned. But CNN and the international news media rarely reveal details about the terrorist activities of the communists that Pinochet was fighting. Because of their mostly leftist bias, most media do not sympathize with Pinochet, or with his revolution against armed socialists who pushed the country to civil war.

Thus, the media portray Pinochet as a senseless and brutal dictator and ignore the circumstances in which Pinochet assumed power: to prevent a bloody, protracted civil war. Pinochet, and those under his command, almost certainly were responsible for the deaths of innocent people. In the chaos and confusion of war, such tragedies are inevitable. Those outside the fray would do well to hesitate to pass judgment on the fallible human beings swept up in the vortex of war. Pinochet was not pure; no one could be, ever has been, or ever will be under such circumstances. But he surely is no Hitler.

The American Revolution itself had its share of similar tragedies. Does that melancholy fact erase the good that was accomplished — the establishment of a free society and the defeat of tyranny? Make no mistake about it: whatever mistakes he made along the way, Pinochet's actions created a free republic and transformed a ruined economy into a prosperous one, to the benefit of all Chileans.

Pinochet carried out an economic and political revolution that successively devolved power away from the state. Afterward he voluntarily stepped down from power. As part of that transition, his successors agreed to give him immunity from prosecution for misdeeds committed during the revolution. To us, this seems a reasonable arrangement; the revolution was over. Peace, prosperity, and a stable republic stood in the place of chaos, poverty and dictatorship.

Classical liberals cannot exonerate Pinochet for any true crimes he committed, but should be willing to view his deeds in the context of the terrorist war in which they were made. And we should give him credit for relinquishing

continued on page 50

Showdown at Sodaville

by Durk Pearson & Sandy Shaw

Sometimes a weed is not just a weed: it's a way for the government to steal your property.

You may remember the old rock and roll song that goes, "I fought the law and the law won." Well, maybe they just didn't know how to go about it.

There are few state and local rules and regulations that restrict the use of the land we own in central Nevada, but we still have to contend with federal regulations, most notably the Endangered Species Act (ESA). Since its enactment in 1966, the ESA has proved itself a useful tool for federal regulators intent on subverting private property rights.

While the ESA has been effective at instituting a virtual federal land-use plan (nowhere authorized in the Constitution), it has been terribly ineffective at saving endangered species from extinction. Last May, Secretary of the Interior Bruce Babbitt boasted that the delisting of 17 species from endangered status was proof positive that the ESA works. He failed to mention, however, that of the 17 species delisted, five were removed because they had gone extinct, eight because of listing errors, and four because the species never existed in the first place. In fact, the Department of the Interior recently altered its website to make it appear as if Babbitt never said anything about the 17 delisted species. Government deception? No surprise there.

While the ESA may be ineffectual, it has an aura of invincibility when invoked against property owners. Nevertheless, it is possible for property owners to fight back and win. We proved it recently by forcing the feds to back down on the proposed listing of a supposedly endangered plant on a piece of property we own.

The Milk-Vetch Kvetch

Our 160-acre Sodaville property is a beautiful place, home to trees (rare in central Nevada!), eight-foot tall grasses, and cold and hot springs. Located along the main highway between Las Vegas and Reno, it is a magnificent

oasis in the middle of the otherwise dry, sparsely inhabited, scrub-sage decorated Nevada desert. One end of our property, a 40-acre irrigated pasture, attracted the Sodaville milk-vetch, which has put down its roots by the thousands.

Unfortunately for us, the U.S. Fish and Wildlife Service picked the Sodaville milk-vetch, commonly known as the Mono Locoweed, as a potential listee under the ESA, along with some related varieties and species, and published as a proposed rule in the Federal Register.¹ This threatened both our control of our property and the Sodaville milk-vetch itself. In effect, the proposed listing would have changed it from a simple poisonous plant living in Sodaville, at peace with Sodaville's owners, into a virtual federal government agent at war with the landowners for control of their own property.

So when the proposed listing was published in the Federal Register on Oct. 13, 1996, we filed objections, based in part on the nature of the milk-vetch. Its scientific name is *Astragalus lentiginosus var. sesquimetalis*. The species *Astragalus lentiginosus* is quite common. It is in no way endangered, and no one has ever claimed that it is. Nor has anyone produced any evidence of endangerment. The Sodaville milk-vetch is a variety (*var. sesquimetalis*) of this common and widely distributed species.

That the Sodaville milk-vetch is poisonous to man and beast made its potential listing that much more outrageous. Ironically, a closely related species is even used by some people as a substitute for marijuana, according to *A Flora of California*, Vol. II, by Willis Linn Jepson, a publication of the

U.S. Fish and Wildlife Service itself. Jepson writes:

Note on the lethal qualities — The herbage of *Astragalus* contains a poisonous principle which affects the nervous system of horses, cattle and sheep and causes abnormality of movement in the animal. Sometimes the animals become uncontrollable and shy recklessly or run wildly. In extreme cases, death results. . . . Under the term Marihuana, the herbage of a certain species [of *Astragalus*], probably *A. leucopsis*, is used by native Mexicans as a [smoked] narcotic drug.

No Constitutional Authority

Our most important objections, however, were based on constitutional grounds. The federal government has absolutely no constitutional authority to regulate a plant located on private property in which there is no interstate commerce, no foreign commerce, no commerce with the Indian nations,

The Endangered Species Act has an aura of invincibility when invoked against property owners. Nevertheless, it is possible for property owners to fight back and win.

or any other conceivable "federal nexus" (as the feds call it) to bring it under their jurisdiction.

The Department of the Interior recognizes and even admits that there are limits to its regulation of endangered species. In its proposed rules on "Endangered and Threatened Wildlife and Plants; Determination of Endangered or Threatened Status for Five Desert Milk-vetch Taxa from California," the DOI states:

Critical habitat provides protection on non-Federal lands only if there is Federal involvement (a Federal nexus) through authorization or funding of, or participation in a project or activity on non-Federal lands. In other words, designation of critical habitat on non-Federal lands does not compel or require the private or non-Federal landowner to undertake active management for the species or to modify any activities in the absence of a Federal nexus.²

Such federal nexus could, of course, result from interstate commerce in the regulated species or if the landowners need a federal permit or receive federal funding to conduct specific activities on their lands. The DOI further notes that "Generally, on private lands, collection of, or vandalism to, listed plants must occur in violation of *State law* to be a violation of section 9 [of the federal Endangered Species Act]" (Emphasis added).

We made it clear that if the Sodaville milk-vetch were listed without a federal nexus, we would sue the government on grounds that the Fish and Wildlife Service lacked constitutional authority to regulate the plant.

Rush to Judgment

The milk-vetch still had not been listed in early 1998 when, on February 2, two environmentalist groups, Southwest Center for Biological Biodiversity (funded by Ted Turner) and California Native Plant Society, sued Bruce Babbitt and the U.S. Fish and Wildlife Service to force the

listing of the Sodaville milk-vetch, along with other assorted other milk-vetches.³

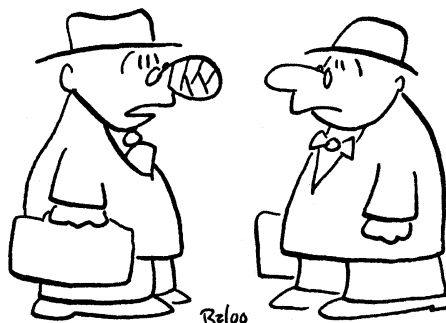
We immediately contacted the Pacific Legal Foundation (PLF), which showed interest in our case and offered to file an amicus brief on our behalf (though we would still probably have to fund an expensive subsequent suit, not a very welcome prospect). No stranger to the ESA, the PLF is already involved in a similar case in which the listing of a fly as an endangered species delayed construction of a hospital and added over \$1 million in "mitigation" costs for its construction.⁴

The PLF was waiting for the proper time to file an amicus brief on our behalf when, on May 5, the judge suddenly ruled in favor of the the two environmental groups without hearing previously scheduled oral arguments. With the case decided, there was no opportunity for the PLF to file its amicus brief. Normally it takes several months to certify the administrative record, hold settlement conferences, receive briefs, and hear oral arguments. In our opinion, this suspiciously fast decision reflected the bias of a pro-environmentalist court that did not want the PLF's arguments included in the court's record. The court order remanded the listing back to the U.S. Fish and Wildlife Service with directions to make a final listing determination on all species by Sept. 30, 1998.

We Win Anyway

But in the Federal Register of Oct. 6, 1998, the Department of the Interior published "Endangered and Threatened Wildlife and Plants: *Withdrawal of Proposed Rule to List the Plants *Astragalus lentiginosus* var. *micans* (Sodaville milk-vetch) and *Astragalus lentiginosus* var. *sesquimetalis* (Sodaville milk-vetch) as Threatened.*" (Emphasis added.) The feds called for this withdrawal, they said, because the Sodaville milk-vetch and another milk-vetch "do not currently face substantial threats."

This may be the first time that the federal government has withdrawn a proposed listing. U.S. Fish and Wildlife Service officials do not withdraw listings simply because they are in a good mood that day or because they suddenly feel sympathetic toward private-property owners. In our case, they did it because we told them we would sue them and we outlined the convincing arguments we would use. Government attorneys may not be among the cream of the crop of lawyers, but they could see that the lawsuit we promised might reach the Supreme Court, which has lately shown



"My power lunch bit me."

itself willing to limit the service's authority under the ESA, and the government lawyers knew it.

Home, Home on the Range

For the time being, then, we remain in peaceful possession and control of our private paradise, and the Sodaville milk-vetch is just another of the many interesting flora and fauna inhabiting it along with us. We have used the property for the last few years for aquaculture and livestock grazing. We plan to develop the property someday, possibly as an RV park/hot springs health spa, but the lush vegetation will remain.

1. See 57 FR 19844, May 8, 1992.
2. *Federal Register* Vol. 63, No. 193, pg. 53610.
3. Case No. 98-cv0180-K (LSP) in the United States District Court for the Southern District of California.
4. *National Association of Home Builders, County of San Bernadino, et al*,

Oh, yes, another funny thing happened. Just after the DOI published its withdrawal of the proposed Sodaville milk-vetch listing — and before we even knew about it — we were phoned by an Associated Press reporter, Scott Sonner, who had gone to considerable trouble to get in touch with us. He had been surprised by the DOI press release about the withdrawal and wanted to know how we did it. He even came out to Sodaville to interview us and see the property and the milk-vetch. The story, "Endangered Species Act Critics Claim Victory in Fight over Plant," was subsequently released over the Associated Press. □

Notes:

v. Babbitt et al, No. 1:95CVO1973.

You can download our entire seven pages of scientific and legal/constitutional objections to the listing of the Sodaville milk-vetch, dated Oct. 13, 1996, to the U.S. Fish and Wildlife Service at the Liberty website (www.LibertySoft.com/liberty/).

"Pinochet Reconsidered" *continued from page 47*

power voluntarily. Pinochet was no tyrant. Do tyrants usher in more freedom? Do they relinquish their power voluntarily? Pinochet did both.

Simultaneously, we have to recall that the "revolution" that the Marxist terrorists in the MIR, FMR, and Communist and Socialist Parties were fighting for did not have a freer society as its goal. Rather, if successful, the Marxists would have re-imposed a socialist dictatorship on Chile, which would surely have led to the kind of misery we see today in Cuba.

Furthermore, Pinochet's actions pale in comparison with those of any number of living Chinese, Cuban, and North Korean rulers in terms of human rights violations. Those leftist leaders apparently can wave their iron scepters and commit atrocities without the slightest fear of international reprisals.

What an absurd precedent Pinochet's arrest sets. Monsters like Zaire's Mobutu, Cambodia's Pol Pot, and most of the dictators of the communist countries of Eastern Europe were not harangued by world tribunals and the

press. But Pinochet, who voluntarily stepped down from office and now continues to serve his country as a member of its Senate, is arrested when he visits Britain!

It is difficult to fathom why the British government arrested Pinochet. Apparently playing off the ignorance about what happened in Chile 25 years ago, British politicians figure that they can assail Pinochet, a controversial but relatively obscure figure from a small, far-off country. They thus polish their images as patrons of virtue and guardians of the public welfare, all for the sake, not of justice, but of public approval.

The British, Swiss, and Spanish apparently think it is fine for their governments to hold Pinochet accountable for the things he did during the terrorist war regardless of the national crisis he faced that caused him to act as he did. Why don't they give him a peace prize instead for saving so many people? One could make that case more plausibly than the one for murder if one considers the net social benefits (which seems a popular measuring rod among interventionist courts driven by concerns for social justice). And this international meddling raises an important question for classical liberals: Should we support the emergence of a one-world court, which would enable the interventionist state to rule conduct on a global scale?

Those who point out the faults of Pinochet must take care lest their arguments condemn Thomas Jefferson, Simon Bolivar, Patrick Henry, George Washington, and Robert E. Lee as well. We admire Pinochet, as we admire Jefferson, Bolivar, and other champions of freedom, for the overall good that each accomplished, and the justice of the cause of fighting tyranny to which they devoted their lives. Thus, we are willing to overlook many of their errors as tragedies of history and indirect consequences of living in a world dominated by the evil and interventionist state.

Anyone who cares about the truth ought to weigh Pinochet's heroic accomplishments against the spurious claims of a biased media and self-righteous European hypocrites. In the end, whatever his faults, Pinochet has done more for the cause of freedom than all of them put together. □

Coming in Liberty

Report from the De-Constitutionalized Zone —

Thanks to the War on Drugs, *John Robey* reports, Americans who live near the Mexican border have lost their constitutional rights — and in some cases, even their lives.

The Papers of Ayn Rand — The manuscripts of Ayn Rand that Barbara Branden and Robert Hessen offered at auction were a treasure trove for scholars and a bonanza for collectors of Ayn Rand relics. *Eric Dixon* tells the story of the attempt of Rand's "intellectual heir" to stop the sale. *Bill Bradford* reports on the startling results of the auction.

... plus, Nobel economists play intellectual tennis, the war on freedom of the press still rages, Quebec struggles to secede, and liberty and anarchy: friends or foes?

Reviews

The Ayn Rand Cult, by Jeff Walker. Open Court, 1999, xvii + 396 pages.

Ayn Rant

R.W. Bradford

If there ever was any doubt that the movement that Nathaniel Branden built around Ayn Rand was a cult, it was removed by the publication of Nathaniel Branden's *Judgment Day* (1989). In this basically sympathetic portrait of Rand and those around her, one can see ample characteristics of a cult: the beliefs that "Ayn Rand is the greatest human being who ever lived, . . . *Atlas Shrugged* [Rand's masterwork] is the greatest human achievement in the history of the world, . . . that Ayn Rand, by virtue of her philosophical genius is the supreme arbiter of any issue . . . no one can be a fully consistent individualist who disagrees with Ayn Rand on any fundamental issue . . . since Ayn Rand has designated Nathaniel Branden as her 'intellectual heir,' and has repeatedly proclaimed him to be an ideal exponent of her philosophy, he is to be accorded only marginally less reverence than Ayn Rand herself . . ." (*Judgment Day*, pp 258-9).

Now there is a book devoted entirely to the phenomenon. In *The Ayn Rand Cult*, Jeff Walker provides a guided tour, but alas, he is so hostile toward Rand and those who admire her that his own intemperance comes through on nearly every page. Worse, he colors virtually every aspect of

Rand's life and the behavior of her followers so as to suggest that it supports his thesis, whether it really does so or not. And, apparently on the theory that anything bad about Rand must strengthen his case, he tosses in all sorts of material that has little or nothing to do with the cultishness of her movement, one way or another. The mere fact that something reflects badly on Rand is enough for Walker; it needn't even be credible. The result is a book so lacking in prudence that it leaves one wondering whether its author is trying to put something over on the reader.

Hyperbole abounds. In the early 1940s, Rand had a close intellectual relationship with novelist and critic Isabel Paterson. That's the nonhyperbolic fact. But Walker describes the relationship this way:

At this time, Rand played the part of acolyte within a quasi-guru's inner circle. Monday evenings when the *Herald Tribune's* Sunday book section went to press and Pat [Paterson] was going over final copy, a handful of fellow conservatives would convene in her office for some highbrow intellectual exchanges into the wee hours.

Was this really a case of a relationship between an "acolyte" and a "quasi-guru" with an "inner circle"? Or merely a group of friends with a common interest getting together for conversation? It's hard to know from the information that Walker provides,

though it is difficult to imagine Rand as anyone's "acolyte," or Paterson, a skeptic who shunned every kind of intellectual or political organization, as someone constructing an ashram.

Walker's fondness for religious terminology sometimes goes beyond mere coloration. For example, in his chronology, he writes that in 1962, "John Hospers is excommunicated by Rand." John Hospers, a prominent philosopher, had indeed read Rand's books, socialized with her, and discussed philosophy with her. He was impressed by her political thinking, but he had never agreed with other aspects of her philosophy and had in no sense ever become part of her cult. It makes no more sense to claim Rand excommunicated him than it would to say that the pope has

The mere fact that something reflects badly on Rand is enough for Walker; it needn't even be credible. The result is a book so lacking in prudence that it leaves one wondering whether its author is trying to put something over on the reader.

excommunicated Billy Graham. To be excommunicated, one must first be a communicant.

More important than overdressed verbiage are overworked facts, facts employed in positions they have no business trying to fill. Time and time again, Walker cites irrelevant data to support his thesis. Consider this passage about Nathaniel Branden:

Says Kay Nolte Smith, "Nathan is a great showman. That's his real talent." According to sociologist Ted Man, describing Rajneesh: "The man was clearly a master showman; many saw him as a master therapist." (175) Hmm. Let me see if I follow this.

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Branden is a showman and a therapist. Cultist Rajneesh is a showman and is seen by some as a therapist. Therefore, Branden is a cultist. Q.E.D.

This style of thought pervades the book. When Walker observes that "Rand's ugly commentary on modern painting and sculpture is indeed scarcely distinguishable from that of the Nazi art authorities quoted in Peter Cohen's documentary, *The Architecture of Doom*, one has to wonder why he hasn't also observed that "Rand's love of cats is scarcely distinguishable from that of V.I. Lenin, dictator of Soviet Russia." It would be equally relevant. Oh, and he might cite an authority about the history of cats, just to put that final bit of proof in his pudding.

In his preface, Walker claims that his investigation of the Rand cult had demonstrated to us that "Rand's post-1943 writings could not be fully grasped except as documents of a cult leader forming, consolidating and splintering her cult following." If I understand this sentence, which is not so easy to understand, it means that we can't fully comprehend such works as *Atlas Shrugged* — which Rand planned and partly wrote before she ever met Nathaniel Branden, who organized the cult around her, and was published before she had any idea of that he would start an institute that would sponsor courses about her philosophy — except as her means of, first, starting a cult, and second, of splitting it up!

Unfortunately, in the 346 pages that follow this sentence, I could not find a scintilla of evidence to support it. Oh, Walker talks about her writing. In fact, he devotes an entire chapter to Rand's post-1943 fiction. But this chapter presents no argument about the cultishness of said writing. Instead, it discusses various books by other authors that might be considered precursors of *Atlas Shrugged*, as if some trivial similarity that it might coincidentally have with an earlier work somehow detracts from it.

Walker's analysis of Rand's literary methods includes counting how many times she uses certain words in *Atlas Shrugged*. He finds it "staggering" that the word *evil* appears 220 times, about once each five pages. Whether this inci-

dence of *evil* is extraordinary might be determined if Walker had provided data about its word frequency in other novels (such as those of Hugo, Tolstoy, Dostoyevsky) similarly concerned with the ethical dimension of human life. I remain unstagged by his counting skills.

While we're counting, I will also observe that Walker spends eleven pages discussing what he calls "Rand's Jewish Context." Again, he piles in plenty of irrelevant information, some of it quite laughable. Here he discusses Alissa Rosenbaum's adoption — in 1926, remember that — of "Ayn Rand" as her *nom de guerre*.

Alissa's adopted surname "Rand" would ring bells for most Jews of her generation because of that name's well-known association with South African gold — The Rand — and the mostly Jewish entrepreneurs who mined it. . . . Even "Galt" is "gold," pronounced with a Yiddish inflection.

Good grief! I'm not even sure what Walker's saying here. The Rand is a informal term for the Witwatersrand, a geographical area in which gold is mined in South Africa. And since 1961 South Africa's monetary unit has been called the rand. But what can Walker mean when he writes "South African gold — The Rand"? And does he seriously mean that most Jews born in the first decade of this century would be familiar with the term and its relation to gold?

And what is the significance of the fact that the surname of the hero of *Atlas Shrugged* is more or less a homonym for the word for gold in another language, if it is pronounced with an accent from a language (Yiddish) that Rand did not speak? This is *evidence* of the influence that "Jewishness" had on her?!

Although Walker is willing to assert that such flimsy evidence demonstrates the profound effect of her Jewish ethnicity, he dismisses in one sentence Chris Matthew Sciabarra's scholarly study of the influence of Russian philosophers on her thinking:

Yet what Rand in fact took from her strictly Russian milieu was little more than a perceived need to counter Marxist ideology with an alternative in-depth complex of ideas.

One can understand why Walker devotes a chapter each to Nathaniel Branden and Leonard Peikoff: both were leaders of the Rand cult. But why a chapter on Alan Greenspan? Yes, the Federal Reserve chairman was a member of Rand's inner circle, but a strangely disembodied one who refused to involve himself in its cultish aspects. Nevertheless, Walker hashes up just about every unfavorable word that has ever been written about Greenspan, presumably somehow to discredit Rand.

Part of Walker's wayward way with facts is simply getting them wrong. A few examples:

"Other than Peikoff," he writes, "none of the Collective [Rand's inner circle] published books until after breaking with Rand," overlooking the fact that Nathaniel and Barbara Branden's *Who Is Ayn Rand?* was published in 1962 — not to mention Robert Hessen's *Steel Titan: The Life of Charles M. Schwab* (1975) and *In Defense of the Corporation* (1979), both published before Hessen broke with Rand in 1980.

He identifies libertarian scholar Ronald Hamowy as "Ralph" Hamowy (145) and describes another libertarian scholar, Robert Hessen, as a "former inner circle member . . . currently at the Hoover Institution" (145), when in fact, Hessen retired in 1995. Elsewhere, he writes that "It is Peikoff alone among the heaviest intellects of Rand's Collective who got around to fathering a child." Well, if it matters, Hessen fathered two children, and has had what most would consider to be the most successful intellectual career of any member of Rand's inner circle.

Walker's research may have been sloppy, but it is pretty comprehensive. He interviewed more than two dozen participants in Rand's affairs and tracked down hundreds of written sources, many of them obscure. His bibliography contains more than 500 entries. Although some of them are really irrelevant to Rand and it is by no means complete, it nevertheless contains some interesting entries.

And there is some pretty interesting stuff. Consider the following quotation from Leonard Peikoff, current head of the Rand cult:

. . . in the recent meeting with the

publishers, one of the demands I made to which they agreed is that there's going to be at least 50,000 copies of each of her works on enduring paper, which I'm going to promptly see are disseminated to the most far-out spots in the world — New Zealand, and India, and Africa, and in caves and in you-name-it, 'cause I don't know what will be left if there's a ultimate holocaust, with the hope that one of these 50,000 will be dug up somewhere. □

***Drug Crazy: How We Got Into This Mess and How We Can Get Out*, by Mike Gray. Random House, 1998, 251 pages. *Shattered Lives: Portraits From America's Drug War*, by Mikki Norris, Chris Conrad and Virginia Resner. Creative Xpressions, 1998, x + 118 pages.**

Victims All

Jonathan Ellis

In *Drug Crazy: How We Got Into This Mess and How We Can Get Out*, Mike Gray sets out to dissect the rotten carcass of America's drug war and proposes its prompt burial. Gray's effort is one more in a long line of books from scientists, journalists and public policy experts condemning the war on drugs as immoral, unproductive, wasteful, etc. Unfortunately, coming out against the drug war with a book has proven to be as effective as shooting spit wads at tanks.

I suspect he understands this, because much of *Drug Crazy* reads as if it were written in a whiskey-induced rage. And that's why I liked it so much. The book seethes with anger as Gray mercilessly flagellates the architects of America's drug policy.

Drug Crazy kicks off dramatically with a report from Chicago. After a shoot-out in which cops and a dealer trade 72 rounds, Chicago police seize "seventeen pounds of powder cocaine . . . 53,000 dollars," and a mid-level gangster pulling in a modest \$451,000

The image of Peikoff scurrying around the world's "far out" places from cave to cave is almost worth the effort needed to sort through so much bad writing, so many factual errors, so much irrelevant information, and all the needlessly colored language to find it.

The Ayn Rand Cult will infuriate those who admire Rand and hearten those who hate her. But for the scholar, it is merely annoying. □

for ten days of work. The Chicago of the 1990s, Gray says, looks an awful lot like the Chicago of the 1920s.

By linking the effects of alcohol prohibition and drug prohibition, Gray makes an argument familiar to drug-war opponents. Like alcohol prohibition, the drug war provides crooks and cutthroats with ample employment opportunities. Anti-tobacco crusaders take note: prohibitions put entire industries into the hands of the unscrupulous. And the results are predictable. Prohibitions create black markets; black markets create crime and corruption. Crime and corruption are used to justify government expansion. Government expansion reduces freedom.

Of course this is a simplified explanation on the effects of prohibitions. But that's okay; if drug-war opponents want to win the day, they must win the war of the sound bites.

Gray doesn't muck around with abstruse theories. *Drug Crazy* is written for a broad audience. It moves swiftly and smoothly through the history of America's drug policy, stopping to make a point or tell a story here or there, and then pushing on. As a vete-

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ran Hollywood writer, Gray's entertaining style is perfect for that Baptist mother-in-law living in the conservative Midwest.

And she won't be happy when she gets done. From the passage of the Harrison Narcotics Act of 1914 to the Marijuana Stamp Act of 1937 to the present day in which nearly 700,000 people were arrested last year for marijuana possession, the war on drugs hasn't been cheap. "In the attempt to make America drug-free," Gray writes, "the taxpayers laid out over \$300 billion in the last fifteen years alone."

In our age of victimization, it's wonderful that white-male taxpayers have something to bitch about. That's the beauty of the war on drugs: *everybody's a victim*.

Obviously, some are victimized more than others.

Blacks, Hispanics, and other minorities have often found themselves unfairly targeted in the war on drugs. As Gray so aptly writes, "The specter of unbridled Negroes and coolies waiting at the foot of the bed to carry off wives and daughters proved to be more than the Dixie Democrats could countenance," leading to passage of the Harrison Narcotics Act. Myth was also employed to pass the Marijuana Stamp Act; this time the bogeymen were Southwestern Hispanics. In light of this preposterous demonizing, blacks might do better to forget reparations and join with other minorities to sue the government for slander.

Americans aren't the only victims of the war on drugs. The U.S. has succeeded in taking the war abroad. At America's insistence, our southern neighbors went to war, albeit sometimes halfheartedly, against the drug cartels. Colombia paid the heaviest price, writes Gray. "The best judges, the most incorruptible politicians, the most aggressive journalists, the bravest army officers had all been sacrificed to the war on drugs."

And the drug warriors do not lack for ambition. The United Nations announced this past summer that it intends to rid the planet of cannabis, coca, and opiate-producing poppies by 2008. Of course, this goal is laughable — unless they intend to release some kind of laboratory-engineered predator that preys on drug plants. These people are crazy enough to pull a stunt

like this once they figure out they can't put everybody in jail. It's only a matter of time before some jackass bureaucrat devises the biological solution to winning the drug war.

As good as *Drug Crazy* is for a quick fix on drug-war history, libertarians may object to some of Gray's solutions. Gray likes the "British System" in which doctors "deal with addicts as they saw fit." He doesn't seem to blanch at this sort of paternalism, and doesn't once countenance a rigorous acceptance of personal responsibility, of allowing the individuals to deal with drugs the way they see fit. Gray seems resigned that drug use is just a part of the dark side of human nature. Gray doesn't endorse the recreational benefits of drugs. He does concede, however, that even people heavily addicted to the most potent drugs can lead normal, successful lives, as did Dr. William Stewart Halsted, a father of modern surgery and a founder of Johns Hopkins Hospital who was addicted to cocaine and morphine. Still, he calls on government to create "a tightly controlled legal market, offering clean, unadulterated pharmaceuticals." Considering the current state of affairs, this would be a major improvement.

The primary objective is ending the drug war and reassigning its agents to planting flowers in parks. How that can

Much of "Drug Crazy" reads as if it were written in a whiskey-induced rage. And that's why I liked it so much.

be done Gray doesn't say. In *Shattered Lives: Portraits From America's Drug War*, Mikki Norris, Chris Conrad and Virginia Resner propose a solution: "a national dialogue is called for that puts all the cards on the table and engages everyone, from all walks of life. . . . After all, we are in this together."

Maybe they're right. Maybe this kind of sally into the political, democratic process is the answer. Medical marijuana is, after all, an electoral juggernaut, kicking ass in election after election.

But we already live in a democratic

society, a society replete with "revolutionary" baby boomers who played pocket pool while Presidents Reagan and Bush pushed the drug war engine at full throttle (and today Clinton continues the tradition). True, the drug war is perpetuated by deceit. But that's what happens in a democracy. Nowadays, "national dialogues" are what the president stages to cajole people into thinking he cares, not into rethinking much of anything.

The main narrative takes a swipe at the points that should be hit: forfeiture laws, innocent casualties, conspiracy laws, racial disparities, mandatory minimums, etc. The authors point out that the war on drugs is big business for special interests. The prison industry loves those victimless crimes. The more prisoners crowding the hoosegow, the more reason to build a new prison, hire new union-member guards, and, in the case of private jails, send out optimistic reports to shareholders.

Shattered Lives reminds me of a high school workbook — it's about the same size, and its pages are bursting with pictures and sidebars. The designers have done a nice job. If only high schools were using it as a workbook. (A replacement for DARE, perhaps?) It was written for and in part by the poor souls devoured by the war on drugs. Many of the sidebars were written by current inmates. Their accounts and accompanying photographs are touching, to say the least.

And the book asks some interesting questions. Women, conservatives like to remind us, belong at home where they can care for their families. So why do women "comprise the fastest growing population in prison today"? Many rot in prison on conspiracy charges because prosecutors say they should have known that their husbands or boyfriends were dealing. No doubt the prison industry wants more women. They're not as violent as men, easier to care for, and some guards, I suspect, like women for more sinister reasons.

Deborah Lynn Mendes, serving twelve years and seven months for conspiracy to aid and abet in distributing cocaine, appears with her daughter, Heather. "Unfortunately," she writes, "I thought I simply had to turn myself in, tell my story and 'Liberty and justice for all' would prevail. How very naive I was."

Then there's Jodie Israel, serving eleven years for marijuana conspiracy while her husband serves 29 years. She writes, "I have four children who all live with family, but in separate homes and towns. . . . It is so hard to explain to a child why you can't be with them and I believe it puts a tremendous burden on their little hearts."

Shattered Lives conveys a personal rather than an abstract argument against the drug war. Flipping through

the pages and confronting the haunting images of people like Lewis Atley, serving 20 years for the "crime" of growing psilocybin mushrooms, or Kemba Smith, serving 24 years for conspiracy to distribute crack cocaine, makes a potent argument for ending the drug war, and releasing its victims.

It dawned on me after finishing *Shattered Lives* that the way to end the drug war was right there in those pictures. All those families torn apart, all

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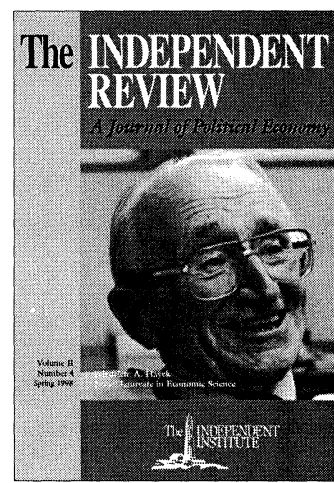
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those innocent people steamrolled by the government. The government is creating the enemy army right now. Once enough people are victimized, it's

only a matter of time before this army starts to march. Maybe it will act through the democratic process; and maybe it will act with violence. □

possible." *In Harm's Way* does not even vaguely live up to this stated intention.

To Shuck and Jive in LA

Consider the account of the Los Angeles hearings in which I was personally involved. MacKinnon and Dworkin offer the transcript of a hearing — calling it *the* hearing — which took place on April 22, 1985 before the Los Angeles County Commission on the Status of Women. They neglect to mention the existence of three other hearings on the issue. Without information on the omitted hearings and the circumstances surrounding the proceedings as a whole, it is not possible to understand the story of the Los Angeles ordinance.

A gay-rights activist, John Dentinger, and I were the only people to oppose the ordinance at the first hearing on February 26, although many people would have voiced their opposition had they known about the hearing. Our attendance was almost a fluke. John had called City Hall several times for the date of the hearing, and each time he asked to be notified by the clerk. After all, ordinance supporters such as MacKinnon (then a visiting professor at UCLA), film director Peter

***In Harm's Way: The Pornography Civil Rights Hearings*, Catharine A. MacKinnon and Andrea Dworkin, editors. Harvard University Press, 1997, 496 pages.**

Porn in the U.S.A.

Wendy McElroy

In Harm's Way: The Pornography Civil Rights Hearings, edited by anti-pornography feminists Catharine A. MacKinnon and Andrea Dworkin, purports to accurately chronicle one of the most innovative legal and political strategies of the last decade.

From 1983 in Minneapolis to 1992 in Cambridge, Mass., anti-pornography feminists attempted to bypass federal and constitutional hurdles to censoring pornography by working to pass local ordinances declaring pornography "sex discrimination" and thus not protected by the First Amendment. Instead, pornography was deemed a violation of women's civil rights.

The measures would have permitted women who had been "coerced into pornography," or allegedly assaulted because of pornography, to sue in civil court "the maker(s), seller(s), exhibitor(s), and/or distributor(s) . . . for damages and for an injunction."

"Coercion into pornography" was defined so broadly, however, that the ordinance essentially denied that a woman could consent to pornography. Even women working under a signed contract and release, who had performed in the presence of witnesses, and had been paid for their work were deemed by the ordinance not to have consented to pornography. In essence, the ordinance took the odd position that an adult woman's signature bore

no legal significance.

Each anti-pornography ordinance occasioned public hearings at which testimony for and against the measure could be presented to city officials. *In Harm's Way* is a self-declared "complete and accurate" record of four such hearings in Minneapolis, Indianapolis, Los Angeles, and Cambridge. In one sense, MacKinnon and Dworkin are extraordinarily well qualified to edit a book on "The Pornography Civil Rights Hearings." After all, they were hired in 1983 by the conservative city legislators of Minneapolis to draft the original ordinance through which the council hoped to regulate adult bookstores. Their ordinance became the model for those that followed. The proceedings in Minneapolis — carefully orchestrated so that only witnesses who bolstered the ordinance were willingly included — established the pattern for subsequent hearings. Moreover, MacKinnon was intimately involved in arguing for each measure.

The same reasons that qualify MacKinnon and Dworkin to edit this book, however, also call into question their status as impartial observers. Aware of the skepticism their well-known political bias would generate, the editors of *In Harm's Way* proclaim their objectivity in several places. At the very beginning of the book, on a prominent page entitled "Note on Editing," they declare: "We intend these hearings to be as complete and accurate a record of what was said as

"Coercion into pornography" was defined so broadly that the ordinance essentially denied that a woman could consent to pornography.

Bogdanovich, and radical feminist lawyer Gloria Allred would surely be given sufficient notice to arrange their hectic schedules. Nevertheless, it was by chance alone that John learned of the meeting less than 24 hours before it occurred. He happened to call and check with the clerk at the right time. The Board of Supervisors, which clearly favored the measure, had not bothered to notify the opposition.

I accompanied John to the Hall of Administration. When the ordinance came up on the agenda, floodlights flicked on as television news cameras prepared to roll. It was high drama. Bogdanovich called *Playboy* and Hugh

Hefner murderers. Allred spoke on behalf of a woman seated beside her who was, ostensibly, too terrified to speak for herself but quite willing to be seen on the evening news. John and I delivered equally passionate speeches and endured tough questioning during which John was particularly insulted. I was the only one the Board of Supervisors quizzed about a nonexistent connection to the porn industry. Aware of the camera's eye and having met with two unexpected opponents in whom the media took great interest, the commissioners sent the ordinance for review.

A second county hearing (also unmentioned in the book) was scheduled for March 26. This time, however, news of the former proceeding had acted as a red flag to opponents of the ordinance. A number of women from FACT (Feminists Against Censorship Taskforce) appeared. They had not been informed of the first hearing and they intended to make up for being silenced. In the face of such concerted and public opposition, the supervisors arbitrarily and without notice refused to hear any public testimony. Instead, the ordinance was referred back to the Women's Commission for "revision." Meanwhile, Betty Brooks, the head of FACT, was so outraged that the women had taken time off work to speak out, only to be turned away, that she delivered an impassioned speech to the media in the corridor outside the hearing room.

I did not attend the third hearing, reported as *the* hearing by MacKinnon and Dworkin. *In Harm's Way* states: "Notably, Wendy McElroy was listed third of those who were to speak against the ordinance at the Los Angeles hearing, but she did not present herself to speak." In fact, John and I were not informed of the April 22 session. Frankly, at that point, I was just as pleased to leave the microphone open for the other opponents whom I knew would show up.

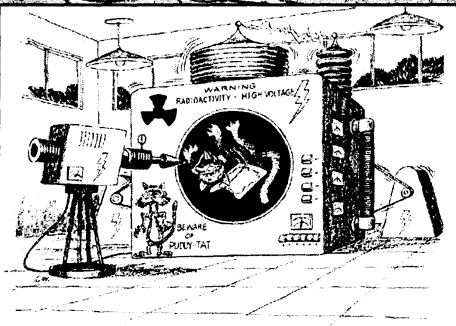
On June 4, the L.A. Board of Supervisors held yet another hearing. Those who opposed the ordinance — not those who supported it — were led to the hallway and told that only a few would be allowed to speak. Thanks to Brooks's assertiveness each woman was ultimately allowed to testify. At this fourth hearing, Ramona Ripston of the American Civil Liberties Union con-

tended that the ordinance stripped women of their rights; a Jewish woman spoke of Nazis who burned books; a member of the U.S. Prostitutes' Collective argued eloquently that the ordinance would create violence against sex workers. On and on they went, with John causing a near riot when he tore pages of "obscene material" out of a Bible.

None of this testimony appears in *In Harm's Way*. Nor is there any analysis

of the surrounding politics — for example, who was and was not notified of the April 22 hearing? What pivotal events happened in the hallway outside when the opponents, and the opponents alone, were being silenced? What rules did the Board of Supervisors arbitrarily change at the last moment to discourage those critical of the ordinance? Instead, the book contains blanket statements in the dual introductions, such as MacKinnon's bald-faced lie:

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But then we get to the annotated end portion of the book and we see that *Jurassic Horde Whisperer of Madness County* is based on FACTS - facts too irrational, crazy and destructive to be pure fiction. Church, State, media, and Hollyweird have provided all the madness spoofed here. Fun, yes, but also a disturbing warning about how destructive irrationality runs rampant in our modern, supposedly enlightened scientific age.

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"The opponents of the civil rights laws . . . did not openly defend pornography . . ." I openly defended pornography. John openly defended pornography. MacKinnon cannot be ignorant of our positions. She not only sat in the audience listening to our prepared remarks, she requested and received copies of our transcribed testimony from us at the scene.

Gagging Dissent in Minneapolis

The Los Angeles hearings are the only ones of which I have personal knowledge, but consider an account of the original Minneapolis measure. In that city, the rapidly executed and debated ordinance also found opponents unprepared and unnotified. In *The New Politics of Pornography* (1989), Donald Downs describes the "path-breaking, orchestrated" first hearing in which "the council reportedly asked a prominent local evangelist to cancel his plan to testify . . . 'because they didn't want his political spectrum identified as a supporter.'" He outlines MacKinnon's "political tactics" and her shoddy treatment of the opposition at the first hearing, during which anti-pornography "activists exerted enormous, perhaps unprecedented, pressure on the council" that led it to abandon the usual established procedure by which it enacted other civil-rights laws. The council also ignored pleas to delay the proceedings and provide more discussion from the mayor, the Civil Rights Office, the Library Board, and the City Attorney's Office.

Although two versions of the ordinance passed, the first one (December 1983) is the only one reported by the MacKinnon-Dworkin chronicle. The second ordinance of July 1984 was a more moderate measure that reflected such factors as giving opponents time to provide balanced debate. For example, by that point, a Task Force on Pornography had been created. During hearings for the second ordinance, opponents had been given the same courtesy of time and notification that MacKinnon and Dworkin alone had received in the first one. The second measure, which occasioned 16 sessions rather than the three reported by MacKinnon-Dworkin, is not mentioned in *In Harm's Way*. Nevertheless, the book offers the transcript of an anti-

pornography press conference dated July 25, 1984. The transcript gives the clear and absolutely mistaken impression that it refers to the first ordinance passed, rather than to the second. The difference is key to understanding the comments presented. In the end, however, both ordinances were vetoed by Mayor Donald Fraser.

Incomplete and Inaccurate

Ultimately, all the other ordinances failed as well. In the final measure reported by *In Harm's Way* — that of Cambridge — the Women's Alliance Against Pornography managed to force

a referendum which led to the measure's downfall. Thereafter, the Seventh District Court of Appeals unanimously upheld the *American Booksellers Association v. Hudnut* (1985) decision that found the proposed Indianapolis ordinance unconstitutional. The Supreme Court refused to hear an appeal.

In Harm's Way claims "Not a word of testimony by opponents to the ordinances has been cut." But the facts contradict the authors' pretense of fairness. *In Harm's Way* is neither complete nor accurate. But it does continue the tradition of public deceit and manipulation that its authors clearly favor. □

Booknotes

What Is This Thing? — In the year that Thomas Bowdler died, there appeared in the pages of *The Republican* an essay innocuously entitled "What is Love?" It was not innocuous. It was written by the journal's imprisoned editor, Richard Carlile, a radical for free speech and a fierce opponent of the monarchy, a man not known to hide his opinions, or curb them for the popular taste. His essay's frank discussion of sex, bodily fluids, and contraception — and also its impiety — places this work at the opposite pole from Bowdler's infamously prudish *Family Shakespeare*. A year later, in 1826, Carlile cleaned his essay up a bit, corrected a few errors of biology, added some debate with readers, and printed his self-described "effusions" as *Every Woman's Book*.

Now, over a century and a half later, this obscure bit of "sexology" has been unearthed by M. L. Bush in *What Is Love? Richard Carlile's Philosophy of Sex* (Verso, 1998, x + 214 pages), a volume that presents both the original essay and the book, annotated and indexed, as well as two careful essays by Bush.

Surely this book cannot be overlooked by anyone interested in Regency and Victorian morals, the development of modern notions of sexuality, or, for that matter, the diverse responses to Thomas R. Malthus's *Principles of Population*. Carlile's reaction was certainly a practical one. (Bush claims that Carlile's was the first frank discussion of contraceptive methods to be printed in the English language.)

But most of all, it is Carlile's own

theories that charm. What, after all, is love? "The passion of love is nothing but the passion to excrete semen in a natural way" (p. 59). In an age when love was too often idealized, this sort of reductionism provided a healthy counterbalance — and made Richard Carlile a seminal thinker indeed.

—Timothy Virkkala

Clearing the Smoke — Want the perfect stocking-stuffer for your anti-tobacco friends? Give them *For Your Own Good: The Anti-Smoking Crusade and the Tyranny of Public Health* (The Free Press, 1998, 338 pages). Jacob Sullum's masterful and comprehensive critique of the tobacco hysteria lays it bare for what it is: mass hysteria based on pseudo-science, and, even worse, an assault on freedom of choice and personal responsibility.

If you think your friends might not bother to read your thoughtful gift, tell them to at least check out the appendix, "Ten Myths of the Anti-Smoking Movement." In a mere four pages, Sullum neatly decimates the anti-smoking crowd's favorite mantras. To myth number 4, "smoking imposes costs on society," Sullum replies: "Because smokers tend to die earlier than nonsmokers, the costs of treating tobacco-related illness are balanced, and probably outweighed, by savings on Social Security, nursing home stays, and medical care in old age."

My favorite myth is number 7, "States have a right to demand compensation from tobacco companies for the costs of treating smoking-related

diseases under Medicaid." Sullum here notes that, "by the same logic, states could sue the manufacturer of any product associated with disease or injury, including alcoholic beverages, fatty foods, candy, firearms, swimming pools, bathtubs, skateboards, and automobiles. The makers (and consumers) of such products should not be blamed because politicians decided to pay for health care with taxpayers' money."

This powerful book is so persuasive it makes me almost want to start smoking again, just for the sake of exercising my right to do so. —Terrence Campbell

Man, Economy and Space —

Science fiction writer Orson Scott Card recently edited *Future On Ice* (Tor, 1998, 432 pages), an anthology of futurist fiction. His preface compares the current state of our culture with *Star Wars*, an against them, rebel vs. empire world in which we overlook the faults of those on our own side and demonize any good the other side may contain, simply because we're on opposing teams. The point is well-taken, although Card strains the analogy to make it consistently apply. The real surprise in this essay is an out-of-place smear of economic theory, tarring Marxism and the free market with the same stroke. His main criticism of Marxism is one that applies to economics in general, "that human beings act only for economic reasons." Unfortunately, he proceeds to explicitly equate economic incentive with finance, then asks, "When economists make love, are their motives really financial? How do pre-fiscal primates manage to survive, having no motive to reproduce?"

If Card had a rudimentary understanding of economic theory, he would realize that, as David Friedman put it in *Hidden Order: The Economics of Everyday Life*, "economics is not about money." Instead, economics studies incentives of all types, relying on the assumption that people have reasons for the ways they behave. With sufficient observation of the ways people react to various incentives, behavior can be predicted. Economists often use money in their analyses because it's a handy medium, but economists could theoretically use anything else as a measurement of incentives and choices: apples, pencils, backrubs, sunsets, even time itself. When dealing with pre-

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Gay libertarian man — 38, trim, atheist, non-smoker, HIV neg., law student — seeks friends. Box 190906, San Francisco, CA 94119-0906 or mdf1960@yahoo.com. Photo appreciated.

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fiscal primates, economists would predict their behavior through measurements that are applicable to primates.

Card goes on to compare economics to religion: "The new post-Marxist religion calls itself Free Market Capitalism, but in their ignorant and impenetrable unconnection with the reality of human life, they are the equal of the most ardent Marxist, and their meddling with law is as ignorant and maliciously indifferent to the true yearnings of individuals."

Reflections, continued from page 28

immunity agreement (entered into ten months earlier) included a clause about secrecy, is equivalent to Clinton's inability to remember whether he and Monica Lewinsky were alone while she engaged in oral sex with him, or that he had given her several gifts only 17 days earlier. Or perhaps not an equivalence theory, since they seemed to think that Starr's performance was a great deal worse.

On November 30, I watched a television interview with Father Robert Drinan, the radical leftist Roman Catholic priest who once served in Congress, and while in office, was a member of the Judiciary Committee that prepared articles of impeachment for Nixon. Drinan is now a professor of law at Georgetown University, Clinton's alma mater.

The interview started with Bill O'Reilly of Fox News asking Father Drinan to respond to a brief argument:

Let me lay this out to you . . . Nixon didn't participate in the burglary, he just found out about it and then he said "Oh boy, we're not gonna tell anybody and we're gonna use every means that we can to shut people up." So here we have President Clinton, who participated in an act, and then is sued civilly, and the Supreme Court says the suit has to go ahead. Who possibly, probably, tried to get the main person who could do him damage, Monica Lewinsky, a job to shut her up. Possibly, probably, got money to shut up Webb Hubbell about another investigation into a Whitewater matter. And then used his staff, paid for by you and me and every other American watching this evening, to go out and lie for him, saying he didn't do any of these things. So I'm

Believable science fiction rests on an understanding of scientific principles as a departure for stories based on speculative science; all fiction, including Card's, would become more believable with a thorough grounding in economic science. Far from a lack of connection to reality, serious free-market economists have a concrete understanding of people's "true yearnings," as revealed consistently through behavior.

—Eric D. Dixon

not seeing a real clear-cut difference here, Father.

Professor Drinan responded angrily, "If one of my students gave the explanation you just gave, I'd give him a D or an F. There's no analogy whatsoever, and you are adding these things, and there is absolutely no comparison."

O'Reilly tried again. "All right, pick apart my argument and tell me where I've gone wrong."

But the Rev. Drinan refused this challenge. "Well," he said, "I resent the fact that the House Judiciary Committee now pretends that they want to piggyback on the prestige of the Rodino committee. The things that Mr. Clinton has done — and you can deplore them, and we all do — do not add up to the morality or the lack of morality that was intended by the Framers."

"All right," O'Reilly said. "You're getting ahead of us now. I want you to pick apart my argument. Let's start with Monica Lewinsky and getting her a job. Now you said that President Nixon had money coming in to shut people up. What's the difference with President Clinton trying to get Monica Lewinsky a job?"

Again, ex-congressperson Drinan tried to change the subject. "Well, first of all, we have to take this into consideration: we've never had an independent counsel before moving for the impeachment of a president. It's probably unconstitutional . . ."

O'Reilly allowed himself to be sidetracked briefly, then suggested, "You're skating around my question, Father."

"I'm not skating around your question," legal authority Drinan alleged. "Your question is not relevant to what

Notes on Contributors

we're talking about. It's a terrible question. It's an absurd question."

O'Reilly gamely tried again. "All right," he said. "Now tell me why finding Monica Lewinsky a job to shut her up about a perjurious affidavit she filed in a case the Supreme Court said had to go forward is a stupid question."

Again, the wily priest changed the subject, this time saying "All I can say is that you don't want to have an honest dialogue or debate about what is at issue."

O'Reilly was not to be sidetracked. "I do, I absolutely do," he said, "but what I'm saying to you is, the Judiciary Committee has to ascertain whether Mr. Clinton, through Vernon Jordan or anybody else, tried to shut up Monica Lewinsky about the affair that would've impacted on a case the Supreme Court ruled was legally valid."

At this point, Drinan totally lost control:

Sir, even if that is indictable, and I don't concede that, it is not necessarily impeachable. We're talking about a totally different order of legality here, and I have to explain that the Framers knew that there'd be a lot of enemies of the incumbent president, as apparently you are, and that he should be protected from his political enemies. Consequently, only the House of Representatives can impeach him, and they have to have high crimes or misdemeanors, and they have to be comparable to treason or bribery. We've never had a president impeached and that's the way it should be. An impeachment, Benjamin Franklin says, is a substitution for assassination. It should be in the most extreme circumstance, when the people are insisting that the president be removed, and his removal is required for the safety of the Republic.

Hmm. "We've never had a president impeached and that's the way it should be"? Was Drinan (who bragged to O'Reilly that he had "studied impeachment more than virtually any American") not aware of the impeachment of Andrew Johnson? And why did he say that no president should ever be impeached? Hadn't he himself voted for the articles of impeachment against President Nixon?

And did he really mean that a president should be impeached only if "the

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Frank Fox, Ph.D., is editor and translator of *Am I a Murderer? Testament of a Jewish Ghetto Policeman*. His investigative series about Watergate appeared in *New York* magazine in September 1974.

J. Orlin Grabbe is author of a textbook, *International Financial Markets*, and numerous articles.

Richard Kostelanetz is a critic and multimedia artist living in New York city.

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Sarah McCarthy is the co-owner of Amel's Restaurant in Pittsburgh. Her work has appeared in *Barron's*, *Forbes*, *Free Market*, and *The Freeman*.

Wendy McElroy is the author of *XXX: A Woman's Right to Pornography*, *Sexual Correctness: The Gender-Feminist Attack on Women*, and *The Reasonable Woman: A Guide to Intellectual Survival*.

Durk Pearson is co-author with Sandy Shaw of *Freedom of Informed Choice: FDA vs. Nutrient Supplements*.

Ralph R. Reiland is Associate Professor of Economics at Robert Morris College in Pittsburgh.

Jane S. Shaw is a journalist in Bozeman, Montana.

Sandra Shaw is a research scientist, best-selling author and rabble-rouser.

Martin M. Solomon is an assistant editor at *Liberty*, is a lawyer and drove a New York taxi for six months in the '70s.

Clark Stooksbury is assistant publisher of *Liberty*.

Thomas Szasz, M.D., is the author of several classic works on psychiatry, including *The Myth of Mental Illness*. He is professor of psychiatry emeritus, SUNY Health Science Center in Syracuse, New York.

Timothy Virkkala is executive editor of *Liberty*.

people are insisting that the president be removed, and his removal is required for the safety of the Republic"? Well, if he did, he is at least being consistent with his notion that no president should ever be impeached. One thing is certain: by this standard, Richard Nixon could not have been impeached.

The interview continued, with Drinan sputtering at O'Reilly, refusing to answer questions, until it concluded with Drinan reiterating that he'd give O'Reilly a "D" because "your whole attitude toward facts is wrong."

What all this illustrates is just how desperate the left has become. A generation ago, leftists were calling for the socialization of nearly every aspect of American life. Now they're spending their energy trying to save the hide of a manifestly guilty politician against charges of personal corruption. And

Clinton is not even supporting their agenda. He abandoned the leftist agenda on issue after issue, and even proclaimed that "the era of Big Government is over." Yet still they defend him, hoping against hope that he might appoint them to positions of power or prestige, hoping that he might change his mind and embrace again the leftist dogma of his youth. Or maybe they just figure that he is a bulwark against something worse: the spectacle of a Republican government.

At the same time, conservative preoccupation with the attempt to impeach Clinton has diverted conservatives from pursuing their usual agenda of tougher drug laws, more restrictions on freedom of speech, and other affronts to human freedom.

No wonder Americans are so happy and prosperous! —CAA

Terra Incognita

Palo Alto, Calif.

Science clashes with bureaucracy, as reported by the *San Jose Mercury News*:

Three dead pigs have been found tossed into a campus dumpster over the past three weekends, all seemingly "victims of someone practicing heart bypass surgery," a police spokesman said.

If caught, the surgeon-in-training could face misdemeanor littering charges for leaving the corpses on Stanford University property, he added. "We want to let people know that this is not a place to leave your dead pigs," Lt. Del Bandy said.

Vietnam

Interesting aesthetic development, reported by Reuters:

A Malaysian oil painting titled "Mr. Foreign Speculator, Stop Damaging Our Country" won first prize in an ASEAN art contest in Vietnam, official media reported Wednesday.

The artist, Kow Leong Kiang of Malaysia, was awarded \$10,000 in a contest held Tuesday in Hanoi. There were 39 entries from various ASEAN countries.

Ticonderoga, N.Y.

Dispatch from the front in the War on Drugs, reported by the Associated Press:

10-year-old Kodi Mosier of Ticonderoga Elementary School discovered that if you sharpen the pencil emblazoned with the slogan "Too Cool to Do Drugs," the message turns to "Cool to Do Drugs" and eventually to simply "Do Drugs." The pencils were recalled by the Bureau for At-Risk Youth of Plainview.

Washington, D.C.

Even Congresspeople have labor problems, the Associated Press reports:

Reporters obtained office e-mail messages written by Janet Jenson, former chief of staff of Rep. Merrill Cook (R-Utah), saying: "Merrill has taken up permanent residence in wacko land, and we are all in serious jeopardy" of being fired, she wrote. "If he asks you to fax his underwear to the speaker's office, please just do it." Rep. Merrill Cook has accused two former staffers of forgery, insubordination and blackmail.

Conneautville, Pa.

The progress of pedagogic science in the Keystone State, as reported by the Associated Press:

Students at the Conneaut Valley High School have devoted a lot of class time in recent days to understanding more about the *Titanic*. The farming class has studied the impact of shipping on the commodities, and home economics students have tried to figure out the ship's menus. The art class made a plaster cast of *Titanic* stars Leonardo DiCaprio and Kate Winslet on the bow of the boat and also created a 48-square-foot poster of DiCaprio. A film class watched that other *Titanic* movie, 1958's *A Night To Remember*.

Jefferson County, Wash.

Rules posted on Jefferson Transit bus schedule:

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San Francisco

Cutting-edge research in the anatomy of the human brain, reported by the *San Francisco Sunday Examiner & Chronicle*:

For Dr. Leonard Shlain, brain anatomy is only the introduction to a more significant dichotomy. He believes the split brain is gendered, with language belonging to the masculine, imagery to the feminine. In a dazzling, once-over-lightly tour of world history, he concludes that the adoption of the alphabet is inseparable from male dominance: "When a critical mass of people within a society acquire literacy, especially alphabet literacy, left hemisphere modes of thought are reinforced at the expense of right hemisphere ones, which manifests as a decline in the status of images, women's rights, and goddess worship." And with the decline of the goddess comes the violence against humanity and nature that makes up so much of our history.

Michigan

Government application of the Internet, as reported by *The Detroit Free Press*:

A Washtenaw County couple, whose home was incorrectly listed as a sex offender's address, filed a federal lawsuit Wednesday to prevent the Michigan State Police from posting sex offenders' names and addresses on the Internet. The lawsuit, filed by the American Civil Liberties Union, asked U.S. District Judge Patrick Duggan to declare Michigan's 1994 Sex Offender Registration Act unconstitutional.

"They were informed that the police department could not remove the listing until it could track down the former owner of the house," the lawsuit says. They "were told the police department had been very busy and that it did not have the resources at the time to track down the former owner of the house."

"Once again, the ACLU finds itself on the side of the criminal instead of the victim," said John Truscott, spokesman for Gov. John Engler. Truscott said he believes the lawsuit is "completely without merit."

New York City

Innovation in Christmas tree trimming, reported by *The New York Times*:

The tree itself, Ms. Cassie Ederer said, would be an artificial 30-foot-tall pine covered with condoms in their wrappers, in many different colors. "It will be a tasteful tree," Ms. Ederer said. "It will be the Tree of Life."

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*.)

Ayn Rand

Ayn Rand T-shirts . . .

We located a few more of these popular sartorials. The portrait of Ayn Rand (at right) appears on the front of the shirt, while the back has the famous question from *Atlas*: "Who is John Galt?" The printing is done in dramatic black on a pre-shrunk 100% cotton white Hanes "Beefy-T-shirt." This is a handsome, high quality shirt you can wear with pride. (Extra large size only)
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That Fountainhead Rape. A discussion of Rand's sex

scenes, featuring Barbara Branden. (Audio: A228; Video: V228)

Ayn Rand and Libertarianism. Featuring R.W. Bradford. (Audio: A229; Video: V229)

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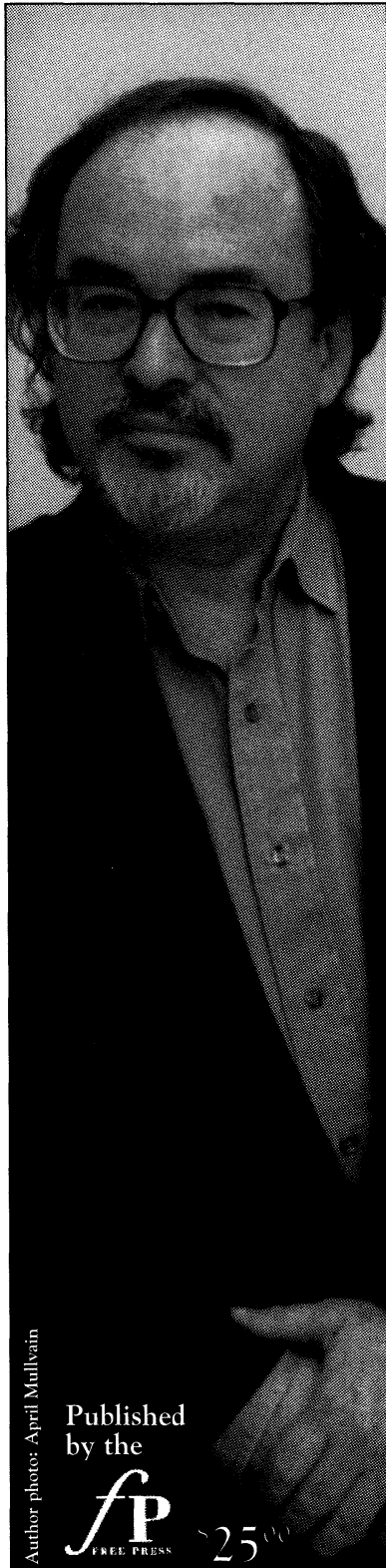
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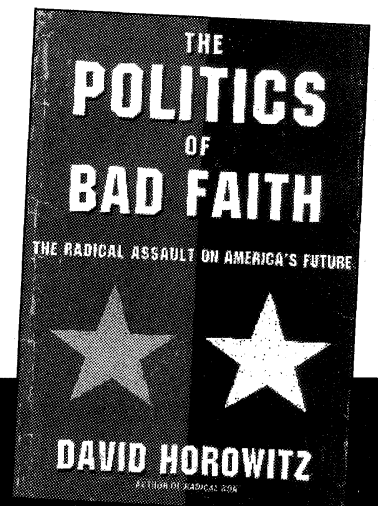
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