

Liberty

Is the
Constitution
Dead?

January–February 2009

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Election 2008: Beyond the Pundits' Palaver

by the Editors & Contributors

The Greatest Place Where No One Goes

by Doug Casey

Confessions of a Government Planner

by Warren Gibson

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Letters

Running the Numbers

Before making "The Case for McCain" (November 2008), Stephen Cox apparently didn't bother to read Bruce Ramsey's "Case for Obama." Cox wrote, "Obama may gain a state, and thus win the election, if there's an outpouring of antiwar conservative and libertarian votes for Barr."

But many libertarians (like Bruce Ramsey) are antiwar! Therefore, many of those libertarian votes would otherwise have gone to Obama. The November Reason just reported that a July Rasmussen poll found that libertarians "favor Barack Obama over John McCain, 53% to 38%." If McCain wins, will Liberty analyze how libertarian voters cost Obama the election?

Unlikely. In his writings in Liberty, Cox consistently assumes — as does the mainstream media — that a libertarian is simply a dissatisfied Republican. As a staunch libertarian, I am repelled by the Republican drive for a theocratic police state, and I would rather endure a century of Democrat presidents than four years of a Republican one.

Thomas Giesberg
Rosharon, TX

Who to Blame

Mr. Cox, if you are a libertarian (and I think you are not a strong one), you need to stay away from your Republican friends. They have filled your mind with a pessimistic loser attitude about libertarianism. Both Republicans and Democrats have similar views. They

have both socialist and socialist-leaning views.

Your view that McCain might have a libertarian idea once in a blue moon is not enough. Obama might have one too. But they're both socialists.

If you want to be happier with our political system, think about this: I have heard of surveys that as many as 20% of the U.S. population at one time or another have had essentially libertarian views. So think about this: the Republicans survey around 30%, the Democrats survey around 33–35%. So, if the libertarian vote could be inspired to vote for the Libertarian candidate, the Libertarian Party could be a substantial third-party choice. But the attitude of people like you always decreases that vote.

Richard Howard
Canberra, Australia

Cox responds: Despite Mr. Howard's suggestion that the Libertarian Party would be getting a huge proportion of the vote if people like me weren't so pessimistic about it, I have no such power to deprive the LP of votes. What has inspired virtually everyone's pessimism is simply the consistent electoral failure of the Libertarian Party, over many years.

Mr. Howard associates ("strong") libertarianism with voting for the LP. Mr. Giesberg associates libertarianism with never voting Republican. Since the majority of Americans cast Republican votes at one time or another, and very

Letters to the editor

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few Americans cast Libertarian Party votes, this is itself a very pessimistic way of looking at the prospects of libertarianism.

I am not the least bit pessimistic about the future of liberty. I believe that liberty, as libertarians understand it, will endure and triumph. Its political triumph, however, requires some strategic thinking, some freedom from sloganeering, and some willingness to work with Republicans as well as Libertarians and Democrats. Incidentally, my party registration is Libertarian.

Know When to Walk Away, Know When to Run

As an active participant in the beltway game, Catoite David Boaz under-

standably wants to know how to corral the libertarian vote and spends several paragraphs (Reflections, November 2008) musing about this electoral predicament. He concludes with the possibility of a nonpartisan libertarian advocacy group to advance the cause.

I'll save Boaz and his band of libertarian brothers the time required to plot their power and the pain of inevitable failure — first, playing the game of collectivism is wrong and second, it will never work.

Trying to pin your hopes on a "libertarianish" politician who might crusade for things like drug legalization, lower taxes, and a cessation of the Iraqi

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From the Editor

A few years ago, when Al Gore announced his formal retirement from electoral politics, I was deeply distressed. It wasn't because I had any liking for him, or for the causes he espoused. It was because he was a dependable inspiration for political analysis and good, old-fashioned fun. With Gore around, you could never run out of copy; everything he said or did alerted you to some . . . uh . . . interesting fact about American political life. And with Gore, you could never run out of laughs.

In the 1990s, there were a lot of political figures like that. Bill Clinton was one. His wife and numerous friends were others. And so were most of their pitiful adversaries on the Republican side of the aisle. The 2008 primaries guaranteed that this tendency would continue. To my mind, each of the major-party candidates was an encyclopedia of political folly, a virtually endless syllabus of errors, and awful errors, too.

I'm not a fan of Will Rogers; and if he had ever encountered me, I think he would have modified his declaration that he'd never met a man he didn't like. Yet on at least one subject Rogers said something true. He said that the greatest comedians were in politics, but the problem was that every time they made a joke, it was a law.

Like the jokers who lost the 2008 election, the jokers who won it are exponents of big government who have learned almost nothing from the history, economics, political thought, or common sense of the past two centuries. They are virtually at the end of the intellectual chain of command. And yet, they will make the laws.

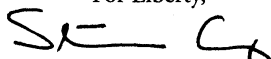
I want you to know, by the way, that these words were written several days before the election. I'm not writing out of disgruntlement with the specific results. I'm writing out of disgruntlement with the current political culture.

I also want to tell you, however, that this journal has no intention of giving up its case for liberty. No intention whatever.

Our editors and contributors are a diverse and quarrelsome bunch. Pugnacious. Prickly. Fractious. Hypercritical. But determined. Regardless of whom we voted for, or considered ourselves forced to vote for — and regardless of whether we voted or refused to vote — we are not going away. We'll be right here, exposing the errors of both the winners and the losers. And we'll be right here, rejoicing in the knowledge that America's great heritage of liberty and prosperity can be restored, enhanced, and enriched beyond anyone's ability to imagine, whenever people of courage and intellect discover it, understand it, and decide that they will act on it.

That has always been Liberty's message. That is Liberty's message now.

For Liberty,


Stephen Cox

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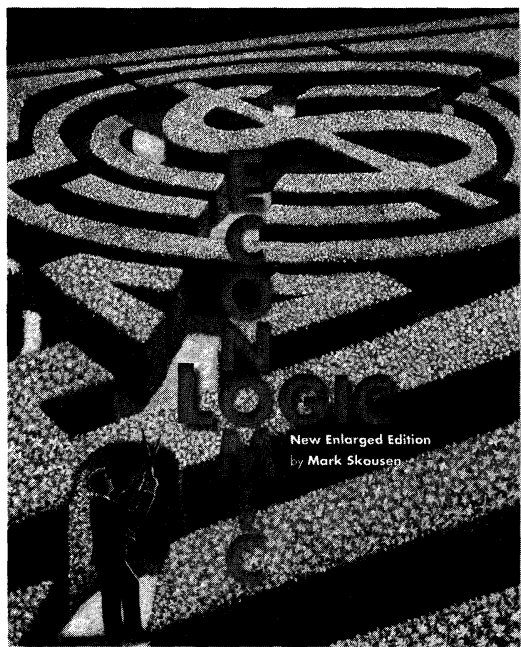
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Milton Friedman, 1976 Nobel Prize economist

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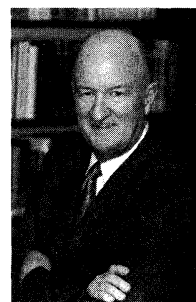
Ian Mackechnie, University of Wales

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K. Au, home school instructor

"This book is perfect for any economics student -- simple, direct, and comprehensive. I love the final chapter, 'What Do Economists Do?' which discusses career opportunities and trends. Skousen's book is designed to maximize learning while minimizing monotony."

Mark Skousen, Ph.D., has the unique background of teaching at a major institution (Columbia University), working for the government (CIA), running a non-profit organization (Foundation for Economic Education), and operating several successful multi-million dollar businesses (Skousen Publishing Co., FreedomFest). He is the editor of *Forecasts & Strategies*, a popular award-winning investment newsletter (www.markskousen.com), has written for *Forbes* and *Wall Street Journal*, and is a regular contributor to CNBC's Kudlow & Co. His bestsellers include *The Making of Modern Economics*, *Investing in One Lesson*, and *EconoPower*. In honor of his work in economics, finance and management, Grantham University renamed its business school, "The Mark Skousen School of Business."



Election 2008

Senate-stein — As of press time, there is apparently no answer as to whether alleged comedian Al Franken will be elected to the Senate. In fact, I highly doubt there will be any resolution by the time this is published. Those who dispute me are forgetting Franken's career as a talk show host. His show on Air America was unlistenable from day one, yet it persisted, like an untreated toenail fungus. His show was only curtailed by his entrance into the Minnesota senatorial race, a move that gave him the chance to exit his failed show with his pride still intact. It has to be difficult for a man who has made a career lampooning senators and talk show hosts as simpletons to learn he is unqualified for either job. — Tim Slagle

Most important election this year — "Every four years, someone tells us this is the most important election in our time," notes PBS news anchor Jim Lehrer. "But the 2008 election truly is the most important presidential election in my life."

But how can we tell how important an election is until well after it is over? Looking back over my life, I'd have to say the 2000 election was the most important. America survived Lyndon Johnson. America survived Richard Nixon. America survived Bill Clinton. But America, as we know it, may not survive George Bush.

Bush got us into an unnecessary, expensive, and immoral war. Bush greatly increased deficit spending and unfunded obligations. By these actions, he effectively destroyed the value of the dollar on world markets, imposing huge burdens on American consumers.

One candidate this year promised to fix Bush's foreign policy mistakes but continue spending. The other promised to fix Bush's budgetary mistakes but continue an aggressive foreign policy. So it is hard to see this election as important as the one in 2000. — Randal O'Toole

One down? — Take a moment to pat the back of those jurors who rang up Alaska Sen. Ted Stevens on seven felony counts of corruption. Stevens has made a career out of transferring money from taxpayers to Alaskan corporate interests, and a fortune off making sure that some of that money falls into his pocket along the way. It's likely to be a symbolic victory — Stevens, amazingly, looks to have beaten back the challenge of Anchorage mayor Mark Begich, and no judge will sentence an 84-year-old sitting senator to jail time.

Stevens has insisted that he "will fight this unjust verdict

with every ounce of energy I have." And at 84, who knows how many ounces of energy he's got left? No matter, it's — at best — one felon out of Congress, a few hundred left.

— Andrew Ferguson

Disaster management — Free-market supporters have already largely abandoned the GOP after eight years of Bush. Those remaining have trouble explaining to the many populists why the events of the past several months do not mean that government intervention in markets is a good idea.

Thomas Sowell described this election as a choice between a disaster and a catastrophe. Who could disagree? But it is perhaps more than a mere catastrophe that individual freedom continues to slip away, amid economic troubles that most pundits think were caused by laissez-faire. — Ross Levatter

Yes he might — I am writing this Tuesday evening, with 66% of the precincts reporting. As predicted, Obama won, although his margin in the popular vote is less than most of the polls predicted. The Republicans have 40 Senate seats with four more still undecided; while the Democrats will have majorities in both houses, it is not yet clear if they will be filibuster proof.

What remains to be discovered is what sort of president Obama will be. Judged by his past record, he will be a very liberal one which, combined with Democratic majorities in both houses, could be very bad news. If, on the other hand, you judge him by the academics around him, people such as Cass Sunstein, Larry Lessig, and Austan Goolsby, and by the better elements of his campaign oratory, he

might turn out pretty well.

My hope — I think the odds are less than even but well above zero — is that part of his idea of change involves reshaping the policies that define the Democratic coalition, abandoning much of the New Deal consensus and accepting a considerable part of the free-market ideas associated with Chicago and Reagan. The coalition would still define itself as Left, but a Left defined by support for income redistribution rather than extensive intervention and regulation, and also by support for greater liberty in social matters and, with luck, less arbitrary federal power.

If that happens, one result might be to shift a large part of the libertarian vote, broadly defined, away from the



"I was all ready to deal with the military, but I never expected an IRS coup!"

Republican Party, a party that has given us very little of what we want over the past two administrations. An administration that limited its efforts to help the poor to giving them money, while substantially reducing the degree to which helping the poor was used as justification for policies that make most of us, including most poor people, poorer, would be a considerable improvement over what both parties have been giving us. It would be very much less than what we want, but probably as much as we have any basis to hope for.

There is one result of special interest to libertarians. The LP this year took the gamble of nominating a not very libertarian candidate, a person with a national reputation instead of a hardcore libertarian, whom nobody outside the movement had ever heard of. A few months back it looked as though it might pay off with a lot more votes than LP candidates have gotten in the past. Now that the votes are counted, however, Barr seems to have gotten about .4%, a little worse than the party's best past showing.

— David Friedman

McDrain — Where did John McCain blow it? He was looking rather steady up until the second debate, right after the trillion dollar bailout was passed. I've talked to many people who claim that he made two big mistakes. He promised to veto pork-barrel spending, then signed onto a bill after it had been inflated with \$150 billion of pure pork; it made his veto threats as useless as Bob Dole before the invention of Viagra. Secondly, he went into the debate and announced that the federal government would buy up all the upside-down mortgages, and let home owners refinance them at a reduced value. I think at that point most people decided that there wasn't really too much difference between the candidates.

I also wonder why John McCain's military service was not more of an issue. In past elections, military heroes have often risen to the presidency: George Washington, Andrew Jackson, Ulysses S. Grant, Teddy Roosevelt, Dwight D. Eisenhower, and John F. Kennedy were just a few of our military heroes to assume the office. John McCain might have been a hero, but he was a hero from a lost war, a war that many would like to forget. Bill Ayers, who might as well have been fighting alongside the Viet Cong during that conflict, was on the winning side of this electoral battle. Perhaps the popular comparisons between Iraq and Vietnam have taken firm root in the national zeitgeist.

— Tim Slagle

Revenuers' resurgence — One of the underappreciated qualities of W. Bush's administration was its de-emphasis on aggressive tactics at the Internal Revenue Service. Despite the late-night television ads that scream about liens, levies, and seizures, the IRS has in fact trod relatively softly on individuals and small businesses.

Expect those days to be over. The combination of the recession and Obama's plans for sharing the wealth will almost certainly mean a return to aggressive assessment and collection tactics. The antibusiness and antiindividualist nature of IRS collection practices has been well-documented. It is a political vulnerability of the leviathan; and we need to hammer it constantly.

— Jim Walsh

The black establishment — It seems to me that the Democrats should take a lot of blame for the country's having to endure eight years of George W. Bush as president.

It's not as if they gave us much choice. In 2000, they nominated a crackpot, the man who both claimed to have invented the internet and to have been the model for the Ryan O'Neal role in "Love Story." Compared to Al Gore, Bush looked like the soul of common sense and steady leadership.

Then, in 2004, the Democrats came up with a truly loathsome character, a man who had launched his political career by telling a Senate committee that, in the rape-murder-pillage department, American soldiers in Vietnam were worse than the hordes of Genghis Khan — and went on to lose the popular vote by almost exactly the number of Vietnam veterans in the country.

It wasn't that way in 2008. This time, the losing side nominated a man most Americans would have been proud to have as president. When John McCain lost to a man with an African father, it's not because the Republicans tripped over their own toes. It's because the country really wanted Mr. Obama to be president. Which says an awful lot about our country.

To me, it says that it's time for the civil-rights industry to shut the hell up. The election of an African American to the presidency didn't come about because of some sudden racial awakening on Nov. 4, 2008. It came about because of a fundamental shift in racial attitudes that took place decades ago. Anybody who grew up in the '60s knows that the hearts-and-minds work had been completed for a quarter of a century. Minimum.

Since then, whatever racial divisiveness may still hold African Americans back hasn't come from the white community, at least for the most part. It's come from the people who have made good lives for themselves by claiming to represent the grievances of African Americans.

Which is my long-winded way of saying that the real lesson of yesterday's election is that, not only isn't America particularly racist anymore, it hasn't been for a long time. And those people who made their careers by trying to see to it that the racial divisions of our past were never healed owe all of us, and especially our African American brothers and sisters, a huge apology. Don't you think so, Mr. Jackson? Wouldn't you agree, Mr. Sharpton?

— Bill Merritt

Self-medicating — The Medical Choice for Arizona Amendment, Proposition 101, sought to place in the Arizona Constitution the right of citizens to opt out of any government healthcare program and spend their own money on their own health as they saw fit — a seemingly innocuous claim. If passed, it would potentially have set up a Supreme Court case on federalism if a universal care program were passed by Congress (according to Clint Bolick of the Goldwater Institute). As I write, on the morning after the election, it is failing by fewer than 1,000 votes out of more than 1.68 million cast, despite being outspent four to one by pro-government groups. Ironically, efforts to raise money for this proposition from out-of-state libertarian political philanthropists failed because they thought the amendment had no chance of passing. It may still pass; over 100,000 mailed ballots will be counted tomorrow.

Meanwhile, Arizona's Prop 102, amending the state constitution to add to the existing clause on marriage "Only a union of one man and one woman shall be valid or recognized as a marriage in this state" is currently passing, 57–43%. Prop

8 in California, which amends the California constitution to eliminate the recent judicially-recognized right of same-sex couples to marry in that state has passed. It seems that as the economy shrinks, so does people's empathy for the other guy's problems, concerns, and desires. — Ross Levatter

You're doing it wrong — I occasionally get emails from a meetup list of Ron Paul supporters in the area around Olympia, Wash. The day before the election, a number of frantic emails were sent to people on the list. Among these was one that included the following:

We are on the verge of electing a man that cannot put his hand on the Bible and swear to uphold the Constitution against enemies foreign and domestic. He can't do it, he can say it, but he can't uphold the oath because he already said he doesn't believe in it as written. He even believes Jesus was black, as does his Afro-centric - non-American-centric "pastor!" . . . I hope to God the Manchurian Candidate McCain wins and the *despicable* Marxist, Kenyan-born, Indonesian citizen, mulatto-in-chief wannabe loses. That son-of-a-bitch will appoint judges that make Ruth Bader — the anti-christ Jew — Ginsberg look like a moderate. The Founding Fathers will be spinning like tops in their graves and it is our great-grandparents, our grandparents and our fault.

I've written before about the cranks that the libertarian movement, like any group assembled around a political philosophy, attracts. In the months ahead, as Obama takes office and we debate how the support of limited government should go forward, we have to be mindful of the small-mindedness and hatred that still exist in the world. And we have to make sure there's no place for it in the rational opposition to the new president's statism. Obama's ideas about individual rights and property — not the color of his skin or the church he frequents — are the problem. — Jim Walsh

Rolling right along — There are several good things I can say about the election. First, thank God the disgusting campaign we have had to endure for almost two years is now over. Second, the election signals the end of the disastrous presidency of George W. Bush. Third, and best of all, the Republican Party lost, and lost big. The bad thing, of course, is that the American people elected the most liberal and most radical member of the U.S. Senate. But what are we to expect, since the election was nothing but a choice between a socialist and a national socialist?

This has been an extraordinary campaign. The arrogant Libertarian Party candidate, who spent his entire political life as a Republican, campaigned more as a former member of Congress than he did as a libertarian. When will the Libertarian Party realize that since it has no chance of winning the presidency, it might as well run on a radical libertarian platform to get the libertarian message out? Meanwhile, the best candidate in the Republican Party primaries was the true libertarian. Even so, he was treated shamefully by some libertarians, and with utter contempt by others.

This election signifies a wholesale repudiation of the despicable Bush presidency. With his unnecessary wars, infringements of civil liberties, violations of the Constitution, establishment of an imperial presidency, and destruction of the economy, he will go down in history as the worst Republican president since Lincoln.

The Republicans deserved to lose as badly as they did, and

more. Their crony capitalism, profligate spending, massive government, mockery of the Constitution, open-ended wars, acceptance of the neoconservative agenda, and empty rhetoric of free markets and limited government earned them the wrath of voters, who, in response, finished the job they started in the last congressional election.

Unfortunately, the Republican Party's loss is the Democratic Party's gain. This is the party that Strom Thurmond left in 1964, saying, among other things, that it was "leading the evolution of our nation to a socialistic dictatorship." Barack Obama, with his radical associations, his life spent in the service of racial preference, his aberrant Christianity, and his plan to further redistribute the wealth of taxpayers to tax eaters will certainly lead us closer to the promised land of the hard-left state feared by Thurmond. We can expect a bigger, more intrusive, and more interventionist government.

As a Christian, I find Obama's position on abortion reprehensible. But because I believe that pro-life sentiments should be extended to foreigners outside of the womb, I have equal contempt for McCain's support of perpetual war. As usual, no matter who won the election, the American people who treasure more liberty and less government lost. The welfare-warfare state will continue unabated. — Laurence M. Vance

Our Founders' failures — Many proponents of gun control justify the obvious constitutional violation by noting that our founders could never have conceived the weaponry available in a modern world. Muskets and cannons were the most technologically advanced weapons of their day; even simple repeating rifles were still years away. This forgivable oversight on the part of our founders is the reason why the Second Amendment is often reinterpreted, even by strict originalists. Only the most ardent libertarians recognize an individual's right to bear a nuclear missile.

I believe another oversight was the founders' inability to foresee mass media. In a day when news traveled at the speed of horseback and electricity was a strange force Benjamin Franklin pulled out of the sky, who could have imagined telegraphs? Today radios, televisions, and computers bring candidates into our homes and cars, and it is very easy for the audience to imagine a personal relationship with candidates.

Nor did the founders imagine that their disdain they held for democracy would ever be forgotten by the American people. They assumed that the task of appointing a president would always fall to the legislature, unless by rare circumstance the nation would need to rally behind a single candidate. The founders believed that only a handful of men would ever gain the type of national popularity that George Washington held, but in today's political arena he would seem like a folk singer.

So imagine our founders' dismay had they foreseen the election we all witnessed on Nov. 4th. An election that was not based on any real knowledge of a candidate's position or accomplishments, but one based entirely on a cult of personality. The more cynical among us might actually consider Barack Obama the highest level affirmative action appointment in the entire history of equal opportunity. Meanwhile, consider all the wonderful things we have to look forward to: energy rationing, nationalized health care, and mandatory public service have all been suggested. Not to mention

a couple Supreme Court appointments that will make Noam Chomsky look like a moderate.

Perhaps, if our founders had known how presidents would be elected in our time, they would have secured the reins a little bit tighter; but the horse is out of the barn. There is no way Americans would ever tolerate a tightening now. They are convinced that voting for president is a basic constitutional right of every citizen, no matter how ignorant or uninformed that citizen might be. Even the Electoral College, one of the last mechanisms in place to prevent a populist president, is under scrutiny in some political quarters, and many want to eliminate it.

So what do we have left? Perhaps we do need to regulate the First Amendment with the same enthusiasm and rationale some have for regulating the Second. Or perhaps we need to reconsider the ban on nuclear missiles.

— Tim Slagle

The need for liberty — The morning after the election, CNN's online service reported that Wall Street might be happy enough with Obama: " 'The people have spoken and it's wonderful that the Supreme Court didn't have to decide the election. Obama has a pretty clear mandate,' said Phil Dow, director of equity strategy for RBC Capital Markets in Minneapolis." Meanwhile, the stock market fell 486 points.

As I emphasized after the last presidential election ("Politics vs. Ideology: How Elections Are Won," February 2005), American elections are ordinarily won by slim margins. Talk about "mandates" is always heard from adherents of the winning party, but it almost never amounts to anything. Further, both the winning and the losing sides are composed of such diverse voters, swayed by such diverse interests and priorities, that attributing a candidate's victory to public agreement on some idea or philosophy is preposterous.

Victory can, of course, be speciously attributed to almost anything that might have provided a winning margin: a small gaffe made by the opposition, a rise or fall in economic indicators, some local proposition that drew certain voters to the polls in a state that happened to be crucial. Any of these factors, once identified, can be used to explain the whole thing — at least by people who are professional advocates or adversaries of special causes and interests.

After the 2004 election, we heard much about how the religious Right had engineered a victory for the Republicans by attacking gay marriage and so forth. Shall we now hear that the religious Left, of whom Sen. Obama is the most distinguished representative (even ahead of Bill Moyers, who routinely calls himself "this Baptist"), engineered the 2008 election by supporting its own causes and interests? Or shall we hear that it was antigay bigots in California who elected Obama, because the state simultaneously voted for him and for a ban on gay marriage? Naturally, we won't hear either of these things — but only because the media are overwhelmingly in favor of Obama and are overwhelmingly sympathetic to the religious Left.

Yet the point is made: it was not one issue, cause, or ideological principle that in 2008 gave the Democrats an electoral victory that was well within the normal range of American voting patterns. I would argue that the Democrats' ideology was actually so evanescent, its candidates so weak, its policy suggestions so unpopular, that their opponents almost

stopped them, despite the country's massive economic problems and the Republicans' obvious incompetence.

However that may be, I am with those who believe that the defeat of the Republican Party will be good for *it*. It now has the chance to throw out the country-club Republicans and RINOs (Republicans in Name Only) who have dominated it during this administration, and return to a sincere advocacy of limited government, thus returning meaningful choice to party politics.

Clearly, libertarian thought, and libertarian thinkers, will be needed if the GOP is to stage a comeback. Libertarians should keep in touch with whatever forces exist in the Democratic Party that are favorable to personal liberty, reminding them always that liberty is liberty, and that granting my freedom to sleep with whom I want is no different, in moral principle, from granting my freedom to spend my money as I want. But the Democrats, heady with victory, neither need nor want us. The Republicans — who claim to be the party of limited government, which the Democrats never do — have a real need for us now, and many of them know that they do.

This is no time for libertarians to give up on American political life, or to sacrifice opportunities to influence it. It is the best time of all for libertarians to interest themselves in the Republican Party and in every caucus, thinktank, petition drive, and political action group that can give it an impetus toward liberty.

— Stephen Cox

Getting rid — The election is finally over, and the Democrats have gained the presidency and increased their majorities in both houses of Congress. Politically, they seem to have come full circle from 1968, when the New Deal coalition, which had dominated U.S. politics for a generation, began to disintegrate. Perhaps more importantly, the voters have elevated an African American to the highest office, a result few expected when Barack Obama declared his candidacy almost two years ago.

What caused this outcome, and where could it take us in the future?

It is quite clear (to me, at least) that the country has not truly veered that far to the left. The heavy Republican defeats in 2006 and 2008 were the result of the failed policies of the Bush administration. Those policies, labeled "compassionate conservatism" by the administration's defenders, looked suspiciously liberal to the detached observer. Out of control spending at home and nationbuilding abroad were never part of the Republican agenda before 2000. The former was the product of the Rovian conception of sacrificing principles for votes. The latter was something that Bush explicitly rejected in the 2000 campaign, then took up as president — partly, I believe, as a fig leaf to conceal the oedipal nature of his drive for war in Iraq, and partly as a concession to the idealistic (or, to be plain, soft-headed) quality often displayed by the American people in foreign affairs.

At the same time, the Bush administration signally failed to police the nation's financial markets. To set the rules of the game and see that they are enforced is a classic conservative principle of government going back to Adam Smith and beyond. The administration's failure in this basic task led to the mortgage bubble, its inevitable bursting, and the credit crunch and economic slowdown that followed.

The Democratic victory, then, was a “throw the bums out” affair, as opposed to a major ideological swing. Indeed, Republican losses should have been even heavier than they were. The standardbearer, John McCain, ran a terrible campaign. He selected as a running mate a woman of vast inexperience and mind-numbing banality, though her shapely legs and come-hither winks apparently won over some goofy right-wing pundits, as well as some voters of the yokel variety who might otherwise have stayed home.

A blowout of 1964 proportions should have hit the Republicans. It didn’t quite happen, first because the country has not moved that far to the left, and second because Barack Obama was the Democratic presidential candidate.

Obama can almost be called an accidental president. Had he failed to win the Iowa caucuses, he would today still be the first-term senator he was when he boldly declared his candidacy. Hillary Clinton, who defeated him first in New Hampshire and then in a string of head-to-head contests in some of the biggest states, would today be the president-elect had she (or for that matter, any other Democratic candidate) defeated Obama in Iowa. A few thousand Iowa Democrats decided who the next president would be.

Had the financial panic that began in September occurred after the election, I believe Obama would still have won. He never trailed in the polls, save for a brief period immediately after the Republican convention. But his margin, I think, would have been razor-thin, despite the fact that 2008 was going to be a Democratic year. Absent the meltdown on Wall Street, Obama’s race, and his inexperience, would have made the election much closer than it turned out to be.

But I come to praise Obama, not bury him. Like fellow right-wingers Chuck Hagel, Peggy Noonan, Christopher Buckley, Ken Duberstein, and Susan Eisenhower, I favored him over McCain. Speaking for myself only, I regard his victory as possibly the last chance we have to rein in the American empire before it brings us to ruin. Obama may not be able or perhaps even willing to do much about this. But I am convinced that McCain would have been far worse, continuing the Bush line toward Iraq and Iran and pushing a forward policy in places like Georgia, with potentially terrible consequences for our country.

Of course, the very fact that an African American has won the presidency is itself something to celebrate. America suffers from two original sins. The first, unredressed to this day, is its treatment of the aboriginal peoples. The second was slavery. We fought the Civil War in large part to expunge that sin. The Civil Rights movement of the 1950s and ’60s marked a further step. Now, with the elevation of an African American to the highest office, we may perhaps be approaching (though it is no doubt still distant) the day when race no longer matters in America.

Obama is a smart and disciplined person, but he lacks experience. Much will depend on the quality of the people he chooses to advise him and manage the machinery of government. I tend to believe he will choose wisely, but perhaps this is mere wishful thinking.

There are undoubtedly people in the Democratic Party who want to move policy far to the left. Despite Obama’s liberal record in the Senate, I believe he will try to govern more from the center, which in a Democratic context means along

the lines of Bill Clinton. The latter liked to refer to his administration as the “Eisenhower Republicans,” and there was truth in this.

The fact that we are awash in debt should do something to restrain the Democratic impulse to spend, while the severe slowdown in the economy ought to make even the most liberal Democrat hesitate before raising taxes.

I don’t want to sound too optimistic about the future. The problems ahead are enormous and perhaps intractable. Obama may rise to the occasion; he may have within him the makings of a great president. Nevertheless, we could be in a decline that no individual, however gifted he might be, can do anything to reverse.

Where the Republicans go from here is a mystery. During the Bush years, the party was cannibalized by a combination of Rovians and the God boys and gals of the obscurantist right; what remained of the old GOP was betrayed by the free marketeers gone wild at places like Enron and Countrywide Financial. They have no one. Palin? Romney? Louisiana governor Bobby Jindal? Please. The Republican Party is in serious disarray, and in danger of being completely absorbed by the social conservative movement. If libertarians have their wits about them, they will try to take advantage of what may be a once in a lifetime opportunity.

— Jon Harrison

My day was worse, and we liked it — A lot is being made about the tough job President Obama will face when he takes office. Comparable to the situation the incoming president faced in 1968, a lot of people say.

Obama definitely has some things to deal with. The economy is in the tank. Most of the rest of the world would like to wring our necks. We are ashamed of ourselves for what our government let happen in Guantanamo and Abu Ghraib, and we are mortified by how cataclysmically incompetent our outgoing president has been in identifying and protecting our national interests. But tough like 1968? Gimme a break.

The things President Obama will confront aren’t even close to what President Nixon had to deal with. In 1968, the country was burning down. Robert Kennedy had been murdered and, a few weeks later, Martin Luther King. This morning (it was morning here in Africa, anyway) when Sen. McCain gave his concession speech, the news showed pictures of Jesse Jackson with tears streaming down his face. This is not the same racial climate we were in 40 years ago.

In August of ’68, we had to watch while Soviet tanks put an end to the Prague Spring. Tears still stream down my face, sometimes, when I think about that. This August, we watched while Russian tanks rolled into parts of a tiny, former Soviet republic to protect separatist Russians from having artillery pieces fired at them. And now, that same former Soviet Republic is lobbying to join NATO. This is not the same situation America faced in Europe 40 years ago.

Today we are on the verge of easing our way out of a war in the Middle East, a war we never should have gotten into. The fact that the president of Iraq has asked us to go just makes the going that much easier. In ’68, we were trapped in a war in Southeast Asia, another war we never should have gotten into. The fact that the president of South Vietnam was desperate to keep us there made it almost impossible to leave.

Today, the biggest threat from China is tainted milk and

poisoned dog food. In '68 we were fighting Chinese troops in Vietnam. Okay, so you didn't know that. It was a pretty tightly-held secret. Seemed to Uncle that the war might become even more demoralizing if the folks back home got wind that their boys were involved in a land war in Asia with China. The only people in on the secret were our government, the Vietnamese, the Chinese, and our boys. As a sergeant of mine put it, when some six-foot-six-yahoo in a strange uniform starts shooting at you, it don't take Margaret Mead to know he ain't Vietnamese.

In '68, I spent election night in an evacuation hospital in Vietnam watching the returns on television. Nixon vs. Humphrey vs. Wallace. Now there's a set of candidates for you. Those three alone show how much better things have become. I spent this election night asleep. In the morning I went over to the embassy. It was the Africans who were bleary-eyed from watching television all night. From watching our elections. And the goodwill they felt for what we had done . . . well, it wasn't like anything I saw in '68.

Here's what I would like President Obama to do: cut back on the fear rhetoric. One of the things I resent, maybe the thing I most resent, about President Bush is how he has spent the last seven years trying to turn our brave citizens into a nation of scaredy-cats.

Sure, just short of three thousand people died on Sept. 11, 2001. But here's another statistic. Just short of 700,000 Americans have died in combat. That's just in combat. If you count the ones who died in service during our wars, the total is well over a million. All those people giving their lives to defend the freedoms of our citizens, and our outgoing president wants to toss it aside because of 3,000 people at home?

The way we keep faith with our dead soldiers is to cherish what they gave their lives for. I agree with a note in the Atlantic a few months ago. We should declare the victims of 9/11 Martyrs for Freedom, forget about all these security measures, and go on with our lives.

— Bill Merritt

Out, damned blot — Polls showed that most voters thought McCain was best on foreign policy and Obama best on the economy. I thought just the opposite, so after long inner debate, I mailed in my Oregon ballot with a check in the McCain box.

But as the returns came in election night, I realized that I would be angry if McCain won. When the networks called it

for Obama the moment Pacific Coast polls closed, I was surprised by the tears streaming down my face.

For too long, much of America's black population has effectively been outside of our economy. Forty years ago, black per-capita incomes were 57% of white's; today they are still just 59%. We can debate the causes, but fundamentally this lack of improvement is a blot on America.

A big part of the problem is that blacks did not believe they had the same opportunities open to whites. Now they see they do, so maybe we can finally put to rest all of our past problems with slavery, segregation, and Jim Crow. This alone makes Obama's election something to be proud of.

Obama's economic policies may prove to be a disaster, and we will have to deal with that. For the moment, I am proud to live in a country that elected its first minority president.

— Randal O'Toole

Prix fixe — Spending as a percentage of GDP was 18.4% in 2000, Clinton's last year. It was 20.0% in 2007. It will certainly be larger in 2008. My guess is that by the end of an Obama presidency, looking up the percentage of GDP spent by government will be like reading the menu at a very expensive restaurant. No itemized figures — just a little note at the bottom of the page saying "If you have to ask the price, you shouldn't have come in here."

— Ross Levatter

Watching for Obama's Mixner — With a heralded Democrat heading to the White House, I've been thinking back to the last time we were in this position. One useful episode from the early days of Bill Clinton's administration was his treatment of David Mixner.

Who's that? you ask.

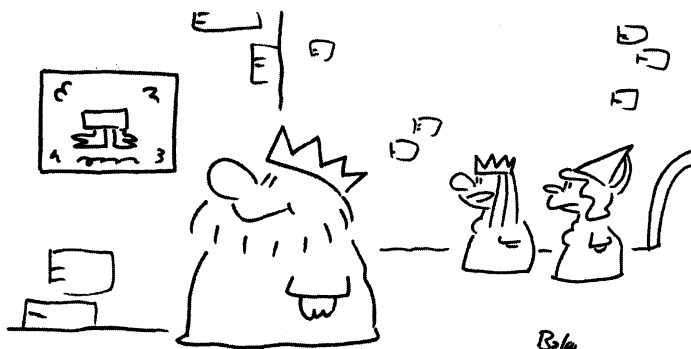
These days, David Mixner lives in relative obscurity in upstate New York. Back in the early 1990s, he was a political *macher* in southern California and the man to see for "gay money" on the West Coast. He was an early and major supporter of Bill Clinton, raising critical funds for the charismatic Man from Hope and securing what he thought was Clinton's commitment on changing U.S. military policy to allow gays to serve openly in the armed forces. At one of Clinton's inaugural balls, Mixner gave a speech looking forward to years of working with Clinton on progressive causes.

But Clinton's definition of "progressive" was not the same as Mixner's. Clinton quickly concocted "don't ask, don't tell" as military policy on dealing with soldiers' sex lives. Many political activists — including Mixner — opposed "don't ask, don't tell" as a sleazy compromise and unacceptable affront. Clinton quickly cut all ties to Mixner, whose image changed from connected political insider to foolish political naif. In current political argot, Clinton threw Mixner under the bus.

As the author of "The Audacity of Hope" moves into 1600 Pennsylvania Avenue, who will his David Mixner be? The answer to that question may offer a tactical foothold for countering Obama's statist ambitions.

— Jim Walsh

The archetypal president — As early as March 2007, LA Times columnist David Ehrenstein, an African-American on the Hollywood beat, was writing a column identifying Barack Obama as a "magical Negro." This stock character, typified by Will Smith in "The Legend of Bagger Vance" or Morgan Freeman in about a hundred different



"That's his Nobel Peace Prize — he captured it from the King of Sweden."

movies, is the ethnic minority who appears on the scene at just the right time to say just the right thing to produce an epiphany for the bumbling white protagonist. He has no history and no goals of his own; he exists solely to further the formulaic plot.

The last year and a half of campaigning has only served to validate Ehrenstein's diagnosis. As he noted then, Obama's appeal has nothing to do with anything that he has done, written, or said — likely because there is so little actual content in any of his actions, writings, or speeches — but rather with the way that he says things: comforting, mildly passionate, never outright threatening: what his now-VP Joe Biden once embarrassingly termed "articulate."

I was astonished, over the course of the election, how many people I knew whose judgment I generally trusted in day-to-day life who went absolutely mad over Obama (in the words of one of them, "drinking the Obama Kool-Aid"). It wasn't until I went back and found Ehrenstein's article, much lampooned by Rush Limbaugh at the time, that it finally clicked: for all his true believers, we really are living in a movie, and Barack Obama really can, yes he can, walk onto the screen and help our bumbling white country out of the mess it's gotten itself in: "Like a comic-book superhero, Obama is there to help, out of the sheer goodness of a heart we need not know or understand. For as with all Magic Negroes, the less real he seems, the more desirable he becomes. If he were real, white America couldn't project all its fantasies of curative black benevolence on him."

Trouble is, the problems we face are not limited to a wonky golf swing or a lack of social graces. Obama's first term would have to be considered a success if there is even a gradual drawdown of troops in the Middle East, coupled with a return of some idea of fiscal responsibility as measured by a decline in the national debt. These realistic goals, and no more, should be the expectation — but it is not for his realism that he was selected.

If Obama fails to deliver on all that is expected of him — and how could he not? — the disillusionment will be pervasive and vicious. And archetypes, for all the life we pump into them, do not die peacefully. — Andrew Ferguson

In a giant's footsteps — The phrase of the moment is "Transformational Presidency." President Obama's election will transform our politics, so the phrasemongers say. I'm pretty sure he will. In fact, I'm pretty sure he already has. But, transformation-wise, he has some big shoes to fill.

I don't think we give outgoing President Bush sufficient credit in the transforming-our-politics department. Nobody in my lifetime, nobody in many lifetimes, has transformed our politics as quickly or as thoroughly as our current president. When President Bush took office, the House and the Senate were controlled by Republicans, the budget was running huge surpluses, we were at peace, and the only gripe most foreigners had against us was that we were a bit smug about it all. In just two terms, he has managed to turn all this around.

Think what a historical achievement this is. President Reagan and Speaker Gingrich transformed our politics away from the corruption and arrogance of congressional Democrats who had been entrenched for generations. President Bush quickly changed it back. President Obama has his work cut

out for him if he wants to compete with his predecessor in the transforming-our-politics department. I know it's unfair but, sometimes, as in the case of Andrew Johnson, a president has the ill fortune to follow a giant and, no matter how great he really is, just looks ordinary in comparison. — Bill Merritt

The message is the method — Obama won not because he captured the center, but because McCain abandoned it. McCain's selection of Palin as running mate and his campaign focus on Obama's "socialism" pandered to the Republican base but alienated the independents who tip the balance in our national elections.

Where do conservatives-libertarians-Republicans go from here? Two groups — the social and neoconservatives (who are fiscally ambiguous) and centrists (who tend to be fiscally conservative but are socially ambiguous) — will struggle for control of what is left of the Republican Party.

The social conservatives, represented by Palin and Huckabee, represent a recipe for a permanent minority party as they will never attract the independents. The centrists, represented by people like Arnold Schwarzenegger and Indiana Governor Mitch Daniels, have a better chance even if their positions seem inconsistent and less principled.

Some claim that libertarians can tip the balance in national politics, but I haven't seen it. They can, however, tip the balance in Republican politics. One goal should be to make sure the neocons have no influence on the centrist wing. Another should be to present the centrist platform in a way that attracts the social cons without supporting their somewhat theocratic agenda. Finally, libertarians can firm up the fiscal conservatism of the centrists.

Remember, no one after Bill Clinton's election in 1992 expected the Republican takeover of Congress in 1994. No one after Bush's election in 2000 expected the Democratic takeover of Congress in 2006. The pendulum will swing back, but its return will come sooner if we can present a coherent message to the nation's political middle. — Randal O'Toole

Treating the symptoms — I've lived in the St. Louis area for about a year and a half now, and during that time have received several invitations to attend local Libertarian Party events. I finally availed myself of the opportunity on election night.

I worried at first that showing up might seem hypocritical for a confirmed nonvoter like me. After all, third parties are constantly struggling to maintain the tiny sliver of total returns that will keep them automatically on future ballots, so individual votes matter much more to them than they would to either of the major parties.

I also felt slightly guilty about not having registered to vote before this election, because I had the chance to pick as my congressional representative none other than Tom Knapp, a guy I've known (online, at least) since the halcyon days of Free-Market.net.

As it turned out, nobody seemed to mind — least of all Tom, who says he doesn't want to be in charge of anything anyway. But an even weightier topic that didn't arise that night was the fact that I'm not sure I want the Libertarian Party to succeed at all. I think electoral politics in general is a poor strategy to change the world for the better, because the political process is largely concerned with tackling only the symptoms

of larger, more fundamental, problems. The more that people who genuinely care about improving society embroil themselves in partisan bickering, the less time they have to spend on more productive, lasting forms of social change.

Similarly, I've always viewed the Libertarian Party as sort of a "make-work" project for libertarian activists, the electoral equivalent of digging ditches and filling them in again. Just as that kind of planned-economy job acts as a dual drain on the economy, by taking workers out of the productive labor force and by supporting them with tax dollars that could have gone to private use, the Libertarian Party attracts both funding and activists that might have otherwise have been employed in any number of activities that would have spread libertarian ideas in more useful ways. I think the prospects for freedom suffer somewhat as party activists persist in playing Sisyphus year after agonizing year.

To the extent that the Libertarian Party succeeds electorally, it will do so either by becoming more mainstream or by appealing to a society whose views have changed to embrace the ideas of liberty. Yet if the party waters down its platform to gain votes, there's little point in its existence as an alternative to the two-party system. On the other hand, if it's possible for the prevailing philosophical winds to change first, that would demonstrate that intensive interest in electoral politics was a red herring all along.

Still, as long as the Libertarian Party does exist, I'm happy to root for its small successes, and I'm always glad to see the thousands of votes that are cast in a bid for freedom, however small a percentage they turn out to be. As Tom Knapp put it, he tries to spread the attitude that "every time we run, we win." He may have something, at that. I can at least join him in thumbing my nose at both major parties. — Eric D. Dixon

Bailing in — McCain lost the election (and I can't say I'm unhappy about it) in late September when he did not distinguish himself from Obama and Bush by opposing the bail-out. Even if he didn't think opposition was the best economic move (and I think it would have been), he is so ignorant of economics it's hard to believe he had a strong opinion on the matter. Opposition was so clearly the only political move leading to the checkmate of Obama that he was extremely foolish not to oppose it.

One can only imagine the McCain ads that could have been run: "Wall St. Fat Cats want \$700 billion of *your* money. And Bush and Obama want to give it to them. Only McCain believes that taxpayers shouldn't be on the hook for Wall Street's mistakes. Don't continue to accept Bush-Obama policies. Vote McCain for Change." The irony alone would have been worth risking the economy for. — Ross Levatter

Going nowhere fast — It is widely agreed that government failure caused the current economic crisis, though not everyone agrees on just what that failure was. Ironically, as NBC anchor Brian Williams noted during Tuesday night's election coverage, the response is that "more people are now viewing government as the solution and not the problem." It will be bad indeed if we end up suffering from more government failures as a response to government failures of the past.

To use one example, despite the serious economic conditions we face, voters in Seattle, Los Angeles, and Sonoma and

Marin counties, California, approved sales-tax increases to pay for ridiculously expensive rail transit projects. The L.A. and Sonoma-Marin projects actually gained more than the two-thirds majorities that California requires for tax increases, and San Jose voters fell just 0.4% short of the two-thirds required for a tax increase for a \$6.2 billion extension of the BART system that, planners admit, won't relieve congestion anywhere.

From the viewpoint of sensible transportation policy, the worst news of the election was California voters' approval of the state's selling \$9 billion worth of bonds for a high-speed rail system. California can't afford to repay those bonds, but since no tax increase was involved, the 52% support was enough to pass the measure.

Because the total cost is likely to exceed \$60 billion, California's high-speed rail will be the mother of all mega-projects. No one knows where the money will come from, but once they spend \$9 billion, project advocates will argue that someone will have to pony up the rest to "complete the system."

The real danger, as I previously noted here, is that California's congressional delegation will get Congress to match California's funds, which will lead Florida, Illinois, and other states to demand their share of high-speed rail funds. The federal government can no more afford to do this than California, but don't count on a Democratic Congress to take that into consideration.

— Randal O'Toole

Cutting our losses — Is Obama's victory better for liberty or worse than a McCain victory would have been?

McCain would "stay the course" in Iraq for another couple of years, accomplishing nothing at a cost of thousands of lives, find some pretext for declaring victory, and withdraw the majority (but probably not all) of our troops. Obama will quickly appoint a task force to come up with a timetable for a complete withdrawal of our troops — a withdrawal that will probably take a couple of years and cost thousands of lives, but may indeed be complete. Huge advantage in rhetoric, but only a slight actual advantage for Obama.

Under Obama, our tax burden will rise, and his administration's actions will increase the duration and the severity of the current economic disruption. Under McCain, our tax burden would have risen, although his administration's actions would not be nearly as detrimental to our economy. Slight edge for McCain.

Obama will continue the War on Drugs, as McCain would have. Obama will appoint justices who find Constitutional justification for almost any tax, regulation, or restriction; McCain would have done the same. Neither Obama nor McCain will do anything to address the looming unfunded liabilities (Social Security, Medicare, etc.) crisis. The two men are equally bad in these areas.

Obama will triumphantly increase funding for government schools, teachers, and unions; and do his utmost to ensure that neither the students nor their parents have any alternatives available. McCain would heroically increase funding for government schools, teachers, and unions; and occasionally tout the benefits of school choice, but probably do little to actually implement educational reform. Slight edge to McCain.

Obama will fill his "administration of hope and change" with "outsiders" who've been in DC for as little as half a

lifetime, whose policies will run the gamut from middle Left to fully socialist. McCain's administration would be filled with "mavericks," some of whom might have once held real jobs (but most from DC) whose policies would run the gamut from middle Left to neoconservative. McCain's administration might be marginally more efficient, meaning it would require less energy to pick our pockets and restrict our liberties. I think this one's a wash.

McCain is a statist who would, like W. Bush, ignore civil liberties and expand the reach of the federal government. Obama, especially given the Democrat-controlled Congress, will do even more to accelerate the government's growth. And yet I think the country is better off under Obama. Once a President McCain's big-government policies proved ruinous, the electorate would embrace something even closer to out-right socialism; when President Obama's policies prove ruinous, there is an off-chance that the electorate will realize that government is the problem, not the solution. — Mark Rand

Delayed response — In the hours after Obama won the presidential election, I felt no passionate reaction. Neither cathartic joy nor consuming dread. How dangerous can he be? One more careerist mediocrity from Harvard with an exalted sense of self-importance. But, as the hours have turned to days, a strong impulse has worked its way up from the far recesses of my consciousness. I feel the urge to buy a handgun. Maybe two. I suspect they're going to be harder to come by, legally. — Jim Walsh

Buddy list — I first remember hearing "guilt by association" debated during the HUAC hearings of 1948. The people whose Communist Party cards were produced at the hearings were considered by the Left as victims of guilt by association. The Left held that to be a member of a closed, secret political organization that advocated the overthrow of the American government and engaged in acts of espionage, sabotage, and murder was irrelevant to one's convictions, loyalties, character, values, judgment, or actions. Of course, these same liberals would not have dreamed of saying that condemning members of the Nazi Party was the error of guilt by association.

During this year's election campaign, Barack Obama's many years of close association with such far-left radicals as the Reverend Wright and the terrorist William Ayers — not to mention radical supporters of Near Eastern causes — and his acceptance of friendship, sponsorship, and money from such people, was deemed irrelevant to his convictions, loyalties, character, values, judgment, or actions upon becoming president. It cannot have been easy for him to have befriended, over the years — by chance, so he claims — so many on the far Left, and to have avoided forming chance friendships with radicals of the Right. And oddly, he does not appear to have any friends, mentors, or "old uncles" among libertarians.

To place a man under suspicion because of the people he associates with is sometimes unjust and sometimes not, depending on the nature and extent of the associations. If Obama had dinner with a man who later that night robbed a bank, the police would legitimately question him to discover the nature of their relationship and to learn whether Obama had any knowledge of the man's criminal activities. But if it were shown that Obama scarcely knew the man and had no

knowledge of his activities, he would be cleared of any suspicion or guilt.

Suppose, however, that the two had been friends for many years, that the other man had a well-known history of illegal activities, that he had often publicly denounced bankers and said that their property should be seized by anyone who could take it, that he had contributed to Obama's political campaigns and raised money for him, and that he had received favors and support from Obama, and funding for his radical organizations. Surely then there would be serious questions about Obama's values, judgment, and ideological commitment to legality. These questions would not lose their legitimacy simply by being labeled "guilt by association." They do not lose their legitimacy simply because of his election. — Barbara Branden

Bad beat — McCain's decisive loss to Obama resulted from numerous factors, some obvious, some not.

Certainly, he was up against tall odds. Start with money. Obama, reneging on his promise to stay within the voluntary campaign finance reform rules that both he and McCain had said they favored, was able to outspend McCain by a huge margin. Obama spent over \$600 million, an all-time high. Here, McCain fell victim to his own silly law — he had cooperated with the Dems, and they used it to their advantage. He "reached across the aisle" to them, and they screwed him. So much for bipartisanship.

Again, McCain's lack of communicative skills, recognized all along as a problem, certainly hurt him. Obama is a slick speaker. He is able to lie with breathtaking coolness. He makes Bill Clinton look like an amateur, no doubt part of the reason Clinton so obviously dislikes him.

Then there was the unprecedentedly blatant media bias in favor of Obama. It is easy to lie or rapidly change your professed views when the media won't call you on it. NBC in particular went crazy, spending more time examining Joe the Plumber's record than Obama the next president. When the independent investigator looking into Palin's firing of an appointee issued a report exonerating her — only 12 hours before the election! — the mainstream media said virtually nothing. And they said virtually nothing about the numerous misstatements and gaffes made by both Biden and Obama.

And while McCain had to struggle to shore up his base (deeply divided over immigration), Obama had a base eager to support him.

But in the final analysis, McCain failed because his populist instincts rendered him unable to control the final narrative in the race.

By "the narrative" I mean the public understanding of the past causes of a given crisis and one's proposed solution to it, going forward (which is much more important to the public than one's past position on the issues). As Orwell put it, whoever controls the past controls the future.

There were three major issues in this long campaign, issues that drove both races and that needed "big picture" explaining: first Iraq, then the oil crisis, and finally the financial market meltdown. McCain managed to turn the narrative his way on the first two but failed miserably on the third, a failure that will allow the leftists in the Democratic party greatly to increase the power and reach of government.

On Iraq, the conventional wisdom was that since the majority of Americans had come to regret the invasion, Obama would win on that alone. It certainly won him his primary victory. But McCain, who had pushed for the surge, benefited from the Iraq issue in the end. As violence dropped and the political situation in Iraq firmed up, McCain pulled even in the polls. He got the narrative right: while the public viewed the war as not being worth its costs, this did not mean the public felt our country was evil for fighting it, much less that losing it would be a good thing, an appropriate punishment for our wickedness (which is precisely what many on the left felt). By the last debate, Obama was backpeddling on pulling out on the short, fixed timetable he had earlier advocated.

The second issue was the sudden energy crisis, with oil prices rising to nearly \$150 a barrel, and gasoline prices shooting through the roof. The Democratic Congress did the predictable thing: it blamed Evil Big Oil and held hearings on oil profits, with at least one member speaking openly of socializing the industry. McCain dropped in the polls again, as people initially blamed the party in power. But McCain, a populist who himself had earlier bashed oil companies and opposed offshore drilling, did a quick turnaround and began pushing the “drill here, drill now” agenda articulated by Newt Gingrich and others. (It helped that Sarah Palin winked at the voters in her debate, while she told them that she was working on McCain to come around to favoring opening ANWR).

Very rapidly, the public rallied behind the radical idea of relying more on our own oil, and that the blame for the crisis lay in great measure with the environmentalist wing of the Democratic party, which has blocked domestic oil, natural gas, and coal extraction, along with nuclear power. Obama’s response was the stock enviro position that we can just build windmills and lay out carpets of solar panels. McCain got the narrative right again, and surged in the polls, catching up with Obama. In the end, Congress was forced to let the federal offshore oil drilling ban expire, and the wily Obama began to say he was open to offshore drilling and even nuclear power.

But the issue that undid McCain was the crisis in the

financial markets. The Dems put out the narrative that this was “the worst economic crisis since the Great Depression,” a mantra repeated endlessly by Obama in ads and speeches. Yet the crisis was another problem that originated with the Democratic Party itself. It had pushed the lowering of loan standards to allow people who had bad credit to obtain loans; it pushed the expansion of Freddie Mac and Fannie Mae to buy the dicey paper. The result was classic moral hazard: the government enabled mortgage brokers to push as many loans as they could, even the dicey no-money-down, stated-income, and adjustable rate loans that are so risky. It enabled banks to buy bundles of this risky paper and sell it off. And it enabled buyers to become speculators, buying properties they really couldn’t afford, hoping to become rich. Yes, Wall Street was greedy — but so was Main Street. And their greed was empowered by liberal government. The fundamental cause was the federal government, whose actions will go down in history as the most egregious, deliberate encouragement of moral hazard ever committed.

But here McCain’s populist instincts cost him. He began to mimic the Dems, bashing the greed of Wall Street and giving a pass to the greed of Main Street and especially the greed and stupidity of the federal government. He floundered around, looking for some kind of solution to a problem he couldn’t publicly explain, and he dropped in the polls like a stone. Only in the last week or so did he finally bring himself to mention the real culprits, including most notoriously Democratic congressman Barney Frank, who five years ago repeatedly shut down attempts to reign in Freddie and Fannie and restore some semblance of standards in home loans. But it was too little, too late. The Dem narrative stuck.

This failure cost McCain the election. But the real problem is what it will cost us in the future. The Dems have won the White House and increased their majorities in the Congress, all on a narrative about the need for big government to come to the rescue and save us from the greed of evil business, by jacking regulations up through the roof. The damage to our future prosperity will be incalculable.

— Gary Jason

Reflections

Deporting the DEA — Evo Morales has done very little right in his time as Bolivia’s president, but he deserves credit for his recent boldness in expelling from his country agents from the Drug Enforcement Agency. For good reason: the DEA terrorizes peasant farmers in Bolivia, Colombia, southern Mexico, et al., burning up their fields, destroying the lone crop (coca leaves) from which they can expect to turn a profit — a crop, moreover, which most of those farmers rely upon in order to get through their long, hard days.

In one respect, the move smacks of ingratitude; without the past couple decades of DEA antinarcotic activity in Central and South America, Morales and his fellow left-wing

autocrats, especially Hugo Chavez of Venezuela, wouldn’t have had a ready-made bogeyman to campaign against. But in these countries, America’s War on Drugs often means war, period, as the use of fire and poison against the coca crop strengthens the standing of warlords and drug barons among the peasantry, making thugs into heroes. Morales is right to refuse cooperation, even at the cost of trade privileges; I can only hope that other countries follow his lead.

— Andrew Ferguson

Let them shine shoes — My good friend John Wander and I debated the causes of the current mess among financial institutions. He kicked it off by sending me a link

to an editorial that contrasted bubbles of the past (railroads, internet) with today's credit crunch. You will notice my snotty tone in the correspondence. Maybe that had something to do with the half million dollars I lost in the markets (and by the way, the fact that I outperformed the markets was skinny solace). Anyway, I was grumpy.

Me: The author of this editorial is a ninny. The contrast is very weak. The parallel is very strong. The burstings of the railroad and internet bubbles were associated with excess capacity in railroads and bandwidth. The bursting of the housing bubble is associated with excess capacity in housing. Exactly the same. He tosses away the parallel offhandedly by suggesting that the excess in housing consists of condos in Florida that "should never have been built." He implies that the current bust is different, worse, more evil, because it did not relate to the creation of useful assets. But a condo in Florida can be quite useful. In their day, you could find a lot of railroads and optical fiber networks that "should never have been built" too. So, in conclusion, this is stupid. Journalism is in a pitiful state.

He: Do you think that housing's not the problem, nor subprime, nor greed? We need to take the inflation out of many markets, and I'm not sure how easy that is. If an \$8 loan on a \$10 house generates \$40 in credits through structured products and a \$10 or \$11 loan on the same house does the same, the rising tide will lift all boats until at one point no one's afloat.

Me: The problem is the proliferation of mortgage loans that were undersecured and made to borrowers who could not afford them. Freddie and Fannie made many of these loans and encouraged the making of many more. You can call much of this phenomenon "subprime." Why do you think that happened? I know why. Do you?

Greed is not a "problem" in the financial markets or in any other business. Greed is a very common vice. Any system that does not function well in the presence of much greed is perverse. For greed, the cobbler wants to raise his prices. For greed, the banker wants to raise interest rates. Most businesses make exactly as much as they can. Most businesses are not subsidized by Freddie or Fannie. Most businesses do not enjoy federal guaranties of their debtors' debts. By the way, your hypothetical "an \$8 loan on a \$10 house generates \$40 in credits . . ." never happened, and nothing like it ever happened in the U.S. mortgage market.

He: I don't think it was those loans alone, and I thought a lot of them were written to enable mortgage brokers to get paid upfront origination fees with little concern as to whether they'd be paid, and bankers to insure them with derivative products. I'd be interested to know why you think it happened. I've seen figures suggesting the subprime tranche of bank portfolios was insufficient to bring them to their knees, though the derivative backwash gamed their asset ratios. Of course greed (a vice) is not a problem, but it's a word bandied about by candidates and congressmen, incorrectly attributing the blame, which ensures that the solution will be wrong — in the same way that the political decision to encourage home ownership gamed the market.

What I meant by the \$10 to \$40 figure, which came from interviews with bankers who dealt in swaps, CDOs, CMOs, and CDSs, was that an initial fixed-rate loan could be swapped

with a variable one, packaged before or after into a CMO, that was then protected by a CDS. This enabled banks to maintain "assets" that weren't assets, all based on a shaky initial instrument, whose failure multiplied its way through the system.

Me: Ultimately the bad assets currently coming home to roost are indeed the mortgage loans. (Credit card debt and car loans, also securitized, may be next, because much consumer debt was supported by cash from second mortgages and refinancings of home loans.) Banks and non-bank mortgage companies typically get origination fees. Nothing wrong with that. But why did they have little concern as to whether they would be paid? Because they sold the loans to other institutions that had little concern or that could get them guaranteed by other institutions that had little concern.

By dollar volume, by far the biggest buyers and guarantors of bad mortgage loans were Fannie and Freddie. That outlet for risk (that vast moral hazard) quite simply caused the current problems. Full stop. It provided a large, strong incentive to gin up liquidity for these loans. The liquidity came in part from securitization — in other words, from selling securities that were backed by mortgage obligations. Some of these securities were also guaranteed by Fannie and Freddie. Some were guaranteed by AIG. But importantly, securitization is just a way to raise more cash to make more loans that could then be sold on to Fannie or Freddie or guaranteed by them.

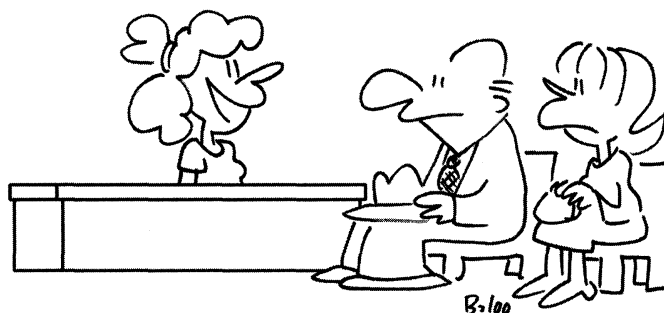
Meanwhile, there was of course an asset price bubble in real estate. That bubble helped banks and other mortgage lenders make loans that appeared to be sufficiently secured but weren't. It also promoted expansive consumer debt in the form of second mortgages, mortgage-backed credit cards, and mortgage-backed lines of credit.

The unwashed masses were parading around saying things like, "ya gotta unlock the equity in your home." In my neighborhood, these stupid jerks were zipping by me in their new BMWs. Little education and lousy jobs. In fact, a lot of them were manning the phones in boiler rooms dedicated to selling second mortgages to other jerks who couldn't afford their debts or their expenses. Now the Republican president and Democratic Congress want me to bail those guys out.

Let 'em shine my goddamned shoes.

The rest of what I said was unprintable, so I'll stop there. My main point is that, despite the apparent complexity of securitization, credit swaps, options, and other derivative securities,

PARENTS' NIGHT!



"Oh, we don't teach history any more — it's just too depressing."

the root of the problem is clear — lenders did exactly what the U.S. government and its monstrous public-private chartered bastards (Freddie and Fannie) asked them to do and encouraged them to do and paid them to do. I don't much blame them. I blame both the government and the borrowers who took out unaffordable loans just because they could.

— Michael Christian

The nine stigmata of banking — Washington Post, Oct. 15, 2008, regarding the federal bailout of lending financial institutions: "The first \$125 billion will be divided among nine of the largest U.S. banks, which were forced to accept the investment to help destigmatize the program in the eyes of other institutions."

Because forcing institutions to accept money is, you know, so destigmatizing . . .

— Ross Levatter

A dose of realism — When I read Alan Greenspan's testimony before Congress October 23, I knew some libertarians would denounce it. I accept it. The man is a realist. He tests his ideas against facts. In his testimony Greenspan recalled

that he had warned in 2005 that the market was underpricing risk, but that the crisis "turned out to be much broader than anything I could have imagined." Because of that, he said, something like the \$700 billion rescue plan was necessary to avert a much worse seizure.

Many libertarians predictably blamed the crisis on the government, because that is the explanation they wanted. And you could make a case for that. It just wasn't a very good case.

The guts of the problem, said Greenspan, was that big institutional investors didn't see the risk of mortgage-backed securities and bought too eagerly, sending the wrong message back down the line: "Demand became so aggressive," he said, "that too many securitizers and lenders believed they were able to create and sell mortgage-backed securities so quickly that they never put their shareholders' capital at risk and hence did not have the incentive to evaluate the credit quality of what they were selling. Pressures on lenders to supply more 'paper' collapsed subprime underwriting standards from 2005 forward. Uncritical acceptance of credit ratings by

Word Watch

by Stephen Cox

There are certain kinds of writing that one shudders even to think about.

One is sports writing. Have you ever noticed that almost every headline in the sports section is a pun, and not a very good one? I mean, how many times have you seen "Amazing Grace" above a story about a halfback's running style? And how many times have you seen a coach's claim that "we've got a real good ball club here" reported as a weighty piece of news? There have been, and there are, fine sports writers. There have been, and there are, ten times more sophists of the sports section, betting that their audience is stupider than *they* are.

Another predictably bad kind of writing is anything having to do with electronic or mechanical devices. It's a remarkable fact that no one ever expects to understand anything he reads after he clicks the "help" button on the computer. No one ever thinks that reading the manual will give him any help at all. There's a mystery here. Corporations pay people lots of money to write technical descriptions and directions. But everyone is aware that readers can't understand them. This is a standing joke. It was a joke even before Rex Harrison ("Unfaithfully Yours," 1948) tried to deal with the instructions for using the "Simplicitas" recording machine ("So simple it operates itself!").

"To change from 78 RPM to 33 1/3 RPM merely lift the Cam Dog A-1-a-3 (see simplified drawing on page 6) and holding it between the thumb and index finger of the left hand push the sliding spindle shaft bell crank rotator (B-1-a) *in and over*."

You can well imagine what the simplified drawing on page 6 looked like. Get the movie, and you'll understand the full dimensions of the problem.

Techspeak was bad enough in 1948. Today it's much, much worse. Suppose you go to your email inbox, as I recently did, and find that it no longer puts your unread messages in bold type. How will you get it to start doing that again? How will you even find out what the secret name of that "function" is?

Click on "help" — see whether that will tell you. Then go to the software company's "user-friendly" website. Then google all over the universe, to see whether anyone else has ever encountered the problem. Go on. Try it, dude. You'll see a lot of fine phrases that you never saw before, but it's very unlikely that you'll understand a single one of them.

So why don't the information companies *fix* these information problems? Why don't they find somebody who can tell you what to do in English? Nobody knows — although everybody cares.

Academic writing is another standing joke, and another mystery. But I should be more specific: it's not *academic writing* as a whole that's risible; it's mainly academic writing in the humanities, which is precisely the place where you ought to expect good writing. What you get, instead, is millions of sentences that look as if they'd been written by the people who wrote your computer manual: "Emily Dickinson, while almost explicitly bracketing all privileging of what Gramscians reference as 'the subaltern,' yet appropriates this very present absence whenever theological/historical contingencies provide the provocation for her project."

This kind of guff commonly alternates with plain statements of ideas so ridiculous that you have to keep going back to make sure you read them right. I eagerly anticipated studying a recent book about the search for the real, historical Muhammed, until the author finally told me that he didn't want to say anything in his book that Muslims wouldn't acknowledge as true: "The aim of an outside scholar writing about Islam is to elicit Muslim approval." Huh? Really? So why should I read his (or is it the whole Muslim world's?) 100,000-word investigation of the *real* Muhammed?

Do I have to bring up politics as a source of bad writing? I think not, but I will. I'm especially concerned about the places where politics verges on economics, or economic reporting. Has there ever been so gay a festival of economic nonsense words as

purchasers of these toxic assets has led to huge losses.”

The center of the blame is on the institutional buyers, the credit raters and the securitizers — all in the private sector. Greenspan might have added, and didn’t, that his monetary policy was loose during the early part of the period, and tended to make the situation worse. Also that two big securitizers, Fannie Mae and Freddie Mac, had been created by government, and though they were private, had still been treated with special government favor. Libertarians pointed out both of these things — though the ones who tended to build their whole explanation on these tended to be theoreticians, not practitioners.

People from the world of finance knew better.

— Bruce Ramsey

Dividing America — Rich Karlgaard, Forbes Magazine publisher, had a column ranting against American innumeracy, which he claimed was worse than American illiteracy. It was based on an email he received from “Angry American,” an email that seems to have gone viral and obtained much internet support. People urged that Treasury

Secretary Paulson be replaced by Angry American. What was AA’s idea?

Noting that the bailout plan for Wall Street was estimated to cost \$700 billion, and that there were approximately 200 million adult Americans in the country, AA argued that the Treasury should just cut checks to every adult American for \$425,000 each. That would stimulate the country more than saving Wall Street. Karlgaard notes that the actual result of dividing 700 billion dollars by 200 million Americans is \$425, not \$425,000.

Karlgaard’s column is dangerous and irresponsible. Now it is only a matter of time until some politician points out that all we need to do to solve that problem is to make the bailout payment \$700 trillion . . .

— Ross Levatter

Henri Antoinette — I daresay all readers of this journal are scandalized by Washington’s \$700 billion (so far) bailout of Wall Street. Although I mentioned the possibility of national bankruptcy on these pages in August 2006, I never thought we’d see socialism in this form, i.e., for the wealthy

the one we saw this fall, when the news was dominated by the presidential campaign and the economic crisis, conjoined? Politicians, pundits, and news writers faced a challenge: Talk, and keep on talking, about an important subject, which you know nothing about. The result was a garish display of silly economic metaphors, and noise that can’t be dignified with the name of metaphor.

When it comes to empty rhetoric, Sen. Obama has always possessed a great advantage. He has never been limited by any instinct of self-criticism. So, this fall, he was always happy to say *something*, confident that his followers would continue to be astonished by his brill-yunce. Last month’s Word Watch cited Obama’s reproof to the Republicans for their handling of the banking problem: “We should not be bailing out banks on the backs of American taxpayers.” I commented that, because Obama simultaneously advocated that “we” (his synonym for “the government”) should go ahead and bail out the banks, it was far from obvious how “we” could do it without charging the taxpayers.

What attracts attention, however, isn’t just the emptiness of his reproof; it’s that outlandishly mixed metaphor, in which *banks* are being *bailed*, as if they were the hulls of ships, and the operation is taking place on the *backs of people*. In Sen. Obama’s improved cosmology, the earth doesn’t rest on the back of a genie, who rests in turn on the back of an elephant, which rests in turn on the back of a turtle, and so forth. No, America and its financial institutions rest on a leaky boat, which rests on the backs of the taxpayers — and if I know the Democrats, it will be taxpayers all the way down.

Obama has always had a passion for the kitschy and the flatulent. His gusto for the insipid is less well known. It is much in evidence, however, when he talks about money. The trick, again, is to mention the subject without saying anything specific about it. Here’s Obama on October 13: “We need to scale down our deficits, and grow our savings.” Ah, Senator, if I only knew how! Or if you only knew how! Then there’s that little word “grow,” which has shown such strange properties of mutation during the past 10 or 15 years. President Clinton was always using it. He was proud that his administration was “growing

the economy.” It didn’t mean much, and I guess it was fun for him to say, so he said it. But neither he nor Obama, master of the English language though each of them is admitted to be, has ever asked himself whether there are certain things that simply cannot be *grown*. If you can *grow* your savings, can also you *grow* your house? Can you *grow* your relationships with friends? Can you *grow* your children? Can you *grow* your contribution to the Methodist Episcopal Church? No, actually, you can’t. It’s a problem with English language, I suppose: unless we’re politicians yapping about the economy, we can’t actually grow much of anything except plants. But here’s the danger: if politicians used an alternative expression, they might have to specify exactly what they thought they were doing with the economy. Are they *cutting taxes*? Are they *protecting private property and entrepreneurship*? Are they *ending failed government programs*? Well, no, I don’t think they are. So whatever they’re doing with the economy, I don’t think they’re *growing* it.

The awful thing is that the people who use such metaphors actually treat them as tools of thought. They actually think that the economy will just naturally grow if the government distributes “seed money” upon its previously fallow fields. They actually think that plunking more gov’mint money into the economy is “pump priming” — never considering such alternative images as “throwing bad money after good” and “putting money down a rat hole.” Their vision of politics consists of either an opposition or a harmony between “Wall Street and Main Street.” When they’re in a genial mood, they find interest in “another roller coaster ride on Wall Street”; when they’re in a bad one, they spread panic by talking about “the Wall Street tsunami” or “the Wall Street meltdown,” or “the latest earthquake that has ripped through the world’s financial markets.” Nothing is to be learned from language like this; its only function is to dramatize intellectual emptiness.

I don’t want to put the final blame on politicians. They usually get their language from the media. Here’s a news report chosen at random. It happens to be from the Associated Press. Within just a few lines, it says that the government’s “rescue plan,” an effort aimed at “rebuilding economic confidence” and “stav[ing] off a worldwide recession” by “shovel[ing] more money

and the banks. Is the bailout necessary to prevent an economic collapse reminiscent of the 1930s? I frankly don't know; I don't think anyone does. However, without question, it represents one more terrible blow delivered by the Bush administration to American freedom.

If the bailout fails to revive the economy, will we then have reached a revolutionary situation? The actions of Treasury Secretary Henry Paulson and his old pals on Wall Street certainly bring to mind the *ancien régime*. Paulson went to Congress in September asking for hundreds of billions of dollars and untrammelled authority to spend them as he wished. He got the money on the understanding that the government was going to buy up banks' "toxic assets." Then he decided to give the big banks a cash infusion, supposedly to get them lending again.

Yet, according to an October 25 New York Times article written by Joe Nocera, the banks intend to use the money for mergers and acquisitions, not new loans to businesses and individuals. Public money for the strictly private enrichment of the banks, in other words. This looks a lot like stealing to me, even if the money comes courtesy of the U.S. Congress.

Add to this the AIG execs who took 85 billion of your dollars and mine and then went off junketing, first across the country and then across the pond for a shooting party and fine dining in England, and you have a definite flavor of pre-revolutionary France, right here in the good old USA.

If the bailout fails, then what? It has been said that this panic resembles those the nation experienced in the 19th century. But there is a difference: never in the past was the nation

burdened by so much public and private debt. Moreover, we weren't spending trillions of dollars on an overseas empire, as we are today.

That weight of debt could come crashing down on us, with incalculable consequences. If it does, I would not be completely surprised to see a march on Washington, D.C. — not like that of Aug. 28, 1963 (Martin Luther King's "I have a dream" rally), but more like the one of Oct. 28, 1922, on Rome. Check your history books if the date doesn't ring a bell.

— Jon Harrison

Finding a constituency — It's the weekend before the election, and I'm watching TV coverage of McCain in Ohio. McCain waits patiently for more than a minute while the crowd chants "USA! USA! USA!"

Then he delivers what I'm guessing his handlers have told him is a strong line: "My friends, Senator Obama recently said that his primary win in Iowa vindicated his faith in America!" Here he pauses for loud "BOO!!"s from the audience. McCain, scoundrel and patriot that he is, goes on, "My country has never had anything to prove to me, my friends. I have always had faith in it, and I have been humbled and honored to serve it."

The crowd goes wild.

The dictionary defines "vindicate" as "show or prove to be right, reasonable, or justified."

Obama was not saying he didn't have faith in America, or the political process, before Iowa; merely that a largely white

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into the banking system," has actually "sound[ed] a global alarm" and "trigger[ed] a . . . sell-off." Within another few lines, it suggests that "interest rates could be slashed" by the Fed to get people to "spend more," "thereby restoring confidence to the system." Meanwhile, it says, "markets around the world" have been "tumbling." You'd tumble too, if you saw the government coming after you, staving, slashing, and shoveling. It would probably *trigger* some nervous reaction in you. I mean, you might not have your *confidence rebuilt*. And if you *suffered a meltdown*, wouldn't you just be following the lead of the Associated Press?

It's interesting to see how few facts and how little analysis even the AP's "business writers" provide. Here's a sample: "Icelandic banks expanded rapidly after deregulation of the domestic financial market in the 1990s and now have combined foreign liabilities in excess of €100 billion (US\$138.34 billion) — dwarfing the tiny country's gross domestic product of €14 billion (US\$19.37 billion)." Poor little Iceland, "dwarfed" still further by the effects of "deregulation." The article doesn't say that, but that's what it means. So, what kind of deregulation? What were its specific provisions and results? Not said. But the impression is created that once you start deregulating them, banks automatically puff up like toxic frogs, and then you're *dwarfed*, buddy, *dwarfed*.

We've come to that word toxic, which appears in the newest and, in its way, the most interesting and effective image that this fall's financial and electoral season produced: "toxic loans" or "toxic assets." The image is effective because, unlike *grow* or *bailing on the backs*, it's genuinely vivid and visualizable — and there's something in it, too. The bad loans from which large

segments of the financial world derived their illusion of wealth represent more than just so much money lost to the original lender; like a toxic substance, they can pass the harm to others. Indeed, much of the point of this metaphor is lost when people use it to advocate the government's gobbling up these loans and thereby, somehow, detoxifying them. Won't the government be damaged by the contact? Won't it become toxic?

But there's a problem with this metaphor that goes beyond the ways in which pundits and pooh-bahs are using it. Strictly speaking, a toxin is a biologically produced object, a part of nature. But a *toxic loan* is something that people created, in its entirety. If we want to neutralize its effects, it may be interesting to discover how they created it. *Toxic*, however, is often used to emphasize the idea that it's here, we've got it; now let's just find a way to "contain" it.

There's often another implication, which is different but almost equally misleading. *Toxic* means *poisonous*; it originally referred to the poisons put on arrow tips. So to call something *toxic* may falsely imply that somebody on Wall Street is intentionally trying to poison Main Street. Democratic leaders are close to saying that. They're held in check only by the realization that many of the alleged poisoners are associates of the Democratic leadership. But of course, no matter how fraudulent these plutocrats may have been, they weren't trying to *poison* people. They were just trying to *rob* them, with the government's help.

If you're losing money right now, these distinctions may seem meaningless. If you want to keep from losing more money, however, you may find it useful to insist on them.

Report From the Battlefield

by Bruce Ramsey

Libertarians have little reason to celebrate the results of the 2008 presidential election, but ballot measures allowed voters to demonstrate they don't yet entirely renounce liberty.

In the election of 2008, libertarian voters were split among Barack Obama, John McCain, Bob Barr, and not voting at all. Most of the Obama voters were voting for Not McCain, and most of the McCain voters were voting for Not Obama. The Don't Vote folks were, of course, invisible, and the Barr voters were but a flicker.

Bob Barr's campaign was a dud. When I met the Libertarian Party nominee at FreedomFest in Las Vegas in mid-July, he was a jaunty fellow. He was polling at 6% nationwide, he said, and was hopeful he could meet a 15%-in-the polls-hurdle to participate in the presidential debates. Fifteen percent would have been more than 18 million votes, and was never likely. Even 6% would have been a huge breakthrough.

On Sept. 10 Ron Paul had a press conference to bring together Libertarian nominee Barr, Green Party nominee Cynthia McKinney, Independent candidate Ralph Nader, and Constitution Party nominee Chuck Baldwin. These four — two from the Left and two from the Right, would announce their common stand on four subjects. First, they were for bringing the troops home from Iraq and elsewhere, and for a nonbelligerent foreign policy generally. Second, they were for a restoration of civil liberties, repeal of the PATRIOT Act and the FISA Act, and an end to presidential signing statements and impe-

rious executive orders. Third, they agreed to a zero increase in the national debt, which implied a zero federal budget deficit. Fourth, they opposed bailouts of corporations by the Treasury or Federal Reserve.

For Paul, aligning himself with third-party candidates was not the smartest move if his goal was to build influence within his own party. The press conference did create a national news story for him. Part of the story was that Barr stood him up. The other nominees came, but Barr had his own news conference. He said he wasn't interested in electing third-party candidates; he was interested in electing Bob Barr. Then he invited Paul to become his running mate in place of Las Vegas entrepreneur Wayne Allyn Root, who had been nominated by the party.

Paul did not appear to take this well. Shortly after, he endorsed Chuck Baldwin, the Baptist pastor nominee of the

Constitution Party, a fundamentalist Christian and nationalist party even tinier than the Libertarians. Baldwin's web page touted his doctrine that "no foreign government or world government body or entity . . . [should be] allowed to own any portion of U.S. roads, airports, homes, buildings, lands, waters, resources (oil, gas, precious metals, minerals, etc.), religious facilities (no matter what faith), stocks, bonds, U.S. treasury notes, businesses, banks, military bases or military assets or manufacturing facilities in the U.S."

Imagine that: the central bank of China should not be allowed to own a Treasury bond!

LP Founder David Nolan may have been right when he wrote on Sept. 11 that Barr's campaign was "effectively over." Nolan noted that the Barr people had been "throwing around numbers like \$20 million" for fundraising, but that the figure by Sept. 11 was such that the total was likely to be "barely more than \$1 million." Not a bad estimate: as I write, it is \$1.28 million.

Barr's campaign went on, and the mainstream media paid no attention to it. They would have, had it threatened to tip the election. But it never did. On Nov. 4, Barr took 0.4% of the national vote. In context of the LP's history, it was like this:

1972	John Hospers	3,674	0.00%
1976	Roger MacBride	172,553	0.21%
1980	Ed Clark	921,128	1.06%
1984	David Bergland	228,111	0.25%
1988	Ron Paul	431,780	0.47%
1992	Andre Marrou	290,087	0.28%
1996	Harry Browne	485,799	0.50%
2000	Harry Browne	384,516	0.36%
2004	Michael Badnarik	397,265	0.32%
2008	Bob Barr	487,103	0.40%

Barr's figure is preliminary, as are all the 2008 vote totals in this article. His final total will be a bit higher, but the percentage won't change much. It shows clearly that it makes little difference whether the LP nominates a politician or a purist. Its nominee broke the decimal-point barrier once, in 1980. Since then it has been stuck, and remains stuck, in tenths-of-a-percent territory.

In 37 years it has elected 12 state legislators, and in 2008 some of its candidates for the Texas, Indiana, and Delaware legislatures scored in the low double digits. Its highest-status winner in 2008 was probably John Buttrick, judge of the Maricopa County Superior Court, Phoenix, Arizona. Buttrick won almost 75% of the vote, but it was a yes-no retention vote with no opponent, and for a nonpartisan job. Buttrick was originally appointed in 2001 by Gov. Jane Hull, a Republican.

Blogger Timothy Virkkala predicted of the LP three days before the election: "Even with its best candidate ever, [it] will make no real dent in the elections." And it didn't. The libertarian relevance to the 2008 national elections was the Ron Paul Revolution. Paul was a big story. Barr was not.

Ballot Measures

On Nov. 4, voters in 36 states decided 152 ballot measures, several of interest to libertarians:

Preferential Treatment

Following victories in California (1996), Washington (1998), and Michigan (2006), Ward Connerly's American Civil

Rights Institute made a big push in 2008 for state ballot measures to ban racial preferences in state and local government contracting, hiring, and education. Opponents, organized in Michigan as By Any Means Necessary, used lawsuits and the bullying of signature gatherers to keep measures off the ballot. Other opponents (ACORN, Jobs with Justice, ACLU) helped keep them off the ballot in Missouri, Arizona, and Oklahoma, where the measures did not have enough valid signatures.

The measure made the ballot in Colorado as Amendment 46. Sponsors called it the Colorado Civil Rights Initiative. Opponents, organized as Colorado Unity, declared the measure a "fraud." At press time it was narrowly failing, with 49.65% Yes, but was too close to call.

The measure also made the ballot in Nebraska as Initiative 424, the Nebraska Civil Rights Initiative. Opponents tried to keep it from the ballot by lawsuit and failed. They also tried to have a judge change the measure's ballot title to say it would end "state and local programs designed to improve opportunities for and eliminate discrimination against women and minorities." They failed in that also. The campaign against the measure was led by Nebraskans United, a group including the Greater Omaha Chamber of Commerce and the state's richest man, Warren Buffett, who contributed \$50,000.

The citizens of Nebraska voted 58% Yes — the same percentage by which voters had approved the Michigan and Washington measures years before. Nebraskans United said they would sue to have the election declared invalid because of fraud by signature gatherers.

Marijuana

In passing Proposal 1 by a 60.2% vote, Michigan became the first state in the upper Midwest to legalize medical marijuana, continuing the pressure for a medical exception to the federal anti-marijuana law. Similar measures had already passed in such modern liberal strongholds as Ann Arbor, Detroit, Ferndale, Flint, and Traverse City.

In Massachusetts, voters passed Ballot Question 2, the Sensible Marijuana Policy Initiative, which effectively decriminalized possession of up to an ounce, making it a civil offense with fines no greater than \$100. Favoring it was investor George Soros, who contributed \$400,000. Opposing it were the organized sheriffs and police chiefs, Mothers Against Drunk Driving, and Gov. Deval Patrick. It won a 65% Yes.

California voters were offered Proposition 5, which would have lowered penalties for nonviolent drug offenses generally. Opponents, including former governors from both major parties — Gray Davis, Pete Wilson, and George Deukmejian — together with 32 district attorneys, demonized the measure as "the Drug Dealers' Bill of Rights." Soros put in \$1.4 million to back it, but voters saw it as too radical. The vote was 59.8% No. It passed only in Santa Cruz, San Francisco, Marin, Mendocino, and Humboldt counties on the northern coast, all seats of influence for the counterculture.

Medical Care

Several skirmishes were fought on the issue of government-provided health insurance, and none, it appears, to a libertarian result. Most notable was Arizona Proposition 101, the Freedom to Choose Act. It would have added to the Arizona constitution this language: "No law shall be passed that restricts a person's freedom of choice of private health

care systems or private plans of any type. No law shall interfere with a person's or entity's right to pay directly for lawful medical services, nor shall any law impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan."

This language would block mandated employer coverage such as the kind imposed in Massachusetts, or "pay or play" plans, under which employers must either pay for employee health coverage or pay a special state tax.

Opponents organized against it as Save Our Healthcare, and argued that passage would raise medical costs. At press time the vote count was almost even, at 50.1% No.

In Montana, voters were offered Initiative 55, the Healthy Montana Kids Plan, to require parents to buy health insurance for all uninsured children and teens. The measure raised the maximum income to get welfare medicine for kids (SCHIP) from a family income of 175% of poverty to one of 250% — \$53,000 for a family of four. In conservative Montana, the measure won with a vote of 70% Yes.

Abortion

The 2008 ballot had two strong antiabortion measures, both of which failed.

Most radical was Colorado Amendment 48, a state constitutional amendment that would have defined a legal person from "the moment of fertilization." Sponsors organized as Colorado for Equal Rights, using liberal rhetoric for a deeply conservative measure. Republican contender Mike Huckabee endorsed it, but Colorado's (unsuccessful) GOP Senate candidate, Bob Shaffer, declined to take a position, and in June the state Republican Party refused to give initiative sponsors a booth at its state convention. Opponents argued that defining personhood in that way would criminalize in-vitro fertilization. The measure went down hard, 72% No.

South Dakota offered Initiated Measure 11, which would have banned abortion except for rape, incest, or a danger to the health of the mother. Two years before, a slightly tighter ban failed, 56% No; this one failed also, with 55% No.

In California, voters knocked down, with 52% No, Proposition 4, which would have required notifying parents, but not asking their permission, for an abortion on a minor.

Assisted Suicide

Washington became the second state, after Oregon, to legalize assisted suicide for the terminally ill. Initiative 1000 was opposed by the Roman Catholic Church and probate attorneys, who warned that it could be misused by greedy heirs. It was supported by the big Puget Sound newspapers, by former Democratic Gov. Booth Gardner, who is suffering from Parkinson's disease, and by the Libertarian Party. It passed, 58.7% Yes.

Same-Sex Marriage

Ultimately unstopplable, this one is not quite ripe for most Americans. Before Nov. 4, 2008, voters in 26 states, most of them conservative states, passed gay-marriage bans. All that were offered were successful, except for one in Arizona in 2006. On November 4, Arizonans made up for their previous lack of intolerance by passing Proposition 102, a constitutional ban, by a 56.5% vote.

In liberal California, which had same-sex marriage because of a court ruling in May 2008, voters put a gay-marriage ban into the state constitution by passing Proposition 8. The ban got 52% of the vote and was passing in all counties except the liberal central-to-northern coast from Arcata to Big Sur, and in a couple of high desert counties on the Nevada line.

Florida voters passed Amendment 2, banning same-sex marriages. It needed a 60% vote, and it got 62.1%.

Arkansas voters passed Initiated Act 1, which bans unmarried couples from adopting children, with a 57% vote. It effectively bans adoption by gays.

Treatment of Animals

California voters, with a 63.2% vote, passed Proposition 2, which decrees a minimum space for calves, pregnant pigs and egg-laying hens. It was the first measure of any U.S. state to decree housing rights for hens. Opponents said it would raise the price of eggs and drive the egg industry into Mexico. It was supported by the Democratic Party, the Sierra Club, the Humane Society, and the Center for Science in the Public Interest, and it passed everywhere in the state outside the farming areas and the far northeastern district of Rep. Tom McClintock, a conservative Republican endorsed by Ron Paul.

Massachusetts voters passed Question 3, banning commercial dog racing: 56% Yes.

In conservative states, voters weren't so sentimental about animals. Oklahoma voters passed Question 742, with 80% of the vote, establishing a state constitutional right to fish and hunt. And on Aug. 26 Alaska citizens had voted 56% against a proposed ban on the hunting of bears, wolves, and wolverines from helicopters.

Energy

Environmentalists put two spendy and feel-good measures on the California ballot.

Proposition 7, dubbed "Big Solar," would have imposed mandates on all electric utilities to have 40% renewable power by 2020, and 50% by 2025. It was supported by Tom Hayden and Danny Glover but opposed by the Democratic Party, the Sierra Club, and the Solar Energy Industries Association, as well as by the large private utilities and virtually the entire California press. It went down, 64.9% No.

Proposition 10, dubbed "Big Wind," would have authorized \$10 billion in borrowing to subsidize high-mileage cars and research into alternative fuels. T. Boone Pickens' company,

WELL, IF YOU ASK ME,
A STRONG ARGUMENT
COULD BE MADE TO
BAN OPPOSITE
SEX MARRIAGE.



S. H. Chambers

Clean Energy Fuels Corp., donated \$17.7 million to pass this one, which was opposed by the Sierra Club and others. It didn't help that the California government was broke and asking for a bailout from the U.S. Treasury. The measure failed, 59.9% No.

Property Rights

Nevada voters passed with a 60.7% Yes vote Question 2, which declares that no use of private property shall be considered a "public use" in order to justify a taking of the property from one private owner and passing it to another. This was the required second vote on a measure Nevadans passed in 2006 — and was about the only ripple in this election from the great property-rights wave started by the Supreme Court's *Kelo* decision.

Oregon voters defeated, by a 52.9% vote, initiative entrepreneur Bill Sizemore's Measure 63, which would have exempted home or farm projects under \$35,000 from needing a building permit. Opponents called themselves Defend Oregon and Oregonians Against Unsafe Housing.

Foreigners

In Amendment 1, Florida voters were asked to repeal a part of their constitution adopted in 1926, during the Florida land boom, authorizing the legislature to ban land ownership by noncitizens. Florida has no such law, and voters were asked to rescind the constitutional authority to create one. Repeal required a 60% vote but fell short at 47.9%.

In Oregon, voters rejected Measure 58, which would have banned teaching children in a non-English native tongue for more than two years: 54% No.

Missouri voters approved Constitutional Amendment 1, requiring English only in government meetings: 86.3% Yes.

Arizona voters rejected Proposition 202, which was labeled Stop Illegal Hiring, but said by opponents to be just the opposite. Voters were confused, and 59% voted No.

Employee Rights

In Colorado, union opponents backed by a \$200,000 donation from beer heir Joseph Coors put a "right to work" measure on the ballot as Amendment 47. It would have banned the union shop and made union membership voluntary. It was opposed by the Service Employees International Union and by the Denver Metropolitan Chamber of Commerce. It failed, 53% No.

Colorado Amendment 49, to ban the deduction of union dues from public-employee paychecks, also failed, 60% No. But Colorado Amendment 54, banning campaign contributions by unions or other entities doing business with the state, was passing with a 51% vote at press time.

In Oregon, Measure 64, the third effort by Bill Sizemore to ban political contributions from public-employee union dues, appeared to be passing narrowly, with 51.2% Yes. This was in spite of \$4 million spent to fight it by one of those unions, the Oregon Education Association.

Election Systems

Oregon voters nixed Measure 65, with 66% No. This would have created a top-two primary election like the one that went into effect in neighboring Washington in 2008. Under that system, voters are not registered by party, candi-

dates can identify themselves as "preferring" any party or no party, and voters can vote for any candidate. The top two candidates for each position go on the November ballot, no matter how they label themselves, and can both be from the same party. In Washington state, this system has almost eliminated the Libertarian and other third parties from the November ballot.

Taxing and Spending Issues

There were many of these, and the radical ones tended to fail.

In Massachusetts, voters had a second crack at complete repeal of the state income tax with Question 1. The measure was proposed by libertarian activists Michael Cloud and Carla

California voters added a gay-marriage ban to the state constitution. Arkansas voters effectively banned gay couples from adopting.

Howell. It would have deprived state government of 40% of its revenues, and the entire establishment opposed it. In 2002, 54.7% voted No. This time, 69% did.

In North Dakota, voters were offered a one-half cut in state individual income tax rates and a 15% cut in corporate rates. The teachers' unions and AARP opposed it, and it went down hard: 69.8% No.

In Oregon, a state with a high income tax, voters rejected Bill Sizemore's Measure 59, which would have allowed federal income taxes to be deducted on state returns. It was opposed by public employee unions and Greens, who argued that it would benefit high-income taxpayers. The vote was 63% No.

Anti-tax forces scored some victories. In Maine, citizens repealed the Dirigo Tax on soft drinks, beer, and wine that had been passed to fund health insurance, voting 64% for repeal.

On spending questions, voters in several states ignored the recession and voted to spend. In California voters passed Proposition 1A, which would offer a \$9.95 billion state subsidy for a 220-mph train from San Francisco to Anaheim. The Orange County Register's libertarian editorial page called this "Fantasyland"; the Los Angeles Times called it a fine measure to "cement California's place as the nation's most forward-thinking state." Voters drank the "progressive" Kool-Aid and voted 52.2% Yes.

In the "blue" part of Washington, voters approved a \$17.9-billion extension of light rail. It adds half a cent to the sales tax in the Seattle-Tacoma region, pushing it in most areas to a colossal 9.6%.

In Minnesota, voters were offered a 0.3-point increase in the state sales tax to fund the "Clean Water, Land and Legacy Amendment" to pay for environmental and arts spending. Support came from Eleanor Mondale and Ducks Unlimited. Opponents said it was ridiculous to raise taxes for public art such as the brown pile at Franconia Sculpture Park dubbed "The Big Poo." Minnesotans disagreed, and this execrable amendment passed in the body politic. □

Confessions of a Planning Commissioner

by Warren Gibson

Even well-intentioned people achieve dubious
ends when they join the bureaucracy.

If you're a libertarian and you get tired of huddling with fellow believers, you might decide to take a run at politics. What to do?

It should be easy to get the Libertarian Party nomination for your local congressional seat. Likely result: you collect one or two percent of the vote and retreat to your huddle with your scrapbook of back-page newspaper articles and leftover campaign signs.

Or you could aim for an office that's much easier to get into, but has a lot less power and influence. I took the latter tack. I got myself appointed to the Planning Commission in my home town of Belmont, California.

Every city and county in California has a planning commission, consisting of five to seven citizen members, usually appointed by the city council and serving without pay or for nominal reimbursement of expenses. The commission's job is to review residential and commercial building projects that meet some threshold of size or complexity, to see that they conform to the zoning ordinance and the general plan that the ordinance implements. When a project is proposed, the professional city staff does the groundwork, which can be quite extensive, and the commission is supposed to apply "community values" as only it, presumably, can. It may approve a

project as is, send it back for revisions, or reject it. Its decisions can be appealed to the city council. I suspect this is pretty much what happens in other states as well.

A commissioner's job can be a demanding one. I attended bimonthly meetings, one of which ended at 1:30 a.m. Sometimes I devoted a good bit of the preceding weekend to reviewing a thick stack of reports and drawings, and visiting the sites of proposed projects. During meetings we were expected to pay attention, ask intelligent questions, think carefully, follow protocols, and vote fairly. Sometimes we got flak from neighbors for decisions they disliked, and once in a blue moon we got some praise. This was all fine with me — I enjoyed it, mostly.

It would be silly to get on a planning commission and then cast every vote on High Libertarian Principle — crossing your

arms and declaring that the very notion of city planning is illegitimate, for example. You have to take the zoning laws and building codes as given and then hope you can find enough latitude to do the right thing. New appointees, regardless of their political orientation, often overestimate that latitude. Some start out thinking, “Well, I just won’t vote for any bad projects.” You can’t follow that policy, and if you try, the city planning staff or the city attorney will come down on you. Belmont’s zoning ordinance spells out criteria, called “findings,” on which commissioners must base their votes. If you find that a project satisfies all those criteria, your vote is yes. If you can’t make one or more of the findings, you have to explain why, and your vote is no. Of course, some of these findings can be a bit vague (would a new structure significantly block views of “ridge lines”?). That vagueness can be either a source of confusion or an opening to vote against projects you just plain dislike.

My background as a professional engineer was my most valuable asset on the commission. I know how to read drawings, and I try to reduce issues to numbers whenever I can. It surprised me to learn how little aptitude some people have for these things. Sometimes I found problems in drawings or calculations that the professional staff had missed, and I believe the staff and the other commissioners appreciated these insights. But at first I knew nothing about how things get done in a political environment, and it took me a long time to learn to express myself in ways that would influence others without unduly antagonizing them. Eventually I was elected chair, which gave me an opportunity to learn how to run a meeting smoothly.

Although I enjoyed learning about laws and politics, making new friends, and acquiring new skills, I left the commission feeling frustrated. Yes, some good projects turned out better because of our work, and a couple of bad proposals didn’t get done. But what troubled me most was not the few bad projects that got through, but the good ones that didn’t, or almost didn’t. Two of the many projects I saw may cast some light on how planning works these days — or doesn’t.

Belmont’s main drag is called El Camino Real. Its romantic name — The Royal Road — belies its true nature. Our two-mile stretch is dotted with used-car lots, motels, fast-food places, a tattoo parlor, a 99-cent store, and a check cashing store. You have to get away from El Camino to realize that you’re in an area where the average house price exceeds \$1 million. Given our town’s affluence, given the city’s official policy favor-

ing “economic development” (backed by a Redevelopment Agency that provides tax funds to private businesses), and given our Downtown Specific Plan, which was supposed to foster coordinated retail development, one might expect to see more upscale businesses drawn to El Camino. But very few have materialized. Why? The story of Golar and her restaurant provides some clues.

Golar Mokhtari had a career in computer software that ended with the dotcom bust. She then got into real estate, acquiring a tiny house on El Camino with the idea of using

To the professional planner, the world of rules, regulations, reviews, and fees is like water to the fish — not to be questioned.

it as an office. Late one night in 2004 she got a call from the Belmont police, who informed her that her house was on fire. She was relieved to discover that it was actually the restaurant directly adjoining the house that had caught fire, and her little house was undamaged. Golar saw an opportunity to acquire the damaged building, repair it, and open a new restaurant.

Though she knew little of the restaurant business, her attitude was, “Why not?” She had worked her way up to a management position in a major software firm and had succeeded in real estate. These successes had given her the confidence necessary to tackle the restaurant business. After the fire department assured her that the damage to the building was less than 20%, meaning that the place wasn’t too far gone to be repaired, she bought it. The location is the corner of El Camino and Broadway. (Yes, we have a Broadway. It’s three blocks long.)

That was late in 2004, and she hoped to be open for business within a year or so. Little did she know what lay ahead.

I first learned of Golar’s plans when her project was presented to the planning commission for review in 2005. I was delighted to see that a burned-out eyesore might be fixed up and put to productive use. After taking a look outside and inside, and reviewing the plans, I was ready to vote yes, though my final decision had to await the public hearing, where all the evidence would be presented. But, we were told, there had been a snag.

Golar’s original plan called for an entrance on El Camino, which would have required a short ramp projecting onto the sidewalk. This “encroachment” was acceptable to the staff and the commission, but because El Camino is a state highway, Caltrans, the mammoth bureaucracy that is responsible for thousands of miles of California freeways and highways, would have to approve the three-foot ramp. Golar dutifully submitted an application to Caltrans, paid the requisite fee, and waited. Eventually she gave up and redrew the plans with an entrance on Broadway.

Now another player enters the story. The Americans with Disabilities Act (ADA) is a federal law that imposes all sorts



“I want you to put me in touch with reality,
but be ready to break the connection *fast*.”

of accessibility requirements on businesses and local governments — in direct contradiction to the 10th Amendment to the Constitution, I might add. ADA became a major problem for Golar. Two fully accessible rest rooms were required, taking up a lot of scarce space in her small building. But the most vexing problems came from the fact that the building is on a gently sloped lot and has three floor levels. It ended up with a switchback ramp in the center of the restaurant — an obstacle to almost every customer and especially to the servers, who have to navigate it to get to the kitchen.

Golar took the trouble to consult a state ADA expert, who was quite helpful. But she found the local officials more restrictive on ADA matters, perhaps because they were not ADA experts and therefore tended to err on the side of conservatism. So she had to forego the small stairway that could have bypassed the ramp.

Golar does not dispute the need for rules that are grounded in genuine health and safety concerns. But she does think those rules ought to be applied with a healthy dose of common sense. Otherwise, she told me, “When rules get too cumbersome, nothing gets done.” She thinks the city planning staff could have been more supportive, given the favorable externalities she was generating. The process dragged on far longer than she ever imagined, and all the while she had to make mortgage and insurance payments.

Carlos de Melo, Director of Community Development for the City of Belmont, has another point of view. Part of Golar’s problem, he says, is that her building lies in the Downtown Specific Plan area (more about which later) and was therefore subject to special design rules. He says he and his staff tried to guide her through the process and ended up spending far more staff time than such a small project would normally require. He has a mandate from the city council to cover his expenses with fee income, and says he “took a bath” on her project.

Who is right, Golar or Carlos? As in some Greek tragedy, each is right within his or her own context. Golar expected that a person of intelligence and determination, though inexperienced in retail business, would be able to make this restaurant happen in reasonable time without unnecessary obstacles. Under that assumption, she is right to feel aggrieved. Carlos, on the other hand, is a professional planner, and to him, the world of rules, regulations, reviews, and fees is like water to the fish — not to be questioned. He clearly worked hard within those rules to help Golar get going. In his context, he was right. But the bottom line in my estimation is that three layers of government — federal, state, and local — imposed substantial costs on Golar, with little in the way of benefits to offset those costs.

Golar opened for business this past July, two and a half years later than she had anticipated. Few entrepreneurs or investors would have stuck it out so long. Only Golar’s exceptional determination and resourcefulness got her through to opening day. She and her partner have transformed the burned-out wreck into the Café Mossant, a lovely spot with good food and a warm atmosphere. It’s a little gem that brightens a stretch of El Camino that badly needed brightening. She feeds the city government through sales tax revenues, just as she literally feeds some of the nearby city hall workers. In addition to the direct benefits she provides to customers,

employees, and eventually, she hopes, investors, she provides indirect benefits — which economists call “positive externalities” — to neighbors and passersby who may never set foot in her restaurant.

When I joined the planning commission I had to take the planning process as given. Now that I’m off, I feel free to question it.

What is the worst that might have happened if there had been no planning process at all? What if she had built whatever she wanted without benefit of any design review, entitlements, or permits? What mischief might she have done? Painted the place an ugly color? Make it inaccessible to handicapped people? Cut corners on materials? Conceivable, but unlikely. It’s not just Golar’s personal standards that would have prevented such things; the highly competitive restaurant market simply wouldn’t have allowed them. Restaurant customers are a fickle lot, demanding high standards of food, service, decor, economy, and convenience. It’s very difficult to see how the planning process prevented any significant unfavorable outcome that the market wouldn’t have prevented. In short, the fault as I see it lies not with Golar, not with Carlos, but with the system. Regulation has gotten such a stranglehold on development — and not just in Belmont — that often only those with deep pockets or political savvy can get anything done.

Moving on from Golar’s, if you take a left onto Ralston Avenue you soon come to a vacant field. This brings us to the story of Brad Liebman, and the senior residences that were not to be.

Since 1901 Belmont has been the home of various sanitariums. By the mid 1990s the remaining psychiatric hospital had been struggling and was up for sale. When Brad Liebman came to look at the property he saw it as an ideal setting for a facility where he could pursue his novel ideas about treating

It’s difficult to see how the planning process prevented any significant unfavorable outcome that the market wouldn’t have prevented.

people suffering from Alzheimer’s disease. He and his partners bought the land and began to do just that. Townspeople, passing his place on busy Ralston Avenue, may have appreciated the nicely kept grounds but likely gave no thought to the opportunity that was there, should an elderly relative ever require the kind of care he offered. Nor did most of us realize that part of the lovely wooded hillside that frames the valley was his property, off limits for development.

I know nothing about Alzheimer’s disease, but I will never forget making the rounds with Brad one day and seeing the loving personal care he lavished on his people. Later he told me that the head of neurology at UC San Francisco had brought his team to visit Ralston Village and had declared Brad’s program the finest he had ever seen. Brad tells me he had visions

of establishing the Village as a model center for Alzheimer's care, and perhaps even of creating a special degree program in that field at Notre Dame de Namur University, located across the street from his property. He could see this program achieving national recognition and "putting Belmont on the map." He also expected that revenue from the new residential development that he envisioned would help support this undertaking.

None of this came to pass.

One end of the property is now an empty field, amounting to about four acres, where the Alexander Sanitarium once

I expected approval, perhaps naively, because so many issues had been raised and answered. The council voted to deny the project.

stood. In 2004, Brad and his partners approached city hall with a proposal to build a large condominium development for active seniors. The idea was that many people in and around Belmont — empty-nesters — would be ready to give up their large houses and move into a high-quality environment that would liberate them from most of the burdens of home ownership. Residents would not need assistance in daily living but would appreciate the common facilities and the proximity to Twin Pines Park and Belmont's little retail area. And a relatively easy transition to a higher level of care would be available to them if they should ever need it. I was given a tour of a similar facility nearby that had been built by Brad's development partner, and I was most impressed with its quality. I imagined that Merrilee and I might make the move ourselves some day.

The economic viability of a condominium project depends strongly on getting enough salable units to support the common facilities — the meeting rooms, exercise rooms, driveway, landscaping, and so forth. So the project as first presented to the city was pretty big. It was to be four stories tall with 101 units covering about half the empty land. Because most people aren't adept at visualizing projects from drawings, Brad's architect employed a new and expensive technology — a simulated drive-by video that seemed to show minimal visual impact from Ralston Avenue. Although I was a little uneasy about the size of the project, I supported it. But many of the neighbors, led by the Hortons, whose residence bordered the project, opposed it. Most of the commissioners likewise disapproved. It was just too big. So it was back to the drawing board. The project was scaled down to 82 units and then reduced again, to 55.

Many people were worried that the project would worsen the traffic situation on Ralston Avenue, which was already bad. So Brad and his partners paid for a professional traffic study that came back with the commonsense conclusion that there would be minimal impact because seniors don't drive much at all, and especially not at rush hour. Brad's partner conducted about 30 neighborhood meetings, and eventually

the Hortons became enthusiastic supporters of the project. Many other neighbors eventually came around as well. But their support was not enough.

Brad says that he and his partners spent more than two years, over a million dollars, and no end of personal energy working on their plans. Their scaled-back version was considered by the planning commission at a public meeting in April, 2005. We were to render opinions on the necessary Mitigated Negative Declaration, General Plan Amendment, Conceptual Development Plan Amendment, and Vesting Tentative Subdivision Map. The City Council would have the final say on these actions. Brad came to the evening meeting with his development partner, landscape architect, civil engineer, community relations consultant, and health care consultant in tow, all expensive professionals, no doubt. One could almost hear the meter ticking. But commissioners raised more questions than could be answered in that hearing, so it was held over so that answers could be gathered and presented to us at a later date — five months later, as it turned out. Meanwhile, Mrs. Horton had taken a seat on the Planning Commission but was not allowed to vote, because the law presumes that anyone owning property nearby has a conflict of interest. Six of us were left to vote at the October meeting, meaning at least a 4–2 vote would be needed to pass anything.

By this time I thought the whole thing had dragged on far too long. I really hoped for approval. And I expected approval, perhaps naively, because so many issues had been raised and answered. Following lengthy discussions, I introduced a motion in favor of the project, gave it the best rhetoric I could muster, and accepted friendly amendments, but my motion failed on a 3–3 tie. We could only report to the council that we had failed to reach agreement on a recommendation. I left feeling frustrated and angry. In November, the council voted 4–1 to deny the project.

By the time of that council meeting, the benefits were clear: an ugly vacant lot would be transformed into 55 nice new homes in a handsome new building. The city government would reap considerable fee income, capped by a "park-in-lieu" fee of \$700,000, supposedly to mitigate the effects of a few additional senior citizens on the city's parks, but in reality a form of legalized extortion. The downside hadn't been reduced to zero: the building wouldn't be wholly invisible, totally noiseless, or completely free of traffic, but the applicants had bent over backwards to mitigate those problems. The only citizens who got up to speak at the meeting were three neighboring homeowners, all of whom spoke in favor of the project. Ignoring the facts in front of it, the council spat out a 4–1 denial. The video recording of that meeting conveys more through the members' facial expressions, body language, and tone of voice than through their actual words. The two leaders of the opposition projected bitter personal animosity; another projected cowardice; a fourth cluelessness. That evening may have been the low point in a long history of some pretty ugly politics in this town.

Not long after his defeat, Brad sold his property to Sunrise Assisted Living, a national chain, and left Belmont. The lot remains vacant. Sunrise ran the facility for a while, then gave up and sold it. The seniors who might now be enjoying their new homes in Brad's development remain in their oversized houses, if they haven't left town. The Park Department

didn't get its \$700,000. I have no idea what sort of care the Alzheimer's patients are getting from the current owner.

Without question, these two projects are a black mark on Belmont's planning process and on the concept of government planning in general. Notwithstanding Carlos's helpfulness, Golar's struggles send a message to small developers: beware of Belmont! And a grave injustice was done to Brad Liebman, to the nameless potential beneficiaries of his project, and to everyone in Belmont, save a few politicians.

I must add that I saw other proposals that the city staff or the planning commission did seem to influence favorably.

The city government would reap considerable income, capped by a "park-in-lieu" fee of \$700,000, a form of legalized extortion.

And I do not for one moment question the ethics or professionalism of the planning staff. I know them personally and believe they really wanted to do what was best for Belmont. But government planning is a system — an ideology, or a religion — that just doesn't work, and they are immersed in that system.

What if there were a privileged class of property owners who were somehow exempt from planning rules? If there were such people, the kinds of projects they might build could give us some insight into how well the planning process achieves its stated goals.

You think this can't happen in our democracy? Think again. There is a privileged class that can build whatever it wants without any review by the city staff or the planning commission. I refer to other governmental agencies. Our school district, for example, built a large gymnasium without any city review, while a private school that wanted to do something similar was shot down by the planning commission and the city council. The water district built two pumping stations without any review. Both projects seem all right to me.

Churches are another quasi-privileged class. I live in a remote canyon, where the idea of a business starting and attracting customers from far and wide would be ludicrous, absolutely forbidden by the zoning code. Surely if zoning ordinances do anything at all, they ought to restrict such outrageously nonconforming land uses. Yet there is an Indian Orthodox Christian church near my house, the home of an obscure denomination that draws congregants from all over the Bay Area. Some of my neighbors were upset when this congregation announced plans to set up shop. But the church couldn't be stopped, in part because a federal law called RLUIPA (don't ask) makes it all but impossible to use zoning to restrict religious activities. But now that the church is in business, the consequences have turned out to be minimal: some parking issues and a little extra traffic on Sundays is about all.

Okay, what about building standards? How far would anybody get with a proposal to build a one-room shack in

my million-dollar neighborhood, in violation not only of the zoning code but also of virtually every provision of the building code as well? Beyond the pale, right? Yet there is just such a shack within spitting distance of my house. It's "grand fathered," meaning that it can remain pretty much as it is until somebody decides to replace it. Seventy years ago, when our area was a good distance from town, that was a hunting cabin. It hasn't changed much, and we neighbors just think of it as part of our area's charm. We look out for the elderly widow who lives there, and not long ago a group of teenagers from a local church swarmed over the place and painted it.

The school gym, the church, and the shack are the sorts of things that planning tries to stop, but legal quirks allow them to exist, and they seem just fine. If unplanned projects can turn out fine, while lots of planned ones don't, do we really need government planning? Randal O'Toole says flatly: No. O'Toole has devoted his career to studying such issues as forest management, smart growth, light-rail transit, and affordable housing. In his recent book, "The Best-Laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future," he makes the bold claim that "almost everything that planners do could be done better, at lower cost, and with less intrusion into people's lives, with properly designed user fees, markets, and incentives." He advocates restrictive covenants (as currently practiced in Houston) as an alternative to zoning. General plans, he says, are useless at best because no one can foresee the future for a large and diverse group of people and properties over a long period of time. But what is a general plan, and why do we have such things?

All California cities are required to prepare a general plan, which is sometimes likened to a constitution. It sets forth general policies and goals. Subsequent ordinances regarding building and planning are supposed to conform to the general plan. The plan is intended to reflect the values of the residents, which is why citizen workshops are emphasized when general plans are adopted or revised.

That's the theory. The reality is — no surprise — a bit different. I attended citizen workshops when Belmont began its general plan revision in 2002. They were run by friendly consultants, and the meetings were kind of fun. Who doesn't like

There is a privileged class that can build whatever it wants without any review. I refer to other government agencies.

to be asked his opinions? Who wouldn't like to be given a big sheet of paper and some colored pencils so he could make some sketches of what "downtown Belmont" ought to look like? But as O'Toole points out, the consultants are skilled at framing the sessions in a way that will lead to the predetermined results. "Do you want more pollution?" they might ask. "Do you think your downtown should be more friendly to

pedestrians?" The results of our workshops were put together in a festive event held in the college gymnasium, complete with music, balloons, and catered food. That little event cost the city \$90,000 and attracted hardly anyone except the prior workshop participants. A few weeks later, the general plan revision came to a screeching halt because of the economic downturn and the consequent municipal budget crunch. It is just now being revived.

Belmont's current general plan includes an element called the Downtown Specific Plan, prepared in 1990. A lot of thoughtful effort clearly went into it, much of it contributed by volunteers. It has flowery language like this: "An attractive, visually cohesive appearance should express a sense of vitality and provide a focal point for public activity and a community lifestyle." It has nice sketches and maps of what the "downtown" (which never really existed) ought to look like. Years later, a little of what was envisioned happened, sort of. We did get some nice new retail at Ralston and El Camino, including a restaurant and a toy store that both went bust. The Starbucks is doing fine. The fancy new train station is all but deserted.

In 2003, along came yet another plan, the Belmont section of a plan for all of El Camino as it runs through the county. This plan makes no specific mention of our existing Downtown Specific Plan, saying only that many past downtown plans have been put forth but that "the community has not shown significant support for these efforts in the past." Translation: those pesky civilians don't see the obvious benefits of a community lifestyle and insist on pursuing their own private interests! So it just starts all over again. The language in this latest plan isn't so flowery, but the acronyms, the graphics, and the buzzwords are fancier. Mind you, the El Camino plan is completely separate from Belmont's general plan, and the two might well end up contradicting each other.

What are the lessons here? Why do grand government plans almost always fail? O'Toole says one reason is the design fallacy. This is the hubristic notion that architectural design is the most important determinant in shaping human behavior: design it, and they will come. Now design surely plays some role, but real people are driven by much more complex and diverse considerations, which can be very hard to anticipate,

If unplanned projects can turn out fine, while lots of planned ones don't, do we really need government planning?

as anyone who has tried to succeed in retail can attest. But design is what planners do, so they cling to the fallacy and blame everyone but themselves when they fail.

Another reason is that general plans attempt to project far into the future and for a wide area; and that's simply impossible. Thus, our 1982 general plan did not foresee the major changes in senior health care and senior housing that took place in the intervening years, nor did it foresee the push for

higher-density development that has arisen lately. But the outdated general plan was in force, and it provided a hook for the council to hang its prejudices on. Yet another important reason for failure is that planners are not accountable for their mistakes. For one thing, those mistakes often don't become apparent until many years have passed: the people listed in the front of the Downtown Specific Plan have either died, left

Translation: those pesky civilians don't see the benefits of a community lifestyle and insist on pursuing their own private interests.

town, or retreated to private lives. More importantly, planners and citizen volunteers have nothing to lose if they fail. They have no invested capital at risk, and they are unlikely to lose their jobs, no matter what. In contrast, competitive business is a harsh master that focuses the mind of any business person with the constant possibility of financial failure.

When I reread our 1990 and 2003 documents with O'Toole's insights in mind, a big omission jumped out at me: there was no attempt to figure out what customers might really want! Despite asserting the need for more and better retail, no one suggested that Belmont residents lacked places to shop, either in their own or neighboring towns. (The real driver is more sales tax revenue, I'm sure.) But since human behavior is so unpredictable, they did what they could and produced nice text and graphics. Maybe government planning doesn't work so well, but surely we can't leave people free to do whatever they want with their property. This would invite chaos, ugliness, noise, and just about every form of social ill, right?

Not necessarily.

To begin with, no one is condemning planning as such. Survival requires that we all engage in planning on some scale. But as Friedrich Hayek so ably demonstrated, the knowledge required for successful planning is dispersed and often tacit. Where there are free markets, price signals connect islands of specialized knowledge, and the result is economy-wide coordination that no individual or agency could have planned. Government planning tries to cover too broad a base, over too long a time span, and is not subject to market discipline. The skills and motives of the planners aside, people and circumstances are just too diverse; things just change too fast. When private business people try to plan beyond the range of their knowledge or ability, they are forced out of business. Failed government planning simply elicits more planning to fix the old broken plans, and the cycle continues.

Externalities do exist, says O'Toole: "There are a few problems that markets cannot fully solve." Yet "they are far less common than planning advocates will admit . . . Even for those problems . . . there are nongovernmental alternatives that work far better than comprehensive government

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The Greatest Place Where No One Goes

by Doug Casey

Does any place still exist where the beaches are clean and the people are few? If you time it right, Uruguay can be that place. But the crowds may be getting wise to its charms.

It's not that Uruguay is — necessarily — the next great thing. It's simply that when it's the dead of winter in the Northern Hemisphere, summer at the beach is a lot more fun. In this part of the world, that basically means either Brazil or Uruguay.

Argentina, of course, has a couple thousand miles of coastline, but not much in the way of beach resorts, besides Mar del Plata. The reason is that its latitude, combined with the curvature of the coast, means that the coast is washed by cold currents from Antarctica.

Brazil has lots of spectacular beaches, but it also has lots of poor people, which means lots of petty crime. Uruguay has almost no crime, and excellent beaches. So in January and February, Punta del Este, which is "the place," is packed with vacationing Argentines, lots of wealthy Brazilians, a good number of Europeans, and a fair sprinkling of glitterati from all over the world.

I'm generally in Argentina from October through December but, with so much of the team in Uruguay, it seemed like a good idea to get an apartment and spend some time there too. I've been there numerous times over the last 25 years, taking the short flight or the pleasant three-hour ferry ride from Buenos Aires, but I've never really written about it. And it's

about time because, although Uruguay is unquestionably one of the nicest, safest, and altogether most desirable places in the world, it's among the least known.

Let me start in the manner of Caesar: *Omnes Uruguay in tres partes divisa est*. These are Montevideo, the beach, and the pampa. Hmmm . . . and maybe a fourth, the banks.

The City

Montevideo is the country's one real city. It's a slow, somewhat down-at-the-heels kind of place, where you'll still see quite a few horse-drawn wagons hauling trash. It's a city where the maté gourds they sell in the shops aren't for tourists, but still for local consumption. When I first visited in 1980, the place was truly in a time warp. They were still using those old black bakelite telephones. There were still a

lot of cars from the '20s, '30s, '40s, and '50s circulating in daily usage; now they're to be found as heirlooms in numerous classic car lots. When I was in college, in the '60s, one of my Latin friends pointed out how cars were priced at about triple the U.S. level. The idea occurred to some of us that it would be worth the trouble to drive an appropriate model down, sell it, and catch a clandestine banana boat out of Dodge with the profit. It would have been a fine adventure.

As cheap as property is in Buenos Aires, it's even cheaper in Montevideo. The problem is that Montevideo doesn't vibrate. It's just a nice, quiet place.

Even today, it's easy to imagine the crew of the German pocket battleship *Admiral Graf Spee* sitting at the docks, desperately trying to make repairs to its fuel system after her battle with three British cruisers at the mouth of the River Plate in December 1939. It's an interesting story. The *Graf Spee* couldn't complete its repairs within the time limit for its stay. Its captain, Hans Langsdorf, took the ship just outside Uruguayan waters and scuttled it. That was partly because he feared that if the assembling British fleet came in to get him, it would result in needless damage to the city, and partly because he knew it was a battle he could only lose. In the two months it had been a commerce raider, the *Graf Spee* captured and sank nine ships, but never killed an enemy sailor. Langsdorf, reputed to have been quite an exceptional person, lay down on his ship's battle flag and shot himself three days later, after negotiating terms with the Argentines for his crew's internment. The ship is in the process of being raised, and will be part of a museum in Montevideo.

The Beaches

During January and February, Punta del Este is among the most happening places on the planet. The city — which has elements of places like the Hamptons and Rehoboth, with a touch of Atlantic City because of the casinos and high rises — has bumper-to-bumper traffic in some areas until 4:00 a.m. The other ten months of the year, especially in the winter, it's a veritable ghost town, like summer beach resorts everywhere. Personally, I far prefer the off-season for a couple months on either side of the peak. Many of the facilities are still open, but the crowds are gone.

I'm confident that most beach resorts (and most ski towns) will increasingly become year-round communities. Today's transportation and communication makes it possible for people with some money to live and work where they want. And they want to be in the kind of place they'd like to vacation in, where others like themselves are to be found. I suspect lots of boomers in the years to come are going to sell their main house (assuming there's a bid) and transplant to their vacation homes. So Punta, and places like it, are going to do better than "average" places. Right now, condominiums on the beach go for about \$300 a square foot, while detached houses are typically half that. This isn't atypical in resorts; people like the security and convenience of the condo, even though a detached house is both cheaper and superior for living. If a place is rented, 80% of the year's revenue comes in during the two months of the season. My guess is that both these things — whether in Punta or on the U.S. East Coast — will change, to the advantage of current owners.

My advice, if you want a place on the beach, is to come

down and take a look. Uruguay has about 500 miles of coastline, and most of it is deserted. And pretty cheap. One quite pretty piece I'm attracted to, close to a small beach town, is 400 acres, with about a mile of beach, for US\$4.5 million. Until recently, anyway, that's what some people were paying for hideous McMansions on a quarter acre in the United States. A lot of those McMansions have now been deserted, since few of the buyers could afford the mortgages — forget about the utilities, taxes, and maintenance. Not good. The beach is nice, however, because it's always deserted.

The Pampas

Most of the country looks like Kansas or Nebraska, Missouri or Illinois. Not unpleasant, but mostly flat to gently rolling. Nothing there but endless fields. Some growing corn, or wheat, or soy, or alfalfa. But mostly they're grazing cattle. Cattle alone, even at current low prices, amount to 35–40% of the country's total exports. This leads me to remark on the published economic information on this country, which is, like that for most places, at once superficial and misleading. Most statistical compendiums say Uruguay's economy is on the order of 10% agriculture, 40% industry, and 50% services.

Forget what you read in statistical compendiums, especially if their source (as most are) is the government. Or at least treat them with skepticism. Who knows how the dog's breakfast of numbers is really being put together, and for exactly what reasons? I far prefer to eyeball the situation personally and draw my own conclusions, rather than letting a reporter interpret the spreadsheet put together by some clerks. Anyway, kicking rocks is more interesting than culling through questionable numbers.

So in that spirit, we were fortunate to chance upon a small fair featuring a rodeo, more or less in the middle of nowhere in the pampas. Pretty much the type of thing you can still find in Colorado, Wyoming, or Alberta, with livestock and handicrafts. What was different was that, with the sole exception of ourselves, it wasn't overrun with tourists. Everybody was either a gaucho, or a member of a gaucho's family.

I go to rodeos in the United States and have got a lot of respect for cowboys. But these gauchos are something else. When cowboys ride broncs, if they're not using a regular saddle, the horse at least has a saddle pad and a cinch around it that a rider can grab onto. And he gets on the horse in a pen. The gauchos simply hold on to the horse's mane, after just jumping on it while it's tied to a post — much harder. Cowboys have a standard uniform, consisting of Stanley boots, Wrangler jeans, a western shirt, and a Stetson or Resistol. So do gauchos: soft black leather boots, bambachos (a very loose-fitting pant), a shirt with blousy sleeves, and a flat brimmed hat. Cowboys sport two-inch-wide belts with flash buckles; gauchos go to a much wider belt, similar to the type lifters wear at the gym. One big difference is the gauchos do their bronc busting wearing their knives in their belts. And they always wear spurs. I was impressed. These hombres do this stuff for day-to-day work, not just to win prizes on the circuit.

An aside. Have you ever wondered how cowboys keep their Stetsons on during a rodeo? Very often, they use chewing gum to snug the fit.

Back to Uruguay. The climate is excellent year round. And

there are only about 3.5 million people, most of them concentrated in Montevideo. The industry here is almost all related to harvesting, processing, and shipping beef, hides, dairy, grains, and wood pulp. The services are mostly dependent on exactly the same things. Plus the sale of real estate, which is treated like just another commodity here. The exceptions are banking and tourism.

Banks, Money, and Taxes

Uruguay has always been Latin America's answer to Switzerland, at least as far as bank privacy is concerned. Latins are notoriously averse to paying taxes. More than most places, the daily news in these countries amounts to a recitation of government stupidity; few people want to subsidize it with their own money. And most people with any money, prudently, want to keep it out of the reach of their own governments. So Latins have historically shipped as much spare cash as possible to — mostly — either Switzerland, the United States, Panama, or Uruguay. In today's world, however, very few will be sending more money to the United States. They have seen what's happened to the U.S. property market, they don't trust the dollar, and they don't even want to visit the United States anymore. Especially for Argentines and Brazilians, Uruguay is a convenient and neutral place for their capital.

It would be good as an alternative for Americans, too, except that, like Switzerland, banks here simply don't want American business. Seriously don't want to touch it. Example? A South African friend of mine, who's living down here, wanted to open an account with a large international bank, but they wouldn't do it until he signed an affidavit stating that he was neither a U.S. citizen, nor a U.S. resident. It's apparently standard operating procedure, even though he showed his South African passport. The small local banks will take U.S. accounts for the purposes of normal expenditures, of course. But the message emanating from the Empire is quite clear.

The bank privacy this country offers is anomalous at first glance. You wouldn't expect a socialist welfare state that has destroyed its currency as aggressively and consistently as any country in the world to be a bank haven. The answer lies in the fact Uruguay started out as a haven for Argentines and Brazilians much the way Switzerland did for the French, Germans and Italians. It just took a wrong turn in political philosophy. But since banking was such a cash cow, the government left the sector alone. It's one of the two intelligent things the Uruguayan government has ever done that I'm aware of. The other was not having an income tax. Actually, let me rephrase that. It was not a question of doing intelligent things, but — and this is basically the most one can hope for from the institution of government — not doing really stupid things.

That's past tense. Until last year, there was also no income tax here. The election of the new government in 2004, the Frente Amplio, composed of a bunch of refugees from the '60s and '70s — ex-communists, ex-Tupamaros, current Greens — was centered on "reforming imbalances" they saw in society. Which, as everywhere, translates into more power to the state. People assumed it would just affect "the rich," but — what a surprise — now almost everybody has to file forms and pay

up. Some can even see that it will leave "the rich" with less money to make investments and employ people than would otherwise be the case. It would seem people voted for the Frente mainly because they were neither the Blancos (equivalent to Republicans) or the Colorados (Democrat-equivalent); anything other than the two parties that were responsible for many decades of economic stagnation seemed like a good idea at the time.

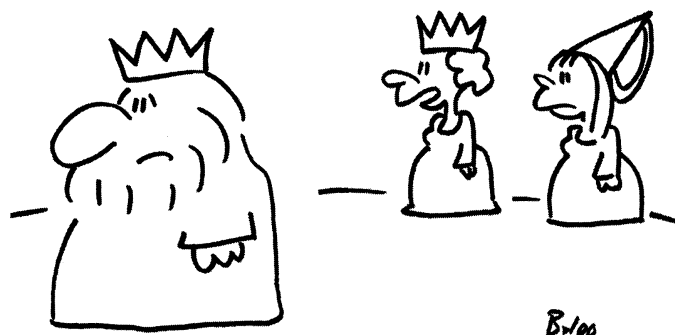
Will the Frente be reelected in 2009? On the one hand, the average guy is unhappy about the new income tax his rulers have imposed, and may want to kick them out. I can only think of one time in all of history when a government repealed an income tax (the United States, over Lincoln's dead body, after the Civil War), so I'm not holding my breath. And since commodities have boomed, so has the local economy, boosting the Frente's popularity. It's a lot like the Americans when Clinton was in office; he didn't cause the boom — in fact he was a drag — but he got to take credit for it.

This provides an interesting object lesson in the supposed link between education and voting. Uruguay is among the most educated countries in the world. If education correlated with intelligent voting, then the place would be a paradise. But there's no reason to believe that education — or lack thereof — correlates in any way with the choices of political candidates. Rather, it's a matter of psychology. Or to be more exact, the degree to which people feel driven to dramatize their psychological aberrations. Which, unfortunately, seems to be a constant across both time and space.

However, the imposition of tax on locally earned income needn't be a pressing concern to you because, even if you become a permanent resident, foreign earned income is exempt. They understand and appreciate rich foreigners in Uruguay.

The Bottom Line

Here's a place that should have been on top of the world. A small but highly educated and demographically homogeneous European population. Crime free. Great climate. Hundreds of miles of empty coast. Perhaps the world's premier beach resort. Socially liberal. Religiously agnostic. Huge agricultural production. A tax and bank haven. Next door to two big and vibrant neighbors. What's not to like?



"He slew all the dragons on the border, and now we have a big illegal alien problem."

The answer lies in another question that will inevitably arise as you spend time here: why, with all its apparent advantages, isn't Uruguay one of the richest countries in the world? The answer, as almost everywhere else, is the same: political stupidity. In so many ways — size, climate, ethnicity, economy, ambience — the place resembles New Zealand. Including in mistakes and stupidities.

In good part because of its high level of education, Uruguay was influenced by the Fabian socialists, who specialized in capturing universities and subsequently corrupting the student body. As a result, Uruguay became the first "socialist democracy" in Latin America at the turn of the 20th century. That was the start of the slippery slope.

Next, the country placed itself under embargo. It did this by enacting some of the highest duties and quotas in the world on imports. That effectively cut it off from knowledge and technology from anywhere else. That's bad enough if you're a big country, but it's death if you only have a couple million people.

As a result of the social democracy and the self-imposed embargo, any bright, ambitious person with enough money to go elsewhere did so. Uruguayan doctors, engineers, and other professionals with transportable skills left for the United States or, at least, Buenos Aires. Uruguay, perversely, with its educated population, and indirectly because of it, has always suffered from a brain drain.

That's exactly what was happening in New Zealand until the country reformed in the mid-1980s, out of desperation. Kiwis with at least a lukewarm IQ and cash for airfare would

take off for Australia (if not the United States or the UK). And it's exactly what happened in Ireland, until it reformed out of desperation. Irishmen with any moxie headed for London, New York, or Boston. Like Uruguay, these countries were rapidly transforming themselves into the shallow end of the gene pool.

The speculation is that, not being completely oblivious to reality, the Uruguayan government may go in the same direction. I'm not looking for, nor predicting, a free-market revolution. I just think that, after having tried every cockamamie collectivist scheme that came down the pike over the last 100 years, lightning may strike or desperation might set in. The next government just might look at what happened in New Zealand and Ireland, see the completely obvious similarities, and put two and two together. Stranger things have happened.

Even if that doesn't happen, my guess is that, as in Argentina, you're going to see much more immigration of wealthy Europeans, deserting that sinking continent. Emigrants are always the best, which is to say the most opportunistic and freedom-seeking, people. And because Uruguay is so small, they'll have a proportionately much bigger effect than on their neighbor to the south. The prognosis is very good. The place stands a high chance of transformation from a quiet backwater into a booming hotspot.

I expect to do more things there in the future. But if Uruguay is tomorrow, Argentina is still my choice for today. The nice thing is that they're just a ferry ride across the Plate from each other. □

Confessions, *from page 30*

planning." This strikes me as a realistic answer, unlike that of the late libertarian icon Murray Rothbard, who waved off all negative externalities with a call for enforcement of private property rights. That won't work in cases where a direct link between perpetrator and victim cannot be established. But negative externalities are far less extensive or problematic than the planning ideology assumes. Those that are real can very often be resolved in terms of property rights, using compensation agreements, tort law, forbearance, etc. But for the knottiest problems, purely voluntary solutions sometimes can't be found. Air pollution is the primary example. In these especially thorny situations, most economists agree that government sanctions are necessary.

Nobody believes in socialism anymore. Hayek and Ludwig von Mises showed very well that it can't work. Yet it continued for a long time in the communist countries, in part because it was accepted as a religion, not to be questioned. Only when events overtook those countries did socialism collapse. Is government planning a form of socialism? Not really, if you define socialism as government ownership of industrial

and commercial property. It is more accurate to call government planning a form of fascism. Let me hasten to justify this incendiary term.

In his recent book "Liberal Fascism" (which I reviewed in the Sept. 2008 issue of this magazine), Jonah Goldberg ably shows the fascistic nature of many facets of 20th-century and present-day American politics. Fascism entails two defining characteristics: first, in its economic aspect it allows nominal private ownership of productive property, with control actually in the hands of government officials. Second, it entails nationalism or racism in some form.

Planning fits the first characteristic to a tee, but where do we find racism? Nowhere is it explicit, of course, but it's just below the surface in many specific instances of planning. For example, the people with political power in Belmont are all above average socioeconomically. They mostly live in the hills and drive fancy cars. None is Hispanic or Asian. But somebody, either resident or transient, is patronizing the 99-cent store and the check-cashing store — very likely, it's low-income Hispanics. These are people who are more likely to worry about raw survival than about the lack of a nice spot to relax and sip their cappuccinos. Council people have told me they wished they could have suppressed those two stores, and by implication their undesirable minority customers.

Meanwhile, the planning juggernaut rolls on from fad to fad: City Beautiful, Urban Renewal, Smart Growth. Plan n is hatched to correct the failures of plan n-1, and around and around we go. Can we learn from the failure of socialism and get off this merry-go-round, or must we wait for things to get really bad? Randal O'Toole has done a fine job of exposing the planning myth. Let us hope that others continue the job. □

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Masters of the Blog

by Jim Walsh

As the power of the Mainstream Media wanes, a new power is arising — the power of the political blog.

In the course of the presidential campaign, I made a habit of reading a number of prominent internet websites dedicated to political opinion from both the libertarian and statist perspectives. Initially, I was looking for some insight into those who felt passionately about either of the two major-party candidates, whom I found equally uninspiring.

I didn't find this insight — the respective stands didn't make any more philosophical sense than a football fan's support of the Oakland Raiders or Dallas Cowboys. The water carriers for statism were predisposed to read vision and inspiration into the empty suit that is Barack Obama; the trenchermen for limited government labored to find virtue in the tin-eared populism that John McCain has developed in his post-Keating Five years.

But I did learn something from my daily ritual.

The internet pundits differed in more than just the objects of their partisan attentions. They differed significantly, even systematically, in their rhetoric. The differences are worth pointing out because they may help curious readers to recognize biases and bents in things they read online.

My daily reading list included four websites with a statist slant:

- DailyKos (www.DailyKos.com),

-
- The Huffington Post (www.HuffingtonPost.com),
 - The Kaus Files (www.slate.com/kausfiles), and
 - Eschaton (www.eschatonblog.com).

These were balanced by four sites exhibiting a libertarian lean:

- Instapundit (pajamasmedia.com/instapundit),
- The Volokh Conspiracy (volokh.com),
- Asymmetrical Information (meganmcardle.theatlantic.com), and
- Ann Althouse (althouse.blogspot.com).

A couple of quick notes. The writers on some of these sites would probably object to my crude categories. Several that I put on the limited-government side question standard libertarian tenets (and at least one endorsed Obama); a couple that I lump in with the statist call themselves libertarian or polit-

ically agnostic and share concerns about the leviathan state with most Liberty readers. However, for the purpose of this piece, the categories are useful.

There are, of course, many other political websites — some prominent — whose authors fall on various points along the political spectrum. I checked in, from time to time, with many of these. They generally comport with the conclusions I draw from my Big Eight.

Finally, there are a number of interesting websites operated by traditional political magazines (among these, the Weekly Standard, National Review, Reason, the New Republic, and the Nation) as well as so-called “aggregators” of reportage

Frankly, it's fun to read the Huffington Post because the columns and comments are so stupid. The prevailing style is ignorance.

and columns such as The Drudge Report, Townhall.com, and CommonDreams.com. But I focus my discussion here on media outlets that began as internet sites and are native to the online world.

This having been said, let's start with quick reviews of the Big Eight.

DailyKos.com is the brainchild of Markos Moulitsas, a U.S. Army veteran and left-wing political activist. The “Kos” of the site's name comes from the founder's nickname. This site has considerable influence within the so-called “netroots” — the most extreme statist faction of the Democrat Party. The site is structured around “diaries,” long (by internet standards) columns written by a handful of regular contributors. Most of these diarists write under pseudonyms. Kos posts some columns; but many of his contributions involve mathematical analyses of polls, including some that DailyKos.com itself commissions.

The site's most interesting features are the readers' comment sections that follow the columns. Here, members of the DailyKos “community” — called “Kossacks” in internet jargon — add their thoughts on the news of the day.

This community toes a doctrinaire statist line. Its style is angry simplification. Kossacks lionize statist politicians or pundits (chief among these, Obama) and vilify others (chief among these, Sarah Palin). They also vilify each other for any deviations from doctrine. DailyKos.com has been properly criticized by other sites for its violent rhetoric and stereotypically Old Left “disappearing” of divergent opinion.

In an interesting turn, Kos himself has shown some signs of apostasy. He has tried to incorporate some libertarian policy points into his version of statism. His readers have responded coldly to these efforts.

DailyKos diarists and commenters are generally humorless — though they do occasionally try to be funny. The jokes fail, mostly because they are scornful rather than wry — and relentlessly partisan. No jokes about liberal Democrats; jokey comments dripping with disdain about moderate Democrats

and all Republicans. Ideological purity isn't funny.

Here's an excerpt from an Oct. 26, 2008 rant by the popular DailyKos diarist “Devilstower” slamming Alan Greenspan and Ayn Rand:

A casual observer might be forgiven for thinking that discovering that the desires of corporate officers didn't always run parallel to those of investors as being so obvious a dead parrot might notice. But then, a casual observer doesn't have a lifetime invested in a philosophy that says otherwise. [Greenspan] apparently never noticed that the desires of individuals, the security of corporations, or the needs of societies in which those companies were embedded don't always lie side by side. He never saw that the incentives built into his more pure system, were aimed at tearing the system apart.

Rather than reveal some ultimate truth of Objectivism, Greenspan's new revelations show only that for forty years, his indecipherable proclamations — those Palinesque chains of detached verbs and adjectives — haven't been the carefully-parsed parables of a financial oracle. They've been the nonsensical mumblings of a blind believer.

This is bad writing. But Devilstower should at least be recognized for discussing political ideas that lie outside his readers' regular rounds. The comments that followed his post show the predictable tenor of Kossack debate:

When [Ayn Rand] reached middle-age, while still married and living with her husband, she started screwing her male assistant. Sexual morals didn't matter for her, either. And she made a point of embarrassing the bejesus out of everybody involved. A very public rub-all-our-noses-in-poop scandal. Zero people skills — other than worshiping sociopaths. Sociopaths, always and forever, will find her intellectually compelling.

And:

Of all the Orwellian hackdom that Ayn Rand preached, this was the deepest and most troublesome — and, for those virtuous Christians I might add — deeply unethical on almost every level. . . . The libertarians that espouse only a belief in the virtues of the market as the ultimate arbiter of human action has abandoned whatever they might have had for souls.

Orwellian hackdom? George Orwell was a vivid, evocative writer. As far as I'm aware, the term “Orwellian” means rhetorical manipulations that are frightening because they are effective. It doesn't mean hack work.

Some commenters defended Rand's skepticism about altruism. Then the Kossacks bared their bodkins:

I have read her works, as well as multiple works on her works, and the overall take-away regarding altruism is that she thought it was evil, that NOTHING good could come of it, and that altruism always brings negative effects. The major problem with ALL of her poorly thought out ideas is that people will necessarily act reasonably. Most people don't. And markets are NOT rational. They cannot be.

Sound enough like a grad school coffee klatch? Note the ALL CAPS emphasis on the negations in this comment. That conveys the overwrought anger typical of Kossacks.

But the worst comments were still to come. A hard fact of the DailyKos “community” is that it allows no variation from statist orthodoxy. A free exchange of ideas — even about the politics of Ayn Rand novels — will not be tolerated:

These assholes (ayn rand, alan greenspan) were ethically wrong from day one. Rand's dead and Greenspan's just getting around to mentioning that he might have been "tactically" mistaken.

Um, no. It's worse than that. The entire underpinning of his sick philosophy just imploded. He wasn't just "wrong," his entire existence was a fucking mistake.

This post is the distillation of Kossack rhetoric: angry, slapdash, obscene, and intolerant. (Freud might say the typographical error "philosophy" says something about the commenter's aversion to ideas.) This is the netroots. And it's Barack Obama's core demographic.

The Huffington Post was created by quasi-celebrity and political dilettante Arianna Huffington. Its structure copies from DailyKos.com, though it adds more straight news stories from the online versions of the Associated Press and other wire services.

Huffington's distinctive feature is to publish columns written by minor Hollywood celebrities — a motley collection of TV actors, singers, standup comedians, and their spouses. The site encourages readers to register as "fans." The prevailing style is ignorant and blindly loyal support of the Democrat Party line. This is a considerable irony, since Arianna Huffington began her political life in the United States as the wife and informal campaign manager of a clueless one-term Republican congressman from Santa Barbara.

Frankly, it's fun to read the Huffington Post because the columns and comments are so stupid. One risible example: in October 2008, the site ran a hit piece on Sarah Palin under the byline of the geriatric cabaret singer Barbra Streisand. It included various outraged allegations of incompetence and malfeasance, some of which may have been true but several of which had been proved false before the publication date — thus undermining the whole piece. The comments that followed congratulated Streisand for being wonderful.

Arianna Huffington has embarrassed herself not, as you might expect, by publishing idiotic invective based on California Democrat Party talking points but by boasting publicly about her site's supposed value as a media property. She's pegged its worth in the hundreds of millions. She's alone in this opinion.

Let me give you a bit of La Huffington's equally, er, unique political analysis:

McCain is running a textbook Rovian race: fear-based, smear-based, anything goes. But it isn't working. The glitch in the well-oiled machine? The Internet.

"We are witnessing the end of Rovian politics," Eric Schmidt, CEO of Google told me. And YouTube, which Google bought in 2006 for \$1.65 billion, is one of the causes of its demise.

Thanks to YouTube — and blogging and instant fact-checking and viral emails — it is getting harder and harder to get away with repeating brazen lies without paying a price, or to run under-the-radar smear campaigns without being exposed.

But the McCain campaign hasn't gotten the message, hence the blizzard of racist, alarmist, xenophobic, innuendo-laden accusations being splattered at Obama.

Ad hominem attacks, arriviste name-dropping, florid adjectives, paranoia: this is amateurish stuff.

According to Huffington's biography, she was an ace

debater during her time as a student at Cambridge. Her wit must have dulled since then. Here's how her dullard fans responded to her insights into Rovian splatter:

Thanks Arianna — I've been saying since the primaries . . . this is the Techo-Gen. If we hear something that sounds fishy it takes about 1.5 seconds to Google not only the statement but the author, his past affiliations, motivations and voting record. An obscure quote by Prof So and so meant something 10 years ago because we didn't know who the Prof was. Now we can discover — OH he's rightwing loon from NRO and throw him out for his obvious bias. NOTHING goes unchecked. Everything is real time. Everything is on video and if you are lying, WE WILL FIND OUT . . . and then politely proceed to both defend TRUTH and destroy the liars and whoever is swallowing their lies.

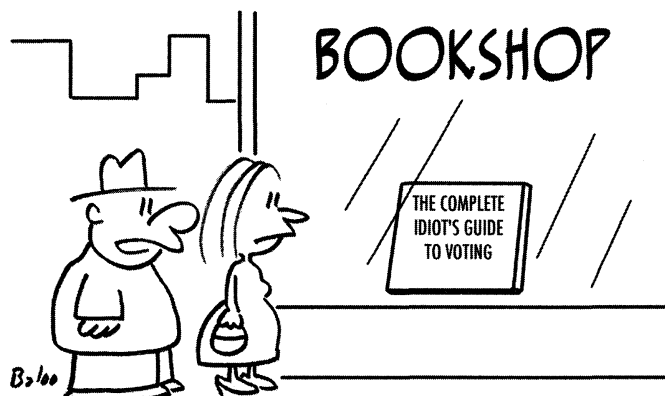
And:

I believe we would be remiss, Arianna, in NOT recognizing that HuffingtonPost has been equally, if not more, responsible for the political information awakening of the last 3 years — as YouTube has been. Credit where it's due, I'd bet the neoCON republicans hate HuffPo denizens just as much as those evidence videos that expose their lies and hypocrisy — whenever they try to redefine meaning or rewrite history. There's nobody over at YouTube blogging un-spun truths outside the corporate msm controlled talking points. You, the others at HuffingtonPost, and your magnificent celebrity bloggers gave voice and location to the counter-neoCON dialog a year and a half before the '06 election, and the republicans have not been the same since.

Ech.

KausFiles is a different style of opinion. It is product of one person — Los Angeles-based journalist and veteran political pro Mickey Kaus. Kaus comes from a family of prominent Democrats (his father was a judge and his brother is also a published writer); but he broke slightly from party orthodoxy by publishing some influential economic research in the 1980s that supported what would later become Clinton-era welfare reform.

The site, which focuses on the mechanics of political campaigns and the manufacture of political issues, began as an independent venture. After gaining a loyal following among political insiders during the early years of the internet, it



"Well, it's an idea whose time has come."

was purchased by and incorporated into the online magazine Slate.com (currently owned by the Washington Post Co.) in 2002. However, Kaus remains its sole contributor and voice. His style is genuinely ironic; he started a much copied practice of including parenthetical notes from an imaginary editor in many of his posts. Some critics have called him “counterintuitive.”

From KausFiles:

Why was I undecided at this point in 2000? It seems crazy to me in retrospect, given George W. Bush’s performance. At cocktail parties recently, I’ve been unable to explain why . . . Well, here’s my explanation at the time. It turns out I was worried about the combination of a Dem Congress and a Dem president. That was egregiously wrong . . . or eerily prescient! (See next item) . . . 12:08 A.M.

In an hour long interview with Charlie Rose last week (as accurately summarized in The Hill)

[Nancy] Pelosi dodged a question about whether Democrats would be able to bring about universal health-care. Pelosi instead cited electronic recordkeeping as a preliminary step.

So we don’t get health care but we do get card check? And immigration semi-amnesty? Is there a market where I can bet on Republicans in the 2010 midterms? . . . Of course, maybe Pelosi is hiding the ball and really plans an ambitious health care agenda. But then what else is she hiding the ball on? . . . P.S.: Note that Pelosi adopts the new, Luntz-style tough-sounding language on immigration:

“I’m just saying register so that we know who you are,” said Pelosi, who added that for those who are not willing to register: “You got to go back.”

Register or go back! Of course, if you are an illegal immigrant and you register and nothing happens — i.e. you get to stay — then you’ve in effect been granted a form of legalization or amnesty. . . . This reminds me of the stage in the welfare reform debate when defenders of the old AFDC dole began to adopt the language of its critics without the substance — demanding “work” programs that really only mandated registering for work that was never actually required. Of course, they managed to sustain a wildly unpopular welfare program for several decades using this con. . . . 8:22 P.M.

My quibble with KausFiles is that it tends to focus too much on the day-to-day “horse race” aspects of politics. But the author is a reliable tout.

Like Kausfiles, EschatonBlog is the work of one intelligent writer. He has continued to use the pen name “Atrios”

Althouse receives vitriolic attacks; being a relative conservative on a notoriously leftist campus may have something to do with this.

even though he was identified years ago as Duncan Bowen Black, a Philadelphia-based journalist who has worked for Air America Radio and the left-leaning watchdog organization Media Matters.

For my money, Eschaton is the most interesting and useful statist political site. Atrios focuses on issues and ideas — rather than personalities or spurious scandal and canned outrage. (Though, like most journalists, he does occasionally slip in some personality stuff to enliven his coverage.)

Here’s Atrios:

Pennsylvania

The idea that the McCain campaign is going to make a real effort to beat Obama in this state now is amusing. Or, to put it another way, if McCain does win Pennsylvania then all the polling in this election is completely wrong for whatever reason and McCain’s going to win a bunch of other Kerry states too. Pennsylvania was close in ‘04. Very close. 51–49. But the polls before the election were also close. Very close.

The Pennsylvania polls are now not close at all. Many months ago I thought PA would be hard for Obama. But it turns out I was wrong, probably because I underestimated the number of moderate Republicans in the Philly suburbs who will actually vote for a Democrat and overestimated the number of conservatives and old people (this is a very old state) in the ‘T’ who won’t vote for Obama.

And:

Matt Drudge Still Rules Their World

While Boehlert is right that Matt Drudge hasn’t been as influential over this election as he has at other times, I don’t think it’s correct to discount completely his mind control powers over our nation’s editors and TV news producers. Those powers still exist, even if he hasn’t been using them very effectively recently. Drudge is good at what he does, but he’s in part only as good as the stuff they feed him.

This is partisan politics. But compare Atrios’ version with the rants from DailyKos and Huffington Post. It’s clear, concise, and cogent.

Instapundit may be the most influential political site on the internet. It is the work of one author — University of Tennessee law professor Glenn Reynolds (although Reynolds, juggling his day job with a burgeoning career writing for traditional media outlets like Forbes and The New York Times, does occasionally have guest writers contribute to his site).

Why is Instapundit so influential? Timing, partly. Reynolds was one of the first credentialed people to publish regularly in what has become known as the blog format. Style, partly. Reynolds was an early adapter of what has become the prevailing mode of blog writing — extremely concise, ironic commentary that contains hypertext links to the sources of “straight” news stories.

Reynolds’ signature line is the three-letter exclamation “Heh” linked to a news story. His “heh” conveys much, including ironic or sarcastic “agreement” with the absurdity of the linked news piece.

Here are Instapundit’s posts from one three-hour period (here, the words in ALL CAPS aren’t for emphasis; they represent hypertext links to other websites):

posted at 10:13 PM by Glenn Reynolds

MCCAIN VS. OBAMA on scientific integrity.

posted at 09:47 PM by Glenn Reynolds

TAKING SANCTUARY IN BARACK OBAMA. As Chris Mead has noted in his terrific biography, Joe Louis was treated as a secular saint by some parts of the African-American community. But Barack Obama seems to be

inspiring this messianic fervor among a much wider cohort of the politically involved.

posted at 09:37 PM by Glenn Reynolds

COMPARING MCCAIN AND OBAMA'S VOTING HISTORIES with their statements about space.

posted at 08:18 PM by Glenn Reynolds

CAR LUST: When tuning goes horribly, horribly wrong.

posted at 07:00 PM by Glenn Reynolds

ROGER KIMBALL: Is Obama a "transformational figure"? You don't know the half of it!

posted at 06:57 PM by Glenn Reynolds

THE RUSSIAN Cyber Militia: "Georgia was not just invaded by Russian troops last August, it was also hammered on the Internet, with the same Cyber War techniques used against Estonia last year. An investigation by a large team of Internet experts concluded that, as with the attacks on Estonia, the Russian government was not directly involved in the Georgia attacks. The Cyber War attacks on Georgia were coordinated from a non-government web site. If there was any Russian government involvement, it was indirect." How convenient.

You get a good sense of the Instapundit style from this excerpt. Reynolds is heavily referential. He's tight. And he's focused on ideas rather than personalities — even when those ideas have to do with public personalities. He does not allow readers to post comments on his site, though he has written about changing this policy.

There's another reason for Instapundit's influence: Reynolds is generous to other writers. A link from his site can drive so much traffic your way that your ISP's servers crash if they're not prepared. These so-called "Instalanches" are badges of honor on the internet. Reynolds has used his influence to make stars of other bloggers he likes — such as Stephen Green, Michael Yon, and Ann Althouse (who's also in my Big Eight).

Instapundit approaches politics from a fairly consistent libertarian perspective. But Reynolds also posts comments and opinions that show a refined taste in cars, guns, food, and electronic gadgets. He conveys a distinctive and even eccentric take on law, politics, and society. This distinctiveness makes his site interesting.

The Volokh Conspiracy is a group project started by UCLA law professor Eugene Volokh. Structurally, the site resembles DailyKos. Its "conspirators" post longish columns, just as Kos' diarists do. These are followed by comments — which, unlike the Kossacks' ravings, are often as interesting as the columns.

Consider an excerpt from a column by Volokh conspirator Ilya Somin:

[P]roperty rights play a role similar to that of freedom of speech. But while the importance of freedom of speech in protecting unpopular minorities is widely understood, many people still believe that property rights mostly benefit only the wealthy, powerful, and popular. As the very different examples of Ayers and the Chinese gays demonstrate, that is not so.

Of course some of those who take advantage of property rights are far from admirable, as is certainly true of [William] Ayers. But the same can be said for free speech rights. Many of the Supreme Court's most important First Amendment precedents vindicated the rights of communists, KKK leaders, and others who would surely abolish

freedom of speech for the rest of us if they ever had the power to do so.

And, from among the comments following Somin's post:

Property rights are extremely important. You are pretty free on your own property. Those living in rural areas are very free. Very little or no regulation by a .gov entity. For 2nd amendment supports this is very paramount. Own enough property and you can shoot away whenever with whatever as you wish. Chronic Urban dwellers have no idea of the freedom owning a few hundred acres gives to a person. Nothing better than looking 360 degrees around ones house and seeing nothing but your own property.

The tone of the Volokh Conspiracy is clearly different from that of DailyKos. The conspirators — most of whom are law professors — write in a more disciplined style than the

Statist bloggers' red meat is a personal hatred of Bush, McCain, and Palin. They move quickly to invective and obscenity.

Kos diarists. Their tone tends to be patient and rational — as opposed to angry and accusatory. Likewise, comments on the VC aren't as vituperative as those on Kos. VC commenters tend to be more intellectually curious and open-minded than their Kossack counterparts.

If the Volokh Conspiracy has any fault, it may be that its analyses and takes on the news of the day tend to be a little too cerebral. Some of the conspirators occasionally get caught in their own webs of professorial verbosity.

Like Instapundit and most of the conspirators at Volokh, Ann Althouse is a law professor (in her case, at the University of Wisconsin). Hers is a one-woman site, but she allows comments. While she can be as heady as the Volokh conspirators, her writing is more personal. And perhaps even more distinctive than Instapundit's. She's angry sometimes, and she takes



"Of course I can spell — I just can't spell *conventionally*."

personal shots at others more often than other right-leaning bloggers.

In defense of her vinegar, Althouse receives more vitriolic attacks than Reynolds or Volokh; her status as a relatively conservative woman teaching on a notoriously left-leaning campus may have something to do with this.

From Althouse:

Monday, October 20, 2008

"Not only did you murder your victim by cutting his throat and stabbing him but you cut him up, cooked him and ate part of him."

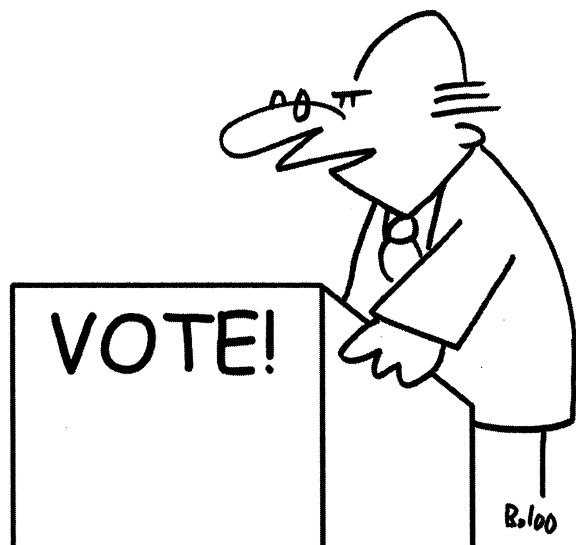
Said the judge, sentencing Anthony Morley to a minimum of 30 years in prison. What do you have to do in Britain to get a life sentence?

Labels: cannibalism, crime, law, UK
posted by Ann Althouse at 9:20 AM

And from her commenters:

... since Britain has now permitted the creeping introduction of sharia law enforceable by civil courts, it is only a matter of time before such matters are turned over to a rougher justice. (We are told that these judgments won't be upheld if they run contrary to British norms. But I no longer have any confidence that Britain has any sense of British norms. Reading from afar and on occasional visits to al-bion, the country has become unrecognizable to me in less than a decade. How wrong John Major — a good and decent man thrust into an impossible situation — has been shown to be; he prophesied that "fifty years on from now, Britain will still be the country of long shadows on cricket grounds, warm beer, invincible green suburbs, dog lovers and pools fillers and, as George Orwell said, 'Old maids bicycling to holy communion through the morning mist' and, if we get our way, Shakespeare will still be read even in school." Less than twenty years later, it's gone to the dogs: the country of chavs, rotten multiculturalism and a leaden, cloying intellectual and ideological uniformity that has engliaciated the political process.

This is better than most of the main contributors to other sites.



"Who cares about some stupid sex scandal? — Let's talk about global warming!"

Last among the Big Eight — and my personal favorite — is Asymmetrical Information, a site dedicated primarily to discussion of economics and politics from a libertarian perspective. The sole author is journalist Megan McArdle, whose career has included a stint as an economics correspondent for *The Economist*.

McArdle, like Mickey Kaus, started her site as a stand-alone venture but was eventually acquired by a larger media company. In her case, the corporate overlord is the Atlantic. Also like Kaus, McArdle operates independently of her left-leaning parent company. (If one were to anthropomorphize the Atlantic, the magazine would be an underperforming Upper East Side trust-funder who can't resist hipster lefty causes. Megan McArdle is none of that. Although she did end up endorsing Barack Obama.)

This is an excerpt from a recent post by McArdle on the \$700 billion bailout:

Democratic lawmakers are considering a stimulus package targeted at infrastructure spending, aid to states, food stamps and jobless benefits. The White House has so far been cool to the Democrats' proposals. . . .

The Democrats' proposals will not do much to improve access to credit. And infrastructure spending almost certainly won't work at all, because the time lags are too great. Unless the government bypasses its procurement process, and also suspends winter, infrastructure projects are not going to get done in the time frame that we'd like to see stimulus.

On the other hand, expanding jobless claims to 52 weeks seems like a no brainer — not because it's awesome stimulus, but because it would be nice if people who can't find jobs in a severe economic contraction don't have to take up a second career as bank robbers.

Again, this is just an excerpt. McArdle's pieces are longer and more journalistically ambitious than *Instapundit's*.

McArdle has a comments section on her site; and this one easily outclasses any I've seen on other sites. Here are some comments that followed her joke that part of the government's economic bailout plan should be free lithium for all traders:

I'm still waiting for Soma. You'd think that it would have become at least a street name for a drug. I guess Drug Dealers have no idea how to market to the intellectual elite. Which is foolish since their the ones that have a lot of money, always pay more than street value, and will buy the harder stuff.

On a side note, being back in school is a vicious, life sucking void. Better than the Army by far, but still I'm enslaved to my professor's coursework.

This comment thread then turned into a lengthy discussion on government-run health care. A surprising number of commenters were for it, as a way to get the cost of medicine off of employers' P&Ls (at least directly). But most commenters maintained a free-market perspective:

It would be much easier to repeal the Wagner Act than to "fix" health care. Go back to the mid-90s and make GM's union employees take the same health and retirement benefits cuts that its white-collar employees got, and suddenly the company would have actually had a chance. Add the sort of work rules and grievance procedures the non-union

continued on page 69

Beyond Open or Closed Borders

by Laurence M. Vance

The United States should encourage more immigration — as soon as it eliminates noncitizens' entitlements to education, health care, and social welfare benefits.

Human migration is an ancient, inevitable, and unstoppable global phenomenon. Yet immigration is an issue that divides liberals, conservatives, and libertarians unpredictably. Some advocate a completely unhindered immigration policy ("open borders"), while others favor a total moratorium on immigration for a period of time. Most people are somewhere between these two extremes. Although there are many differences among people of all parties about the economic, political, social, and cultural advantages of immigration, there is one thing that all sides should agree on: there is no "right" to immigrate if it means trespassing on someone else's property.

Some advocates of "open borders" just don't seem to get it. It is bad enough that they insist that the free market requires free immigration and that free trade and free migration go hand in hand. It is worse, however, when they imply that those who support some restrictions on immigration are racists, xenophobes, and bigots. I wish they would refrain from insinuating that any restriction on immigration is incompatible with laissez-faire capitalism.

I also want them to quit misrepresenting the views of their opponents. The opposite of "open borders" is not "closed borders." Libertarians who reject "open borders" are not "anti-immigrant" or "anti-immigration." No proponent of

restrictions on immigration wants to close the borders and completely end immigration — no matter how much he is concerned about immigrant lack of assimilation and immigrant use of taxpayer-paid health, education, and social services (on these issues, see also Stephen Cox, "The Fallacy of Open Immigration," October 2006).

"Open borders" libertarians in particular can be quite vocal about what they consider to be the fundamental human right to move, associate, and contract. Many of them will acknowledge that the right of individuals to move freely about the surface of the earth may be limited by the property rights of others. But this, they say, is not true when it comes to public property, because public property is government property. They reason that one cannot trespass on government property because governments are illegitimate and have no right to own property.

But are all governments illegitimate? Suppose a group of property owners voluntarily sets up a “government” in a geographical area and cedes it some property in the form of streets, parks, and office buildings, along with an annual appropriation for their upkeep. Are residents of other geographical areas permitted to drive on the first group’s streets and relax in their parks *without permission* because, after all, it is just public property?

Even if it were true, as libertarian anarchists believe, that a governmental entity has no right to own property, all government-controlled property would actually be owned by the taxpayers, and uninvited immigrants would therefore be trespassers.

But whether a government that controls property is viewed as the legal owner or merely as the caretaker is irrelevant. Surely citizens still prefer that all public property be

Taxpayer-funded education should be limited to legal residents. They are, after all, the ones who pay for it.

managed as if it were privately owned, and this management must include basic rules regarding usage. The ultimate goal should be to reduce the property of the state as much as possible. But is it wise to allow people to drive on the wrong side of the public highways until they are all made private?

The property along the northern, southern, eastern, and western borders of the United States is owned by individuals, associations of individuals, small businesses, corporations, local governments, state governments, and the federal government. The same goes for the ownership of airports, ports, and any other points of entry. Whether a governmental entity should or shouldn’t own an airport, a port, or property along the U.S. border is immaterial. No one has a right to step foot on any piece of U.S. property (public or private) because no one in any country has the right to trespass on someone else’s property — in his own country or in any other country.

The most diehard *proponent* of “open borders” and *opponent* of government as a legitimate property owner must at least agree that no matter who owns or claims to own the property in the United States, it certainly isn’t owned by anyone seeking to immigrate here. The right to *immigrate* doesn’t necessarily follow from the right to *emigrate*. The freedom to move does not include or imply the freedom to trespass.

Under what circumstances, however, would advocates of some kind of a restricted immigration policy — and I’m one — give three cheers for more immigrants? Most of us would simply prefer that, as An Act to Regulate Immigration (1882) required, “any person unable to take care of himself or herself without becoming a public charge” be denied entry to the country. If this truly were the case, then the cheers would be immediately forthcoming.

I would give the first cheer for unrestricted immigration if public schools were not forced to educate people who are

not American citizens. In the case of *Plyler v. Doe* (1982), the Supreme Court required the states to provide all children — American citizens or foreigners, legal immigrants or illegal immigrants — with a free public education. The case began as a class action lawsuit on behalf of Mexican children in Texas who were in the United States illegally. The state of Texas had passed a law in 1975 that denied state funds for the education of children not “legally admitted” to the United States. Although the Court acknowledged that “unsanctioned entry into the United States is a crime,” and that “those who have entered unlawfully are subject to deportation,” the Court ruled that the Texas statute violated the “equal protection” clause of the 14th Amendment.

Now, public schools are not allowed to question the immigration status of families seeking to enroll their children. Some states even allow long-term unauthorized immigrants to receive in-state tuition at state colleges and universities if they meet certain requirements. This is a direct consequence of unrestricted immigration. Yes, the federal government should not have any control over local schools. And yes, state-supported education should be eliminated. But as long as we have it, it should be limited to legal residents. They are, after all, the ones who can be billed for it.

I would give a second cheer for unrestricted immigration if hospitals were not forced to provide health care to those with no ability to pay. As part of the Consolidated Omnibus Budget Reconciliation Act of 1985 (PL 99-272), Congress included the Emergency Medical Treatment and Active Labor Act, which states that hospitals that receive federal assistance, participate in the Medicare program, or are nonprofits cannot deny emergency treatment to anyone — including noncitizens and illegal aliens — because of an inability to pay. This includes pregnant women in labor.

The result of this law is that hospitals in border states like California, Arizona, New Mexico, and Texas are forced to spend millions of dollars treating the “emergencies” of illegals lest they are charged with “patient dumping.” Some of this money is reimbursed by — you guessed it — the American taxpayers. The children of both legal and illegal immigrants born in the United States are granted instant citizenship by the current interpretation of the Constitution, and “anchor babies” account for about 50% of all immigrant births in the southwestern border states.

Again: the federal government should not require any business to serve any customer. The federal government should not have any control over health care. But as long as we have laws like this, free health care, like free public education, should be limited to Americans who can be billed for it.

I would give the third cheer for unrestricted immigration if welfare benefits were not available to immigrants. Opponents of “open borders” have unfortunately discredited that position with erroneous statements about immigrants — legal or otherwise — coming here so they can receive generous welfare benefits. That may have been true to some extent before 1996, but cannot be said to be the case now. Up until 1996, some federal programs prohibited illegal immigrants from receiving benefits, others mandated benefits regardless of immigration status, and still others did not address the issue. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PL 104-193), better known as the Welfare Reform Act,

excluded undocumented immigrants from most federal welfare programs and gave states the option to restrict immigrant access to other public benefits.

Nevertheless, some welfare programs are still open to illegal immigrants, while others are only available to “qualified aliens.” The U.S. welfare system has a complex maze of rules and regulations, especially as it relates to immigrants. I will try to summarize benefit eligibility for both classes of immigrants, legal and illegal.

Undocumented (illegal) immigrants are not eligible for Supplemental Security Income (SSI), the Earned Income Tax Credit (EITC), food stamps, Temporary Assistance to Needy Families (TANF), or Medicaid. They are eligible for Women, Infants, and Children (WIC), the National School Lunch Program, Head Start, emergency disaster relief, and non-Medicaid funded public health services such as immunizations and testing for communicable diseases.

The availability of welfare benefits for aliens depends on how long they have been in the country and whether they were here before Aug. 22, 1996 (the enactment date of the Welfare Reform Act). Legal immigrants are, of course, eligible for the same assistance as illegal immigrants: WIC, Head Start, etc. The difference between the two classes of immigrants concerns their eligibility for SSI, the EITC, food stamps, TANF, and Medicaid.

SSI benefits are available to legal immigrants if they were receiving SSI before Aug. 22, 1996, or were disabled subsequently. The benefits are available to other legal immigrants only if they have both been here for five years and have (or have in combination with parent or spouse) 40 “quarters of coverage” from working. The EITC is available to anyone with earned income who files a tax return. Since the EITC is a refundable tax credit, it is possible not to pay any income taxes and still receive a tax refund.

Legal immigrants are eligible for food stamps once they have been in the country for five years, but those who were receiving food stamps before Aug. 22, 1996, and were 65 or older at the time, or disabled, or disabled subsequently, as well as those who are under 18, are also eligible for food stamps. TANF assistance is available at the option of each individual state. This aid is a state option (using federal money) for legal immigrants who have lived in the country for five years; it is a state option (using *state* money) for those who do not meet the federal residence requirement. According the Department of Health and Human Services, about 100,000 “qualified” immigrants(!) are receiving TANF assistance. Medicaid is generally only available to legal immigrants after they have lived in the country for five years, and only at the discretion of the individual states.

Yes, the plethora of federal welfare programs should be eliminated. Likewise, every federal income transfer program ought to be eliminated. No American should have a portion of his income confiscated and redistributed to another American. In the meantime, however, citizens are clearly giving welfare benefits of many kinds to noncitizens, usually without their knowledge.

The astute reader will notice that I gave some reasons why, under certain conditions, I would be willing to give three cheers for unrestricted immigration, but that I did not say “open borders.”

“Open borders” means, in essence, that there is no border and hence no immigration. Any number of people from any country for any reason can come and go across any U.S. border just as if it weren’t there. Criminal on the run — we welcome you to our country. Disease carrier — please don’t breathe on us. Islamic terrorist — we hope you will live peacefully among us. Advocate of *Reconquista* — come on down.

Does “open borders” really mean “open borders”? What else are we to make of this statement on immigration from the 2004 Libertarian Party Platform?

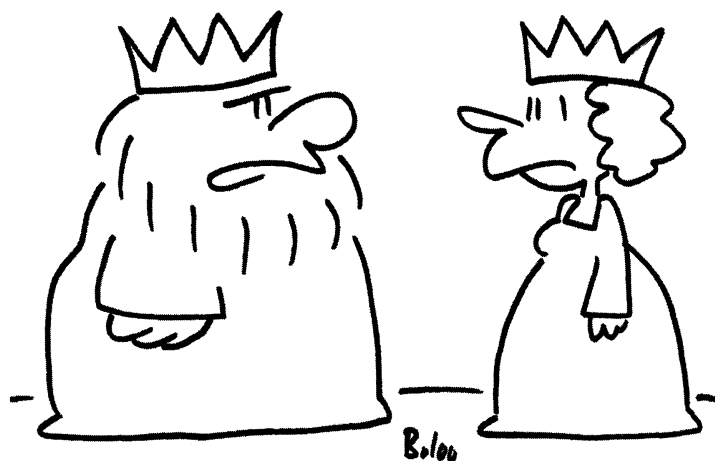
We call for the elimination of all restrictions on immigration, the abolition of the Immigration and Naturalization Service and the Border Patrol, and a declaration of full amnesty for all people who have entered the country illegally.

If there are no restrictions, no INS, and no Border Patrol, then there is nothing to prevent anyone who can make it across the nonexistent border from coming to the United States. (Fortunately, the Libertarian Party has significantly changed its statements on immigration in its latest platform.)

With “open borders” it would be permissible for the whole population of Mexico to walk across the border and permanently turn the entire Southwest into a Newer Mexico. It would be aggression against them if anyone tried to stop them. Being indifferent to a massive influx of immigrants — still more massive, surely, than anything we see today — is ludicrous; claiming that it would never happen is evading the issue.

Unrestricted immigration is still immigration, and as such recognizes that the United States has borders that should be respected. Even the National Council of La Raza (NCLR), the largest national Hispanic civil rights organization, is opposed to illegal immigration, open borders, and amnesty programs.

It is hard to take some conservative advocates of “open borders” very seriously because they are so inconsistent. They reject the idea of the state limiting immigration as incompatible with the free market, then turn around and support government-managed trade agreements instead of real free trade, and taxpayer-funded vouchers for education instead of a free market in education.



“If your mother’s such a great Queen, how come we keep getting her refugees?”

“Open borders” libertarians can go even farther astray. The right of a nation to control noncitizens who *enter* its borders in no way implies a right to control the movement of citizens who *exit* them. Likewise, there is no comparison between a border fence, which is designed to keep people *out*, and the Berlin Wall or the Warsaw Ghetto, which were designed to keep people *in*. It is also wrong for “open borders” libertarians to imply that libertarian opponents of “open borders” are a small minority who have adopted a bizarre theory, especially when this group is anything but small and includes such libertarian icons as Ludwig von Mises, Murray Rothbard, and Ron Paul.

Writing during World War II, after he had immigrated to America, Mises advocated restricting the access of whole peoples to America’s frontiers:

These considerations are not a plea for opening America and the British Dominions to German, Italian, and Japanese immigrants. Under present conditions America and Australia would simply commit suicide by admitting Nazis, Fascists, and Japanese. They could as well surrender directly to the Fuhrer and to the Mikado. Immigrants from the totalitarian countries are today the vanguard of their armies, a fifth column whose invasion would render all measures of defense useless. America and Australia can preserve their freedom, their civilization, and their economic institutions only by rigidly barring access to the subjects of the dictators.

Writing after the end of the Cold War, Murray Rothbard rejected “open borders”:

On rethinking immigration on the basis of the anarcho-capitalist model, it became clear to me that a totally privatized country would not have “open borders” at all. If every piece of land in a country were owned by some person, group, or corporation, this would mean that no immigrant could enter there unless invited to enter and allowed to rent, or purchase, property. A totally privatized country would be as “closed” as the particular inhabitants and property owners desire. It seems clear, then, that the regime of open borders that exists *de facto* in the U.S. really amounts to a compulsory opening by the central state, the state in charge of all streets and public land areas, and does not genuinely reflect the wishes of the proprietors.

Were Mises and Rothbard merely pseudo-libertarians?

Certainly, there are fallacies on both sides of this debate. Contrary to what many opponents of open borders appear to believe, the fact that Mexico has very stringent immigration laws is irrelevant.

Our immigration policy should be based on what is just, humane, and beneficial for the United States, not a policy formulated or influenced by Mexican immigration policies, however illogical they may be. I am also not impressed by arguments that we should disparage illegal immigrants merely because they came here illegally. I am more concerned about illegals taking advantage of the laws that aid them than about their violating the law by entering illegally.

About 800,000 legal immigrants enter the United States every year. About 150,000 of them have refugee or asylum-seeker status. Over half come from Latin America. There are about 3 million children in the United States who are citizens but whose parents are here illegally. About 12% of American residents were not born in this country.

I am not saying that these things are good or bad. I have

expressed my opposition to “open borders,” and have mentioned the circumstances under which I might give three cheers for unrestricted immigration. I have also said nothing about passports, visas, deportation rules, guest worker programs, quotas, amnesty, or profiling. (But can it really be argued that it would make no difference from which country a massive influx of immigrants arrived on our shores?)

Because we have a state, because we have a border, because we have public property, because we have a welfare system, because we have birthright citizenship, because we have an interventionist foreign policy that incites hatred of the United States, because we have the War on Drugs, because we have a corrupt government, and because we have a huge and inefficient immigration bureaucracy — the issue of immigration (legal or otherwise) is not an open and shut case. There are many “solutions” to the immigration problem, but throwing open the borders is no solution at all.

I have concentrated on citizenship as a solution to the immigration problem. There should be a distinction between citizens, whether native-born or naturalized, and immigrants, legal or illegal, when it comes to the benefits of citizenship. Birthright citizenship should be ended — immediately.

But even with a focus on citizenship, one still cannot ignore the border. It is not true, as some advocates of “open borders” insinuate, that calls for restrictions on immigration have to lead to employer sanctions, making criminals out of landlords, domestic spying programs, a national registry of workers, national ID cards, the destruction of civil liberties, or a police state — not if the focus is on the border.

If an immigrant still manages to enter the country illegally, then he should be on his own. In addition to no free public schooling, no free medical care, and no welfare benefits, there should be no affirmative action privileges, no community reinvestment acts, no mandatory bilingual education, no minimum wage laws, no hate-crime laws, no antidiscrimination laws, no fair housing laws, and no subsidies of any kind. All official government business should be conducted in English.

As mentioned above, the statements on immigration in the 2006 Libertarian Party Platform have significantly changed. Now we see a healthy emphasis on securing the borders:

Ensure immigration requirements include only appropriate documentation, screening for criminal background and threats to public health and national security. Simplifying the immigration process and redeployment of surveillance technology to focus on the borders will encourage the use of regular . . . entry points, thus preventing trespass and saving lives. End federal requirements that benefits and services be provided to those in the country illegally. Repeal all measures that punish employers for hiring undocumented workers. Repeal all immigration quotas.

Regardless of how many immigrants show up at the border, regardless of where they come from, regardless of why they are here, and regardless of how restricted or unrestricted U.S. immigration policy is, immigrants should be required to enter lawfully. I don’t mind visitors to my home, but instead of hopping my fence, climbing through a window, and then announcing that they are here, I want them to knock, ask permission to enter, and then come through the front door. □

The Year I Could Have Shaken the World

by Jacques Delacroix

The world that was offers some insights
for the world that is now, and perhaps for
the world that is to come.

The last four decades have been strange. On the one hand, most of the world has experienced unprecedented economic growth, and life expectancy has increased a great deal nearly everywhere, especially in the poorest countries. (I except those where sexual promiscuity and recreational injections are widespread.) On the other hand, the world has failed to shake lose the statist, redistributive fantasies born in the squalor and misery of the 19th century.

Though called by other names, socialist and quasi-socialist dreams have largely maintained their hold on the imagination of our contemporaries. (If I were not self-conscious about my French accent, I would say “their hold on our contemporaries’ *imaginaire*.”) Perhaps this is because old men seldom admit openly that they used to be dead wrong, in the days of their youthful glory; while the young, like all the generations that preceded them, believe that the world began with them. They have no memory to erase; they also have no memory to warn them.

The problem is not a lack of documentation about the bad old days. We have plenty of that, more than we can digest — although it’s being disseminated by the media in ever more accessible format. Rather, much of what we see and hear today shows a bias toward the dramatic, the pathetic, the

heroic, the odious, and the collective. It’s difficult to remember, or to imagine, that there was once a Communist Camp, inhabited by real, ordinary people who did their best to have good lives despite the grotesque conditions imposed on them by “socialism as it exists.” There were also ordinary people from the comparatively more prosperous West who came into contact with those who were trying to live in spite of everything. Such westerners were mostly dupes, but many were only half-credulous types who wanted to see for themselves. I was one of those. Here is a story about my brief foray into that other world.

My experience was personal; it was not odious, it was not pathetic, and it was not heroic. It filled me with the sadness of great things wasted, for no reason at all.

The year 1968 was exceptional, for the world and also for me. I keep getting the two ideas confused. I try to separate them below.

Take the world first. It shook: with big political earthquakes, with minor tremors too. At the time, it was not completely clear which was which. In the United States, Martin Luther King, Jr. and then Robert Kennedy were assassinated. In Mexico, the police prepared for the Summer Olympics by shooting hundreds of unarmed student demonstrators. In Eastern Europe, the governing Czech Communist Party bravely tried to invent socialism with a human face. The country's president was named "Svoboda," "Liberty." That period was dubbed the "Prague Spring."

Nevertheless, that same spring, the French held most of the front pages worldwide because of their superior flair for showbiz. They had one of their periodic mass theatrical frissons. It lasted about one month, the month of May. In less than 30 days, they had a general strike, a venerated president

Although the Tet Offensive was a military catastrophe for the communists, it encouraged the forces of wusssdom in the United States.

who was also a national hero disappeared for a few days, and the powerful French Communist Party tried to confiscate the revolution. Then, it changed its mind and failed, and it never recovered its prestige. When the smoke of tear gas grenades dissipated, only a couple of people had died, mostly by accident. The French are good that way. They know what to do and they have a historically-induced sense of style. No crude, undirected, unlimited, haphazard, deadly rioting for them! Burn cars only!

It turned out to have been mostly a cultural revolution. Afterwards, young French men stopped wearing ties to school, jeans sales rose, and contraception became widespread. Looking back on it as a distinguished social scientist, I discerned that what the anarcho-Maoist convulsions of May 1968 also did in France was to usher in real, modern capitalism. What existed before was a paternalistic, noncompetitive simulacrum of capitalism. The French May movement also left behind some of the most poetic slogans ever, like this: "Be realistic; demand the impossible," and also, while rioting students were following old tradition by prying off street paving stones to lob them at police: "Under the paving stones lies the beach." That was a paradoxical, unconscious affirmation of collective lucidity about their deep frivolity. The events in France were well covered by the world media because they were taking place mostly against the backdrop of historically attractive central Paris.

We seldom saw Eastern Europeans then, but we could hear them sigh behind the Iron Curtain. The response to the Czechoslovak reform was a full invasion by brotherly communist countries, with hundreds of thousands of soldiers and thousands of tanks. People died; we will never know how many. Many more fled the country for good. There was enough press coverage to show tanks pointing their guns at throngs of civilians. The U.S. administration was obviously

caught by surprise. That made it difficult to blame the CIA, as was usually done whenever a people tried to rise against tyranny anywhere in the world. At last, communism begun to lose its remaining thin veneer of respectability. In Europe, it was shown for what it had always been under its pedantic, pious language: thug rule. But, I am ahead of my story. The fraternal invasion happened in August, while Western Europe was at the beach.

In Asia, in early 1968, the communists had earned a little self-esteem by dying by the tens of thousands in the futile Vietnam Tet offensive. Although it was a military catastrophe for the communists, it encouraged the forces of wusssdom in the United States. The country lost its nerve and pushed its hapless ally to the first steps toward capitulation. This would eventually lead to the communists' complete victory and thence, indirectly, to the self-genocide of millions of Cambodians and to the execution by various means of hundreds of thousands in Vietnam. Asian communism then lost much of its credibility, and eventually stopped believing in itself when tens of thousands of Vietnamese "boat-people" chose death at sea rather than life in their workers' paradise. Today, Vietnam is just about the best place for multinational corporations such as Nike to exploit local labor. It has a well-educated, smart, hard-working labor force that never makes trouble for employers: no strikes, no work stoppages, no unreasonable demands for higher wages or better working conditions.

It took a while in China but it happened there too. In the early '60s, the gonorrhea-ridden dictator Mao Tse-Tung tried to give away the country to high-school students, and he almost succeeded. This was called "the Great Cultural Revolution." Then, the Chinese Communists, who had faithfully armed their neighbors for years to fight the U.S. imperialists, tried to kick their neighbors' ass. They thought the Vietnamese communists had become too uppity. The Chicoms got their own asses kicked instead. Then they said, "Screw it," and decided to drop all pretense. They talked to President Nixon, and they started turning toward market mechanisms. The Chinese economy took off like a rocket and the Chicoms quickly became what they are today: the most admired and effective mafia in the history of the world.

I am fast forwarding, of course. In the spring of 1968, I did not know any of this was going to happen. I participated in the French revolution but only in a limited way. First, I

After the May revolution fizzled, we did what everyone else was doing: we planned our summer vacation.

was working in Nancy, in eastern France so, I could do the revolution in Paris only on weekends, and only when I was able to find gas. Second, I never joined and never thought of myself as part of the many Communist, Marxist-Leninist, and Maoist groups that flourished then. I was always allergic to

communism, although it was un-chic not to join, and although I admired Karl Marx. I suppose I was a member of the anarchist branch of the movement. I don't feel much like apologizing about this, for several reasons: "anarchist" means pretty much the same thing as "libertarian." It's another way to say "antiauthoritarian." Then, the anarchist wing is actually the wing that won a little: post-1968 France was much less hierarchical, much less rigid, much less constipated than pre-1968 France. (I take partial credit for the spread of contraceptives there, incidentally.) By contrast, all the Marxist groups lost some or all of their credibility on that occasion.

Mostly, in 1968, I was 25. That was a good age to be. I had graduated from Stanford, against odds and with honors of sorts. I had landed such a good job back in France, in urban planning, that I soon realized I would have to give it up. (I knew I did not know what everyone else thought I knew.) I had been accepted in a doctoral program. I was richer than I had ever been in my life, earning a good salary working for the government after years of living off small temp jobs in California. Moreover, I had all my teeth and lots of hair.

I had bought an elegant yet virile Peugeot convertible, a two-seater-plus-dog-seat. You froze your butt in it when you drove to the skiing slopes, but I always thought it was worth it. I did downhill skiing through cow pastures in the Vosges Mountains of eastern France, sometimes skiing all day without having to go back up. At nightfall, my friends and I would return to the Hotel du Lac des Corbeaux for a seven-course dinner, including homemade blueberry pie. The local yellow plum clear brandy, "mirabelle," was our second dessert.

There was a woman in my life, an American. She was then my future ex-wife. I don't want to talk much about her because the wounds have not yet healed. I will just say she was strong, adaptable, and adventurous like me. She was also quite noticeable.

After the May revolution fizzled, as I'm happy to say, we did what everyone else was doing: we planned our summer vacation. Actually, we took two summer vacations. The first was a cruise on a small sailboat with my brother and his wife on the Costa Brava of Spain, then and now, a beautiful and civilized place.

For a second vacation, in mid-July, ludicrously, I decided to drive to communist Romania and back in my convertible. It was ludicrous because the situation in Czechoslovakia had not yet been resolved. The Soviets feared — openly, and rightly, I think — that the country would throw off the communist yoke and even join the West. All of communist east Europe was tense, but Romania seemed to stand aside. Its Communist Party defied the Soviet Big Brother. It was pointedly not joining in the condemnation of the Prague Spring.

We drove straight eastward. I am not sure the woman in my life understood exactly what we were doing. I am not sure I did either. I was just curious and filled with the sense of invincibility that well-channeled testosterone intoxication confers on young men.

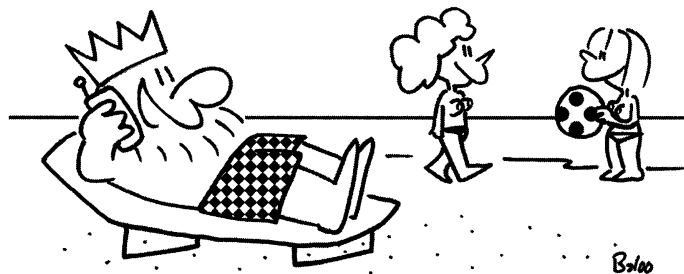
We crossed southern France and northern Italy in a jiffy. We traveled more slowly through northern Yugoslavia (a country I knew a little from a previous trip). There was not much reason to linger there. The Serbs were sullen. I have this image of Serbs as nearly always sullen. I saw them that way even before they waged war on just about everyone in their

neighborhood in the '90s. I know my judgment is unfair, but it's their problem, not mine; they should care more about public relations. The trip from Spain to the Romanian border — 1,200 miles of it — is more or less a blur in my memory.

But when we got into Romania, everything changed at once. I never experienced such an abrupt transition until I crossed from Russia into Finland by train, much later, in the early '90s. That was when I went in five minutes from the world of lukewarm vodka at 6 in the morning to the world of hot coffee and pastries. But I digress.

There were only two border officials on the Romanian side. They waved us in with a smile. Then, although most national border areas are busy places, there was only countryside with no houses for several miles. We reached a wooded area on the side of a river with colorfully painted buildings garlanded with bright red Chinese lanterns. There was music, accordion music but also other kinds. Although it was about 2 p.m. on a weekday, there were plenty of drinkers, and even some dancers. My companion and I spontaneously commented that it felt like Latin America on a fiesta day. This is a fetching notion, given that most Romanians speak a language related to Spanish, however distantly. I am referring here to the Romanian tongue of the majority population. Most of the few Jews who are left there are the descendants of those who were thrown out by the "Catholic Kings" of Spain, Isabel and Fernando. They speak a 15th-century Spanish that I understood well because I had enjoyed a classical education. It was moving conversing with them — like speaking to a distant country cousin of Cristóbal Colón. But there I go, digressing again.

On second look, most of the buildings were tiny wooden chalets of a kind I had seen in German campgrounds, rustic dwellings for people who don't like the hard ground or the thin shelter a tent provides. Some communist official had studied tourism as practiced in the West and convinced the government to build a vacation camp to bring in foreign currencies. No one had thought of asking why any westerner would want to spend any vacation time in a nondescript provincial part of provincial Romania, with no sea, no mountains, and no ancient ruins. No matter, on that afternoon, all the chalets appeared to be rented. The workers' state was generously subsidizing midweek nooners. That was the happy face of communism, not the reforms the silly Czech Communists were trying to cobble together, two countries away.



"Tell the press that I'm staying in St. Tropez until I've completed my mission."

In the morning, we drove to Bucharest, then a charming city.

I was impressed because when I took a one-way street in the wrong direction twice in a row, a traffic cop yelled at me in French, “Do not rape the street sign, Monsieur!”

Traveling through the countryside did not tell me much about communism. It did teach me a lot about the 19th century. There was nearly no traffic on the country roads, except for occasional horse-drawn carts, often led by gypsies. There were surprisingly many dark-skinned gypsies, who looked like people from the Indian subcontinent. They would inquire whether my companion was also a gypsy, because she was dark-skinned, although from different origins. The gypsies cooked rabbits on small wood fires on the side of the road. At least, I hoped it was rabbits; every other guess was worse. It was like 1568, except that some of their carts had rubber tires.

In the north, in the hills of Romanian Moldavia, people were tall, handsome, and richly dressed. The men wore hand-stitched, ankle-length sheepskin overcoats with the wool inside, and felt hats. One old guy bragged that his fur collar was wolf pelt. (How would I have known otherwise? I was reared in Paris.) The women mostly stayed indoors in their frilly embroidered blouses. The countryside reminded me of Maupassant, writing about the France of the 1860s. There were hamlets with big, thatched-roofed houses, all rather clean, despite the chickens running in and out. The pigs lived separately.

We stopped in such a hamlet and negotiated hospitality for the night. The farmer’s bed was comfortable and covered with a stuffed quilt. There were no bedbugs, just mosquitoes. The toilet, well, let’s say it was a good thing that both of us had experienced such places as rural Bolivia and the bush country of West Africa. The farmer was old enough to let me understand that he missed the good old days of the Austro-Hungarian Empire (known in more innocent times as “a prison for peoples”).

Everywhere we went in the countryside, we were offered mamaliga, boiled corn grits, the Romanian version of polenta, but not much else. A little money offering added a couple of eggs or a slice of cheese to the fare. We learned to figure out

When I took a one-way street in the wrong direction, a traffic cop yelled at me in French, “Do not rape the street sign, Monsieur!”

when the hosts had struck what they considered a good bargain, because they opened the bottle of tsuica that was kept near the fireplace. Tsuica is alcohol distilled from red plum; it’s like the Yugoslav slivovitz, I think. One could almost have conducted a sophisticated, non-intrusive study of geographic variations in local standards of living by recording carefully what level of spending triggered the tsuica.

Every time we stopped at a village square, all life suddenly stopped. People dropped what they were doing, first to gawk

at the splendid convertible, and then, shamelessly but good-naturedly, at us. Invariably, a spontaneous leader would step from the crowd and ask, “*De unde sunteti?*” It wasn’t hard to guess that he was asking if we were Martians, or out of a movie, or what. I felt more or less as Columbus must have felt when he met his first Native Americans: clearly humans, but from another reality altogether.

Yet there is always common ground of some sort or other. Several times, we ended up in a drinking establishment in the middle of the afternoon with a crowd of Romanian men.

The exchange rate conversion was hopeless, because the government rate and the illegal street rate were almost unconnected.

There was even some real conversation. Some guy knew school French, even in the boondocks. A surprising number were studying Italian, with ill-defined plans to go and work in Italy. And again, it wasn’t difficult to guess at the Romanian language, even for my companion, because she had lived in South America.

Mostly, the locals wished first to settle the bets they had made about our origins. (No one ever guessed right.) Second, they wanted to talk about cars in general: did most people really have cars in western Europe or was it just propaganda? Was my father a millionaire who had given me the Peugeot as a gift? What were the best brands of car? How much did the smallest Renault cost when new? That was an interesting issue in itself. The exchange rate conversion was hopeless, because the government rate and the illegal street rate were almost unconnected. I answered the question in terms of a journeyman carpenter’s daily wage. In the end, that satisfied everyone and earned me big compliments for my clarity. Initially, though, they kept trying to add a zero to my estimate of the number of days of labor needed to buy the car. And how long did you have to wait between the day you ordered it and the day it was delivered? My answer, “several hours,” caused genuine consternation.

We visited the famous and truly impressive medieval painted monasteries. Then we wanted to see the Danube delta, where the biggest river in Europe empties itself in the Black Sea across a vast swash of swamp. I was interested in the swamp wildlife and, childishly, wanted to know how black the Black Sea was.

On the way to the delta, with our top down, we stopped for a hitchhiker. He was a ruddy-looking older man with abundant white hair. He radiated health. He carried a staff. He was dressed for walking, with solid, expensive-looking hiking boots. Although it was July he had on a light blue wool sweater. My sixth sense told me that he flagged us down not out of need but out of curiosity. The plates on my car were French. He addressed us in very good French. “If you take me to the next town,” he said, “I will buy you a good dinner.”

My companion moved to the demi-seat in the back to give the old guy the passenger seat. He was a newly retired lawyer from Bucharest taking his vacation on foot, the better to see his country.

He was also a man of considerable literary culture. How did I know? He seemed to know every French, American, English, and Spanish author my companion and I mentioned during our several days together. In the first 30

Ceausescu ruined the economy, razed hundreds of villages, and was responsible for the death by AIDS of thousands of orphans.

minutes, he talked to us about the Spanish philosopher Miguel de Unamuno as if he had known him. I realized later that he just might have known him, during the Spanish Civil War, only 30 years before.

He was not working much anymore, he said; and he had been imprisoned by the communist regime. The two facts might have been related; he did not say; we did not ask. He declared that things were looking up in Romania at last because the country had a new Communist Party leader. This new leader was young and a “real Romanian.” I guessed he meant that in that country, the earlier generation of communist politicians had been mostly ethnic Germans and Jews. He had told us he was Jewish himself. “Secular Marxist humanism” or not, the Balkans were the Balkans. That’s the part of Europe where people feel more like their ancestors of 500 years ago than like their neighbors across the street. The promising, young, new, really Romanian leader’s name was Nicolae Ceausescu.

Ceausescu was summarily executed on Christmas Day, 1989, after fleeing a mass meeting in Bucharest’s main square that turned spontaneously against him, a meeting where the “working masses” booed him and demanded his death. It was then he discovered that he was not really *Iubitul Conducator*, “Our Beloved Leader” (that’s where the current North Korean tinpot dictator filched the name, I think). He had ruined Romania’s economy, razed hundred of villages, as well as historical central Bucharest, forced women to bear children, and made himself indirectly responsible for the death by AIDS of hundreds or thousands of orphans.

Our old guy was a good guide. He told us where to turn and where to go straight; we went deeper into the delta than we would have been able to under our own power and direction. The place was attractive, precisely because it was so backward. The commercial fishermen — grouped in cooperatives for mutual surveillance, of course — could not afford even small outboard motors. They rowed their picturesque wooden boats everywhere. I saw there the cleanest pigs in the world. They swam from island to island among the many armlets of the Danube, to meet their comrades for a cell meeting, I presume.

The old man hired a young fisherman to row us around

and cook us a meal. The fisherman took us to his traps and pulled out a pike and a bunch of crayfish. He grilled the first on a rusty bicycle basket. He boiled the others in a pot he used as a scoop and that looked like a recycled metal chamber pot. (A great deal of recycling went on in communist Romania, a worthy role model for our contemporary California greenies. Want people to be conscientious about recycling? Easy! Keep them dirt-poor.) It wasn’t a bad meal but it was a strange one — pure protein, barely any salt, no pepper, no bread, no wine, no beer.

I insisted we go all the way to the point where the main branch of the Danube meets the Black Sea. It was technically a beach but not the kind of beach the French rioters expected to find under the paving stones. There were no buildings of any sort, the sky was overcast, wet mist hung over the mud-colored sand, and the sea was a dirty gray instead of black. The only building was a tall watchtower. A soldier in an incongruous greatcoat tumbled down a ladder and ran toward us, shouting and gesticulating, with an automatic weapon swinging from his neck. We stayed put. When he reached us, he grabbed our hands and shook them with loud emotion, and his tears welled up. He was bored to death, or rather, to tears. After several days alone with his binoculars, he was delirious to have visitors.

“What does he do?” I asked the old man.

“He spends all his days spotting and counting Soviet naval vessels.”

Socialist solidarity, yes. Mutual trust? Not so much.

I gave the soldier half a pack of French cigarettes to help him stay vigilant.

The old man had taken a liking to us. He had only one son, from whom he was estranged, and who was well-off anyway, because of Party connections, he hinted darkly. He wanted to make us his heirs. He wanted to deed us his small vacation house in Transylvania, among other items. The thought of owning property in Romania was perplexing but intriguing to an American girl and a young French guy with more than one foot in California, on the other side of the world. Then he made some phone calls and announced with mist in his clear

A dominant feature of centrally planned economies: chronic shortages of everything that was not obvious.

gray eyes that it could not be done, that if he made us, strangers, his heirs, the inheritance taxes would wipe out almost his entire estate. It’s the thought that counts, we said. For a few hours, we were almost Romanian landlords in our minds, and possibly neighbors to Count Dracula.

When we split from the old man, we asked if we could do anything to thank him. “There is one thing,” he said. “When you are back in Paris, please mail me two meters of this material.” He took a square-inch white lacy sample out of his wallet. It looked like bridal gown material. “You will find it in

one of the two following stores on such and such a street. I will reimburse you in this manner.” There followed a description of a circuitous money route too complicated for me to absorb. A dominant feature of “centrally planned economies”: chronic shortages of everything that was not obvious, like steel and flour.

Back in Paris, I found the stores and sent him the material. How did an old man of knowledge and culture, a man important enough to have been a political prisoner, ever become an expert on purchasing bridal fabric?

But first we had to return to France. On our way out we stopped one rainy night near a roadside cafe to manhandle the cartop into position. The manager came out to watch us. When we were done, he invited us inside and treated us to some kind of meat pasties and coffee with tsuica. After a while, he made us a complex offer: If we gave him the convertible, he would hand us two first-class (index finger raised) plane tickets to Paris, two heel-length embroidered sheepskin coats, and a handful of rocks he represented as valuable. All this he explained entirely with sign language and pencil sketches. It was a blue-collar cafe, catering to workers from the nearby river quarry (hence the valuable stones). No one knew any foreign language except, for some reason, Ukrainian; and Ukrainian was not my best language, regrettably.

We liked the offer. We were due to return to the United States in a month and a half. The car would do nothing in Paris except collect parking tickets. The off-white sheepskin coats would look fabulous in the snow at Tahoe. I had no opinion about the rocks, but you never know. We drove back to Bucharest with the manager, a half-day trip, to get permission from the ministry. When he came out, the prospective buyer was crying. Couldn't be done, unless I re-exported the car and sent it back to Romania on a flatbed railcar. Adieu sheepskin coats!

We drove north and west, figuring to go through Hungary to avoid mean-spirited Serbia. I always prefer secondary roads because they show you more of the real country, but there were no freeways in Romania anyway, once you got five miles outside the capital. We didn't meet much traffic but, as we neared the Hungarian border, there was even less: no cars, no trucks, no buses at all. As I was becoming alert to this fact, my companion exclaimed, “Look to the left! Look to the right.” On either side, the bushes were swarming with gray-clad soldiers. One stepped into the middle of the road and motioned

us to a stop by waving his submachine gun above his head. He leaned on our door and asked us to park and get out of the car. “Merde,” I thought. “Just as we are about to leave this communist heaven we are in trouble for God knows what.”

Incongruously, there were three kitchen chairs behind a bush. In good French he bade us sit down. (By now, I was taking the French for granted.) When he offered us tea from a thermos, I knew we were in no trouble.

“I am lieutenant Sososocu,” he declared in his charming accent. “I am in charge of this detachment you see all around

A gray-clad soldier stepped into the middle of the road and motioned us to a stop by waving his submachine gun above his head.

you. The Hungarian border is only two kilometers away. My command is leaving us without news. You being a foreigner and all, I was wondering if you knew what is happening.”

A communist army officer was asking a foreign tourist about the likelihood that another communist army would soon start shooting at him and his soldiers. The Warsaw Pact! A couple of weeks later, Czechoslovakia was invaded from all sides. The People's Republic of Romania was pointedly not invited to join the invasion — and it was not invaded itself.

I hope I haven't given the wrong impression about the people I met. I found Romanians easy to like. They were a friendly and gregarious lot.

That was 1968. Communism appeared to be in the ascendancy. Yet looking back, I can't understand why no famous pundit proclaimed the utter failure of that barbarous utopia. This absence of early warning has taught me to be critical of the criticality of experts and to pay attention to what is unsaid. I have also come to think of the Cold War as partially a fraud. The Soviet Union had nuclear-tipped intercontinental missiles aimed at us, and its leaders were a bunch of unscrupulous brutes; that part was obvious. But even in 1968, I didn't see how the communist camp could hope to invade and then occupy any part of the West when its intellectual elite was preoccupied with procuring bridal gown fabric from us through tortuous means.

In my 1968, I did not shake the world, even in a tiny way. Instead, I took a fairly innocuous trip, for mostly frivolous reasons, with no sense of direction, and during which little happened. I would be the first to argue that the cultural merits of foreign travel are routinely overrated. Yet that trip was the onset of a journey of intellectual discovery. At about the same time, the American New Left was proclaiming that “the personal is political.” The slogan became reality for me, independently and in a strangely roundabout way: what did not happen in that small and unimportant segment of the communist world while I was there, and the trivial observations I made, all of them about matters never discussed in the world media, ended up shaping my subsequent understanding of the main confrontation of the 20th century. □

IF YOU DON'T VOTE,
YOU CAN'T COMPLAIN.



D. J. O.

“Sounds like a good system to me.”

The Ethics of Closed Shops

by Gary Jason

Does the state have a right to insist that unions sell rather than compel?

In American parlance, a closed shop is one in which a union has a contract with an employer requiring all employees to be union members. Although this is, strictly speaking, a private contract, various forms of the closed shop are sanctioned by law, and the two big political parties constantly squabble over the laws surrounding these entities.

From the natural rights view, closed shops clearly require justification, because they seem at least a *prima facie* violation of freedom of association. If people want to unionize and collectively bargain a contract with management, that is their right. But why should they be allowed to force others to join them?

Several arguments are offered to justify closed shops. The first two are broadly consequentialist, while the third takes more of a natural rights course. We can call them the free rider argument, the unequal power argument, and the freedom to contract argument.

The free rider argument, such as found, for example, in Joseph DesJardins' "An Introduction to Business Ethics," holds that employees who join a unionized company without joining the union are free riders. They are reaping the benefits of collective bargaining — presumably, higher wages and better benefits than they could get on their own — without pay-

ing their dues, literally and figuratively. This, on the face of it, appears unfair. As DesJardins puts it,

If one receives benefits from a process that entails costs, it seems only fair that you share the costs. Especially if there is evidence that workers would receive lower wages and benefits without the union, mandatory union membership allocates the benefits and burdens of union membership in a fair and equal manner.

Proponents of this argument often cite statistics to buttress the claim that unions are able to negotiate better contracts. Twenty-two states are "right to work" states, i.e., they have laws prohibiting closed (and union) shops. The U.S. Department of Labor statistics are often cited to show that workers in right-to-work states earn less than workers in union-shop states (4% was the figure given by the Economic

Policy Institute in 2001, controlling for differences in living costs), and that they also have more workplace fatalities.

But the free rider argument is unconvincing for a number of reasons. First, it is unclear why I should consider myself obligated to share the costs of some process that benefits me, if I don't want to be a part of that process. Suppose I live in a crime-plagued neighborhood, and some of my neighbors form a vigilante group that kidnaps gang members and lynches them. Even if it does lower crime, thus benefiting me, why am I obligated to support it, when I consider its actions reprehensible?

Second, the free rider argument applies, at best, only to the average worker. What about workers who are exceptionally talented, well-educated, or hard-working? Such people might well be able to get a better contract on their own.

Third, and more generally, what compelling evidence is there that unions *always* negotiate the best contracts? It may well be true that unions historically have often gotten higher wages and better benefits, but they have also in many cases put companies out of business because they saddled them with such high labor costs that they couldn't survive competition, or forced them to close under the pressure of a prolonged strike. Workers may get more short-term benefits, but at the cost of long-term security. So if workers can be compelled to pay dues to a union under the theory that the union gives them benefits, shouldn't a union be compelled to pay workers when its actions cost them their jobs or other things they value?

The comparative data are interesting on this point. For example, Census Bureau statistics indicate that during the 1982–2001 period, the number of manufacturing companies grew by 7% in right-to-work states, while shrinking by 4.9% in union-shop states. Moreover, data from the Department of Commerce (Bureau of Economic Analysis) indicate that, during the 1993–2003 period, real personal income grew by 37% in right-to-work states, compared to only 26% in union-shop states.

Fourth, we have to consider other factors besides wages, benefits, and job security when assessing the consequences of union activity to the workers involved. In particular, unions spend (and have historically spent) much of their members' dues on political campaigns. The argument here is that unions are providing such good benefits that allowing them to compel all workers to belong is justified, but it doesn't take into account this other cost: the union may elect politicians who increase the workers' taxes, abridge their right to own weap-

ons, deprive them of choice about their children's education, or deny their children equal opportunity (by passing affirmative action schemes that give other children preference).

This is no purely abstract point. In recent elections, unions have spent 60% of their members' dues on lobbying, political donations, and other political activities. And 90% of those political donations go to Democratic Party candidates, even

Agreements that limit the parties' later rights and freedoms are inherently suspect, even if entered into freely.

though up to 40% of union members vote Republican in any given election. Much of the opposition to closed and union shops comes from this opposition to dues being used to further projects that workers despise. Doesn't compelling someone to pay for causes that he religiously, economically, or philosophically opposes violate that person's rights in a profound way?

Granted, in 1988, the U.S. Supreme Court ruled (in the *Beck* case) that employees have a right to refuse to pay that portion of their dues that is used for political purposes. But unions have been very successful at blocking implementation of the *Beck* ruling. Typically, a union will demand that any dissident employee wanting a dues rebate put his or her request in writing, which is an inconvenience, and subjects the worker to the possibility of reprisal. Several states have passed "pay-check protection" acts that put the burden of getting worker approval for spending dues on political campaigns squarely on the union. When Colorado and Utah passed paycheck protection laws that required unions to get written permission from members before using their dues for political campaigns, dues collections dropped by more than two-thirds.

Needless to say, unions that have ties to organized crime have an especially poor argument for the closed or union shop. Any benefits the union delivers must be balanced against the costs of criminal activity.

The unequal power argument rests on the idea that management is typically in a position to say "take it or leave it" to the individual worker, and the worker will have to submit to a bad deal. Only if there is a union to represent the workers will they have a fair chance in negotiation, and unions can exist only when there is solidarity.

The truth of this argument is debatable. Even if unions always, or typically, negotiate the best deals, why would that require total "solidarity," that is, total membership of the workforce? Why couldn't a union representing (say) 80% of the workers still have the power to negotiate a good contract?

But even if we answer "It could," there is a problem with the logic — it is an *ignoratio elenchii*. At most it shows that unions are generally necessary for empowering the worker. If this is true, it only shows that workers ought to join the union

Defining Terms

While the Taft-Hartley Act of 1947 outlawed "closed shops," it allowed two closely related entities: "union shops" and "agency shops." A union shop is a workplace in which all new hires are required to join the union (usually after a short period of time), and the company is required to fire any employee who refuses to pay dues (though not employees kicked out of the union for other reasons). An agency shop is a workplace in which new hires are not required to join the union but *are* required to pay union dues. The comments in this essay apply generally to union and agency shops as well as to Taft-Hartley "closed shops."

— Gary Jason

for their own good, not that it is morally permissible for them to be compelled to do so as a condition of employment.

By far the most philosophically interesting argument, and the one that is bound to be most interesting to libertarians, is the freedom to contract argument. It seeks a reversal of sorts: to use classical liberalism, viewed by the political left as a pro-business ideology, to justify a practice that greatly benefits unions. Under classical liberal economic principles, employers are free to offer any compensation package they want, and potential employees are free to accept or reject the package, or counter with any proposals they want. As long as no coercion is involved, the government should stay out of the matter. Why, then, should unions not be able to contract with employers for a closed shop?

Before critiquing this argument, I want to make two observations about it. The first is that, as Charles Baird noted in *The Freeman* (April 2007), the same argument would equally support the view that the government should not — as it currently does — prohibit “yellow dog” contracts, contracts that require employees to surrender their right to form unions as a condition for employment. Needless to say, leftists never advocate permitting *those* contacts.

The second is that the key qualification, that the employer (and employee) not be coerced, is seldom honored in the real world. To get a closed shop contract from a company, unions historically have threatened or resorted to strikes (which typically involve the breaking of an earlier agreement to work, in the classical liberal view) and have in many cases harassed or even assaulted dissident and replacement workers, sabotaged equipment, vandalized property, or committed other coercive acts. The presence of a closed-shop agreement has often signified the fact that coercion has been used to get it.

But let’s waive these points and focus on the argument itself. Must someone who holds classical liberal principles necessarily accept the legitimacy of closed shops? I think not.

We need to remember that, from the classical liberal point of view, agreements that limit the parties’ later rights and freedoms are inherently suspect, even if entered into freely. A classic example is the one given by John Stuart Mill in “On Liberty,” where he argues that the law should not allow a person to sell himself into slavery. For the same reason we look askance at free elections in which one of the candidates clearly intends to eliminate free elections if he wins. We derisively, and rightly, refer to such elections as “one man, one vote, once.” For a similar reason, Congress is barred from passing laws that restrict later Congresses’ powers, such as a law that would require future tax bills to get a two-thirds vote to be passed.

In a similar vein, it is morally questionable that I should be encouraged to join an organization that will not allow me to quit — which is what a union shop amounts to. While it makes sense, in general, to say that I should be free to enter into contracts, this is not the same as entering into contracts that limit my freedom to make new contracts. To put it another way: while I am ethically bound by prior agreements (that is, my freedom is limited to some degree by the contracts I’ve entered into), that doesn’t apply to my freedom to make new agreements, going forward.

Something like this principle is found in the common law on contracts. For centuries, common law has held that con-

tracts to compel someone to perform some job cannot be enforced; this smacks too much of slavery. Suppose an opera singer agrees to sing on a given night, signing a contract to do so and accepting partial payment, and then refuses to perform. The managers of the opera house cannot sue to compel the singer to sing. They can sue the singer to get their advance back, to get compensatory damages for lost revenues, and perhaps even to get punitive damages — but they cannot compel the singer to perform.

One might reply that if a person doesn’t want to work for a closed shop, he or she can just go elsewhere — as can the worker who doesn’t want to work for a company that has a yellow-dog contract banning unions. But the problem with this reply is that it allows for the possibility of clearly coerced choices. It is possible that in some future place or time open shop companies may not exist (if, for instance, a union manages to get closed shop contracts from all the companies in a worker’s field). In such a scenario, the employee would either have to join a union or go without work: join or starve. That is hardly the paradigm of free choice. (The same holds for yellow-dog contracts: if all companies in the economy managed to get them, then any worker who wanted to be allowed to join a union would either have to give up that right or starve.)

This is not merely a theoretical problem. Admittedly, in the contemporary private sector economy, we are far from that scenario. The percentage of private-sector workers who are members of unions has dropped steadily, from 35% in the 1950s to 20% in the ‘80s to about 7.4% today. Meanwhile, however, the percentage of public sector employees who are members of unions has been growing apace.

Suppose I want to be a college instructor in California. Public colleges in California are, generally speaking, agency shops. (The University of California is not, insofar as ladder-and-rank faculty are concerned, but it is in respect to its vast army of teaching assistants, “instructors,” and “lecturers.”) So if I go to work for a public California college or university, I have to pay dues to the teachers’ union. Well, someone might ask me, are you compelled to work for a California public college? Why don’t you just go to work for a private college?



“Hey — *this* guy says we can skip capitalism and go straight to state socialism!”

My rejoinder is that because of the power of taxation, the public sector of education has virtually crowded out the private sector. The California community college system has 109 campuses, and 2.5 million students. The California state university system has 23 campuses and upwards of a half-million students. Two hundred thousand students are enrolled in the ten campuses of the University of California system. By comparison, the Association of Independent California Colleges and Universities, which has as members the vast majority of California private colleges, represents 75 campuses and about 250 thousand students. The state's power of taxation ensures that the billions poured into the public system dwarf employment opportunities in the private college system. Given that this crowding out continues to increase, the theoretical problem of a totally closed (or at least union) shop society is not so theoretical after all.

Even stronger examples might be given. Perhaps, as libertarians argue, roads and road-building should be privatized, but right now it is virtually a monopoly of the state and can easily be made a monopoly of closed-shop employment practices.

I have examined the most common arguments used to justify closed shops, and found them wanting. But are there compelling ethical reasons that support the view that closed shops should not be allowed? I believe there are.

Obviously, we have the natural-rights consideration raised at the beginning of this essay. Closed shops (as well as union and agency shops, and for that matter yellow-dog contracts) manifestly violate freedom of association. Absent compelling ethical reasons to the contrary, a person should be able to join or not to join, support or not to support, any group at any time. And, as mentioned above, there are consequentialist reasons to regard closed shops as undesirable.

But I also want to sketch a neglected line of ethical thinking on this issue — the line that might be taken by “virtue

For centuries, common law has held that contracts to compel someone to perform some job cannot be enforced; this smacks of slavery.

ethics”; that is, by the method of evaluating practices by asking how they support or hinder the development of virtue. On this ground, there is a very good reason to criticize closed shops. Simply put: they corrupt unions.

Unions, no less than businesses, flourish as socially useful organizations when they aim to produce something that people want. This only reliably occurs in free markets, because the force of competition requires the organization to take seriously what the consumer wants, and deliver it.

But with unions no less than businesses, the temptation is always present to “compel rather than sell,” to coerce consumers rather than letting them choose a good or service freely — enticing them with a superior product or service.

A well-run union can play a valuable economic role. It can help many workers negotiate better wages and benefits than they might get on their own, enhance job security, and provide other services (such as pension options, banking services through credit unions, and discounts from merchants).

Unions, no less than businesses, flourish as socially useful organizations when they aim to produce something that people want.

When workers are free to belong or not, or to choose among competing unions, these organizations are forced to focus on the workers' preferences. Allowing unions the power of coercion makes them more interested in enhancing their political power. It also makes them lazy and neglectful about improving their services.

The push for closed, union, or agency shops is just one of a variety of inherently coercive tools that are too often favored by organized labor. Organized labor's efforts to coerce membership (or at least the paying of dues), use member dues to further the union leaders' political agenda (in violation of the workers' *Beck* rights), and get Congress to end secret ballots in votes to unionize workplaces, all ultimately corrupt the unions. In their attempt to achieve such coercive powers, unions come to resemble those desperate businesses that try to save themselves by protectionism.

In sum, there is a strong case based upon converging lines of ethical thought that closed shops are inherently bad. My hope would be to see all states adopt right-to-work laws, not just the 22 who do so now. Given the stranglehold organized labor has on many states, this will probably require a federal law.

To those who (understandably) distrust the federal government to make such a major change in labor contract law, I would make several points.

Both state and federal law already set the conditions in which contracts are allowable and enforceable. The federal government, through the Wagner, Taft-Hartley, and other acts, sets conditions for the unionization of workplaces, conditions that are generally helpful to unions (although Taft-Hartley disallows closed shops in the narrow sense). Over 20 states have right-to-work laws, and the state governments have had no problem enforcing them, ordinarily with good results.

Modifying the Taft-Hartley Act to disallow union and agency shops as well as closed shops, narrowly defined, would certainly not end federal interference in the marketplace, but it would impart more balance to patterns of government action that are often skewed in favor of unions. It would implement the freedoms vouchsafed to workers by the Supreme Court under its *Beck* ruling, it would increase freedom of association, and it would bring labor law closer to common law principles of contract. Those would be real gains. □

Reviews

"Real Education," by Charles Murray. Crown Forum, 2008, 219 pages.

Education, Real and Unreal

Ross Levatter

Speaking obvious but uncomfortable truths . . . in the history of philosophy, Socrates might come to mind. In contemporary psychiatry, I think of Thomas Szasz. But when it comes to social policy, the name that immediately springs to mind is Charles Murray.

Murray's "Losing Ground: American Social Policy 1950-1980," published in 1984, revolutionized the way in which social scientists looked at welfare policy by pointing out that those in poverty, including minorities, actually had done better by many standard parameters in the 15 years before enactment of the major Great Society welfare policies than in the 15 years afterward. Many people credit this book for laying the groundwork for the major welfare reforms of the 1990s.

"The Bell Curve: Intelligence and Class Structure in America," which Murray co-authored with Richard Herrnstein, explored facts about intelligence (facts that, contrary to heated denunciations at the time, were not controversial among experts who stud-

ied this area), and what their implications were for optimal social policy. Highly controversial at its publication in 1997, its claims are considered more mainstream a decade later.

Now Murray turns his ability to obvious if uncomfortable truths in education. This is not a book about problems with a government monopoly in primary education; it is not a rant against multiculturalism or political correctness in our nation's educational system; it is not even an assault on the current fad of "maintaining self-esteem" among young students (though this is discussed in passing). Instead it is a call for fundamentally rethinking what does and doesn't work in education, both public and private. It is a call for ending the endearing but false romanticism involved in believing that every child can excel in academics.

Murray begins with a discussion of intelligence, dissecting Howard Gardner's "multiple intelligences," the idea that there are seven, eight, or more "core intelligences," and that people who seem unintelligent according to ordinary measures may actually be as intelligent as others. Murray focuses

primarily on logical-mathematical and linguistic intelligence. And he makes two claims that cannot be denied, while at the same time cannot be stated in polite company:

Level of ability varies.

Half of all children are below average.

Murray notes (he has mentioned this in earlier works, but it is well worth repeating) that although most of his readers understand that there is wide variability in some of Gardner's other "intelligences" — such as the musical and the bodily-kinesthetic "intelligences" — his readership does not appreciate the wide variability that actually exists in mathematical and linguistic intelligence. While people we know vary widely in their ability to play sports or musical instruments, people we know usually do not vary widely in their mathematical and linguistic abilities. But this is not evidence that mathematical and linguistic abilities vary only slightly. It is evidence that the people we know are a highly filtered subset of society.

For example, the fact that a professor

of English feels he didn't do well in math most likely means he "only" got a 600 on the math SAT, while most of his friends in the math department got over 700. But a 600 on the math SAT puts the English professor in the upper third of the country in math skills.

Murray explains in gory detail what it means to be "below average" in intelligence. Here are some examples.

"There were 90 employees in a company last year. This year the number of employees increased by 10%. How many employees are in the company this year?"

A) 9, B) 81, C) 99, D) 200

This is a basic math question from the National Assessment of Educational Progress (NAEP), on a test given to nationally representative samples of children in the fourth, eighth, and twelfth grades. It has been used for 35 years by the federal government to track academic progress. Murray notes, "The test is . . . the gold standard for measuring academic achievement" in elementary and secondary education.

Sixty-two percent of eighth-graders got the above math question wrong. If you include those who didn't know the answer but guessed correctly, over 77% of eighth-graders didn't know how to figure out the answer.

Twenty-seven percent of these eighth-graders didn't know "how many sides are there to a cube." Forty percent didn't know "what is 4 hundredths written in decimal notation."

Now, we can blame this on poor schools, doing poor teaching. But if academic ability varies (and it does), and half of all students are below average (and they are), approximately half of all students won't be able to answer questions of average difficulty. Those of us who read books about social policy may not have a clear understanding about what a question of "average difficulty" is, since we probably don't know anyone who is below average in mathematical and verbal intelligence, or at least know that person well enough to get a sense of the person's intellectual world. But as anyone who has watched Jay Leno's "Jaywalking" or recent responses from Miss America contestants can affirm, "average difficulty" questions are much easier than most readers of this article anticipate.

Objections can be made, as follows.

The measurement of academic ability is invalid. But Murray notes that "g," the general mental factor measured in IQ tests, accounts for 80–90% of predictable variance in scholastic performance — a conclusion based on more than 11,000 citations of studies on the relationship of IQ scores to educational achievement listed in "Psychological Abstracts."

We can raise academic ability. But, summarizing a wealth of data accumulated over decades, Murray says, "The

most we know how to do with outside interventions is to make children who are well below average a little less below average."

The schools are so bad that even low-ability students can learn a lot more than they learn now. This view, which is characteristic of libertarians, has a kernel of truth. Some inner-city urban schools are so bad that they are physically dangerous. No learning can occur there. But that's not true of the majority of schools. And while it is true that most

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public schools are a poor value — they are economically inefficient; they charge far more than is justified for the educational value they provide — that is not the same as saying students can learn a lot more than they do. U.S. mail delivery is inefficient as well. Mail could be delivered faster and more cheaply. But the fact is that virtually all of the mail does get through. Students could be educated faster and more cheaply, but Murray cites extensive data to back up his claim that most below average students in most schools are learning all they can learn. As regards private or charter schools, Murray, a strong advocate for school choice, says that while these alternatives may nurture gifted students, “the evidence does not give reason to expect that private or charter schools produce substantially higher test scores in math and reading among low-ability students who would otherwise go to normal public schools.”

He then goes on to discuss two other obvious truths:

Too many people go to college.

America’s future depends on how we educate the academically gifted.

To gain the benefits of a classic “liberal education,” one must be intellectually prepared to read and digest material significantly more challenging than what one is given in high school. So it is not surprising that Murray can cite evidence that no more than 20%, arguably no more than 10%, of students truly benefit from this type of four-year residential college experience. Yet 28% of adults 25 years of age or older have a B.A. Not surprisingly, many drop out of college; many find themselves facing adulthood with no training in vocational skills that really could have helped them make a better life for themselves; and too many people attempt to get a B.A. by means of economically inefficient investments in “easy” courses of no use to them, solely to signal to employers that they have the B.A. employers now use as evidence of persistence and at least a minimal level of intellectual achievement. Murray argues that society would be better off with less emphasis on a B.A. and more standardized certification (*not*, attention libertarians, licensure) for a wide variety of employment.

As for the intellectually gifted, Murray notes, as an empirical fact and

not as a value judgment, that these are the elite who will be running our country in the future. He argues that they are by definition intelligent. We would be better off if we had mechanisms in place that could also make them wise. He argues for improved attention to many things: verbal expression, judgment formation, thinking about virtue and the good, and humility. His arguments are nuanced and not easily summarized, but they quickly give the lie

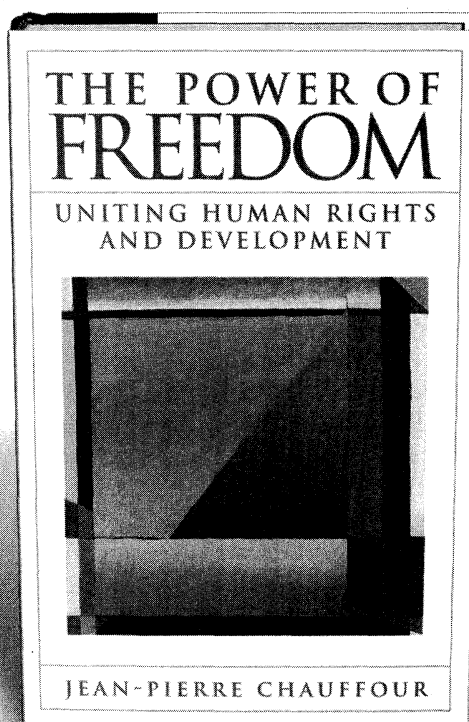
to suggestions that Murray is a 21st-century Social Darwinist.

Murray has written a book about human happiness (“In Pursuit of Happiness and Good Government,” 1988). He noted there, as the literature supports, that people are happiest when they are challenged by what they do, but not so challenged that they cannot realistically succeed. “Real Education” forcefully argues that we are not merely wasting large amounts of money, we are

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not merely ignoring the reality of what social science has to teach us about education, we are not merely doing poorly at preparing our children for the future, but we are also making both low-ability and high-ability children unhappy (miserable, inconsolable) by pretending that the former can be force fed intelligence while ignoring the latter's

insatiable need for guided knowledge.

People don't need to be intelligent to be happy. But they do need not to be puppets in the plays of social reformers, lab rats in the experiments of the well-intentioned but ignorant educational romantics who have harmed both halves of the bell curve our children inhabit. □

"Basic Economics: A Common Guide to the Economy,"
3rd edition, by Thomas Sowell. Basic Books, 2007, 627 pages.

Revised and Incomplete

Mark Skousen

Readers of *Liberty* should be familiar with Thomas Sowell, a prominent economist who considers himself more libertarian than conservative (he favors decriminalization of drugs, for example). Sowell has had a fascinating career, growing up in Harlem, graduating magnum cum laude from Harvard, earning a Ph.D. from Chicago, teaching at UCLA, writing a syndicated column, and authoring more than 30 books. Since 1980, he has been a senior fellow

at the Hoover Institution at Stanford.

He is now 78 years old and has written his memoirs ("A Personal Odyssey" — highly recommended). But he is not slowing down. He can accomplish a great deal because he is reclusive and hardly ever travels. Rumor has it that he always charges a speaking fee so far above the market price that no one dares pay it. (I'm constantly asked, "Why don't you invite him to speak at FreedomFest?", an annual conference that I direct. Now you know.)

Sowell has written extensively on economic topics, including Marxism,

Say's law, and classical economics. But he extends his expertise to education, social issues, culture, civil rights, and politics. My favorite is "Knowledge and Decisions" (Basic Books, 1996).

With the third edition, "Basic Economics" has become a fat book, and a popular one, especially for home schoolers. This new edition is 40% longer than the first and second ones.

What's its appeal? Unlike standard textbooks, Sowell's guidebook is free from graphs, charts, abstruse mathematics, and professional jargon. When Sowell does use an uncommon term, such as "externalities," he does a good job explaining it. He uses statistics sparingly, citing data from *The Economist*, *The Wall Street Journal*, and *Business Week*. In that sense, his book is more a treatise for a general audience than a textbook.

On the topics he covers, I see nothing to argue about. He does an excellent job exposing the errors in the popular policies of protectionism, progressive taxation, minimum wage laws, affirmative action, antitrust, wage, price, and rent controls, and central planning. He has helpful chapters on the stock market, risk and insurance, money and banking, international trade, labor markets, and the dynamics of the economy. He has also added chapters on myths of the marketplace, such as the fallacy of predatory pricing and issues involving fairness and greed.

My only beef with Sowell is the remarkable number of sins of omission in this book, despite its 40% increase in size. The method is strangely hit or miss. One wonders, in a course in "basic" economics, where is the discussion of Adam Smith's doctrine of the invisible hand? Where is the treatment of Say's law, which introduces the profound supply-side concept that savings, productivity, entrepreneurship, and technology drive the economy, and that consumption is the effect, not the cause, of prosperity? One would think that a man who has written whole books on Say's law and on classical economics and its adversaries would address these vital issues.

Sowell's chapter on money, credit, and the Federal Reserve is grossly inadequate, given today's intense concerns about the stability of the global financial system. There's virtually no



"If you knew that economics was the 'dismal science,' why did you become an economist?"

discussion of asset bubbles, the boom-bust cycle in real estate, and the highly leveraged debt structure currently under stress, nor even of the Fed's manipulation of interest rates and the supply of money.

Sowell is a student of George Stigler and Milton Friedman of the Chicago school of economics, and he does make one or two passing references to Friedman's claim that the Great Depression was caused (or exacerbated) by the Fed's "inept" deflationary policies in the early 1930s. But he makes no reference to Ludwig von Mises and Friedrich Hayek's Austrian theory of the business cycle, which is critical to understanding what is going on today.

It's unfortunate that Sowell fails to inform his readers about the great contributions of such Austrians as Mises, Schumpeter, and Hayek (he cites Hayek twice, but not on his decentralized information theory), the supply-side economists (he does not mention the Laffer curve or the flat tax revolution), or even great thinkers such as P.T.

Bauer, Ronald Coase, Vernon Smith, and James Buchanan. Sowell could improve his book tremendously if he added a chapter on the warring schools of economics. As it stands, there's not enough material on the advances of the various free-market schools, and too little systematic criticism of the anti-market schools of Keynes and Marx.

Given that we are facing the greatest threat to the free-market capitalist system since the Great Depression, the world cries out for a clear-cut analysis of the current financial crisis, how government intervention in the monetary and banking system has brought about this debacle, and the sound free-market solutions to the problem.

The third edition of Thomas Sowell's "Basic Economics" does not go far enough in providing this much needed analysis. As it stands, it serves primarily as supplemental treatise. It cannot take the place of a comprehensive guide to sound economics. There's a lot of work to do if the next edition is to live up to its title. □

"Who Killed the Constitution? The Fate of American Liberty from World War I to George W. Bush," by Thomas Woods and Kevin Gutzman. Crown Forum, 2008, 202 pages.

Unchained State

Robert P. Murphy

Tom Woods and Kevin Gutzman are both bestselling authors in Regnery's "Politically Incorrect Guide" series, and their latest joint project will not disappoint their fans. "Who Killed the Constitution?" is the perfect topic for them. Woods as a historian and Gutzman as a legal scholar combine to explain exactly how it was that the

federal government escaped the constitutional chains allegedly restricting its power. Their answer is that all three branches were in on the jailbreak, a more nuanced position than the standard cries against "activist judges." They illustrate their thesis through a "dirty dozen" — examples of federal abuse of the Constitution, ranging from school desegregation to marijuana criminalization.

What is most entertaining about the

book — and most frightening to proponents of smaller government — is the sheer mental gymnastics necessary for government officials to evade the plain language of the Constitution. Some potential readers may be intimidated by the book's topic, fearing an excruciating analysis of fine legal points.

Fortunately for the reader — though unfortunately for citizens in general — the issues really aren't that complicated. The most specious rationales were offered each time new bounds were crossed, until we've reached today's situation, in which the president and members of Congress (with one notable exception) sometimes don't even bother asking about constitutionality.

Perhaps the most blatant example of simply ignoring the Constitution involved the celebrated 1954 decision in *Brown v. Board of Education*. Whatever one thinks of the underlying policies (and I personally think they are wrong), the simple fact is that the "equal protection" clause of the 14th Amendment could not possibly have prohibited segregated school districts. That is why the Court famously ruled in 1896 in *Plessy v. Ferguson* that segregation did not violate the 14th Amendment.

So did the Supreme Court in 1954 stumble on some new clause, buried in the Constitution or its amendments, that caused them to reverse this precedent? Not at all. Justice Felix Frankfurter asked his law clerk Alexander Bickel to review the circumstances under which Congress had drafted the 14th Amendment. Bickel reported to his boss that "it is impossible to conclude that the 39th Congress intended that segregation be abolished; impossible also to conclude that they foresaw it might be, under the language they were adopting."

Bickel (and, by extension, Frankfurter) was not alone in this interpretation. Justice Robert Jackson circulated a memo to explain why he would concur in the prohibition of segregation under *Brown*, while rejecting the majority's reasoning: "I simply cannot find, in surveying all the usual sources of law, anything which warrants me in saying that [the Court's decision invalidating school segregation] is required by the original purpose and intent of the Fourteenth or Fifth Amendment." Jackson thought the Court was correct

to go ahead and outlaw such segregation, but at least it should plainly admit that it was “declaring new law for a new day.”

As a libertarian reader, I admired Woods and Gutzman for having the courage to point out federal power grabs that might not resonate with the typical Rush Limbaugh fan. They devote an entire chapter to the federal infringement of a state’s right to allow medical marijuana within its borders. They also devote a chapter to exploding the myth that the military draft is consistent with the Constitution. Sadly, many rank and file conservatives who carry pocket Constitutions around with them focus only on “liberal justices” and don’t realize that enlarging federal power has been a bipartisan effort.

Even so, conservatives will appreciate Woods and Gutzman’s demonstration that the wartime powers claimed by George W. Bush really aren’t as “unprecedented” as some of his shrillest critics claim. For example, in 1918 the government sentenced Socialist presidential candidate Eugene Debs to ten years in prison for the crime of giving a speech claiming that capitalists were responsible for World War I. (In one of the most touching parts of the book, Woods and Gutzman recall that Warren Harding mercifully pardoned Debs because, “I want him to eat his Christmas dinner with his wife.”)

Even when it comes to extrajudicial hanky-panky, there is nothing new in the Bush administration’s official positions. For example, in 2005 John Yoo — author of the infamous “torture memo” excusing the use of torture even in defi-

ance of congressional bans — debated Doug Cassel, director of Notre Dame Law School’s Center for Civil and Human Rights. Cassel was trying to pin down just exactly how sweeping Yoo thought the president’s powers were, and asked: “If the president deems that he’s got to torture somebody, including by crushing the testicles of the person’s child, there is no law that can stop him?”

Yoo first answered, “No treaty.” When Cassel pressed him by reminding Yoo that he himself had written in his memo that no law of Congress could restrain the president either, Yoo replied, “I think it depends on why the president thinks he needs to do that.” It is fortunate indeed that here in America, the rule of law prevents child testicle crushing merely for sport. The president has to have a pretty darn good reason before he can unilaterally decide to do it.

Yet shocking as this exchange is, it is nothing new. Worried that a brewing strike by steelworkers could disrupt the war effort in Korea, in 1952 President Truman ordered his secretary of commerce simply to seize the steel mills for the federal government. In justifying this bold move, Truman referred to his powers “as President of the United States and Commander in Chief of the armed forces.”

Naturally the steel companies filed suit. Assistant Attorney General Holmes Baldridge, representing the government, pointed to no particular statutes but “the inherent executive powers of the president” to justify the seizure’s legality. Judge David Pine was curious

just how far this “inherent” power went, leading to the following exchange:

PINE: If the President directs Mr. Sawyer [the Commerce Secretary] to take you into custody, right now, and have you executed in the morning you say there is no power by which the Court may intervene even by habeas corpus?

BALDRIDGE: If there are statutes protecting me I would have a remedy.

PINE: What statute would protect you?

BALDRIDGE: I do not recall any at the moment.

Although legal analysts in the 1950s were too modest to discuss testicle crushing, the point remains: then, just as now, the executive branch found legal experts to claim that the Constitution gave the president the power to do anything in his role as commander in chief.

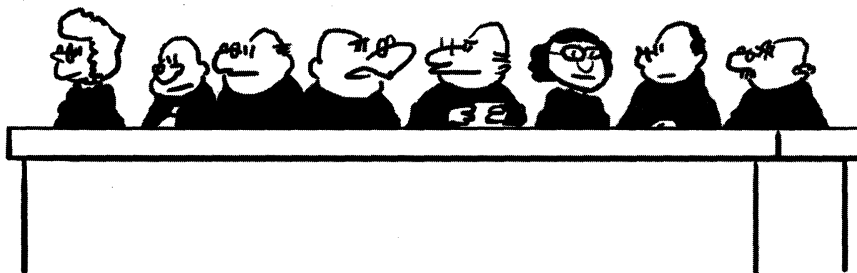
What is particularly chilling in these charades is the fact that the public will generally go along with the government “if there’s a war on,” thus providing presidents with another reason to go to war. Some citizens might hope that no American official could be so callous, but after reading Woods and Gutzman’s book, they might not be so sure.

Because of its subject, “Who Killed the Constitution?” is not as snappy as the “Politically Incorrect” volumes. This is both a strength and a weakness. Readers who want more than talking points will appreciate the historical background given for each issue, as well as the careful examination of possible objections to the book’s narrative. On the other hand, a few times I found myself wanting to skip ahead to the next chapter, which sounded more exciting.

My only other complaint is with the book’s tepid conclusion. It begins with a bold declaration that “The Constitution is dead.” Then our authors quote the 19th-century writer Lysander Spooner, who looked at the behavior of the federal government — behavior that was unacceptable even in his day — and remarked that the Constitution “has either authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist.”

Woods and Gutzman elaborate on

SUPREME COURT



“Yeah? — Well, there’s a thin line between being a strict constructionist and being a stupid jerk!”

the point, arguing that no government can ever be bound by a written constitution, since — guess what? — it is always the same government that rules on its own fidelity to law. It is no surprise that the president appoints, and the Congress confirms, Supreme Court justices who permit continued growth in federal prerogatives.

Yet after telling their readers that governments cannot be bound by constitutions, Woods and Gutzman claim that “the Constitution can still serve a purpose, as it remains a useful bludgeon to employ against government power grabs.” This in a book devoted to showing that the “bludgeon” is actually

a spork when it comes to beating back federal encroachments. Libertarian purists may feel that the only thing to do now is to make the direct case for liberty to the American people, rather than citing a document that even Woods and Gutzman tell us is dead.

Despite its lukewarm conclusion, “Who Killed the Constitution?” is an excellent review of the absurd devices by which politicians and black-robed seers have neutralized the checks and balances installed by the founding fathers. The book will challenge both liberal and conservative readers, and will be sobering to all who care about American liberty. □

“W.” directed by Oliver Stone. Lionsgate, 2008, 129 minutes.

History Lite

Jon Harrison

Oliver Stone’s films have been called “melodramas for the masses,” and not without reason. But there is more to Stone the filmmaker than this. Consider some of his signature productions. “Platoon” (1986), his directorial debut, was informed by his own experience as a combat infantryman in Vietnam, where he was twice wounded and decorated for valor. Despite its excesses, it remains the best treatment of the Vietnam War ever filmed. “Wall Street” (1987), while at times tiresomely preachy, looks prescient today, after Enron and the Wall Street shenanigans that brought about the current financial crisis. “JFK” (1991), though it failed to present a persuasive alternate history of Nov. 22, 1963, spurred the creation of the Assassination Records Review Board (ARRB), which unearthed some startling facts about the tragic death of the nation’s 35th president, and the

coverup that followed it.

Criticism of Stone has been strongest among conservative intellectuals, many of whom, it must be said, possess far less life experience than he does. It is rather peculiar to witness lifelong public intellectuals — persons who have never seen a shot fired in anger — question his take on Vietnam, for example. Equally strange is their apparent failure to recognize that movies are a business, and that, therefore, compromises must sometimes be made in the name of profit. Stone long ago established a reputation for bringing his films in on budget, something conservatives could learn from, given their recent follies with the public purse.

That said, this reviewer must nevertheless give Stone’s latest production, “W.” — a satirical and searing look at our nation’s 43rd president — only a very qualified thumbs-up. It succeeds as entertainment. As an accurate portrayal of contemporary history, it fails.

Stone, of course, is a technically

competent filmmaker. The visuals and other production values in “W.” are first-rate. So too is the acting of Josh Brolin, who plays George W. Bush, and James Cromwell in the role of W’s father, George H.W. Bush, our 41st president. Elizabeth Banks and Ellen Burstyn, as the wives of W and “Poppy” respectively, turn in solid performances, but their roles lack sufficient depth to bring out their true influence on the Bush men.

I’m afraid that almost exhausts the good things one can say about this film. As an attempt to recount how the Bush 43 administration brought the country to the mess it’s now in, the movie never rises above the level of a cartoon. The events of Sept. 11, 2001, are not explored. The run up to the Iraq war, and its tragic aftermath, are treated in a manner a smart eighth-grader could achieve. Assessing events and personalities without the benefit of distance — both in time and emotion — is a very difficult task. Here Stone fails completely. Many of the principal actors in the real-life drama — Don Rumsfeld, Condoleezza Rice, Colin Powell, Tommy Franks — are portrayed in an overdrawn, baroque manner. It matters not whether Stone likes or dislikes the person. He clearly admires Colin Powell, again and again putting just the right words in the general’s mouth — yet undermines his hero by having him meekly knuckle under to Bush’s will to war. If that was, indeed, the alpha and omega of Bush’s secretary of state, then Stone should have tried to show us how Powell could embody that dichotomy and still live with himself.

Perhaps Richard Dreyfuss’ portrayal of Vice President Cheney can be excluded from this general criticism of the supporting roles as written and acted. Reviewing the film for National Review Online, Tom Hoopes says that Dreyfuss “plays Dick Cheney . . . as a soulless being who will do whatever it takes to make sure it’s always winter but never Christmas.” Hoopes, apparently, sees this as an inaccurate or overdrawn depiction. I don’t.

Hoopes also avers that Toby Jones plays Karl Rove “like a Herblock caricature of him.” I disagree. I don’t think that Jones and Stone succeed in bringing out the real evil that exists in this man.

The film does perform a service to history, or rather, to the great viewing public that knows history not, by refusing to pin all blame on the president. “Why wasn’t I told?” W whines when he discovers one foulup after another in the implementation of Iraq policy. The message we should take from this, whether Stone intends it or not, is that we cannot blame one man for the events of the past eight years. The decider bears the first responsibility, but his subordinates must share it, and so in part do we, the larger society, which raised them up.

“W.” is at its best when tracing the oedipal conflict between the two Georges, and how it motivated the younger man to reach for the highest office. Churchill was ignored and demeaned by a powerful and (until felled by sickness) very successful father, but he overcame this handicap and far surpassed the elder man in achievements and fame. Here we see character and application at work. Churchill, though an indifferent student, read deeply and had an active

life in the British army and government before he achieved the first place in the state. George W. Bush, though his grades at Yale were better than John Kerry’s (a fact that invariably gets brought up by some assistant professor or other, as if it meant something), was an incurious, callow youth who grew into an ignorant and troubled man. He never worked in the way Churchill did; he never truly earned anything he managed to achieve. Perhaps the late Victorian Age provided a more bracing atmosphere than postwar America. On the other hand, perhaps W’s mistake was giving up drinking for religion, something Churchill would never have contemplated. Certainly, booze and agnosticism did more for Britain than sobriety and piety have done for us.

To do justice to his subject, Stone would’ve needed a broader outlook, and about four hours. At barely two hours running time, he spreads himself too thin. Go to the movie for Josh Brolin’s performance, but don’t expect to come away much the wiser about the disasters of the past eight years. □

“The Road,” by Cormac McCarthy. Alfred A. Knopf, 2006, 241 pages.

Ease on Down “The Road”

Jo Ann Skousen

In the century after this nation was born, families headed west along paths with names like the Oregon Trail, carrying their meager belongings in wagons or handcarts. In the century that followed, those dirt trails gave way to tarmac and the roads became Highways 70 and 80, transporting families and trucking goods from sea to shining sea.

Although it is never identified by

name, Cormac McCarthy’s “The Road” is most assuredly one of these two highways, broken up and sometimes still steaming from apocalyptic fires. The setting is a not too distant future. An unnamed father and son trudge along the road, pushing their meager belongings in a shopping cart and carrying their most important belongings in knapsacks in case they have to run from other survivors who roam the same road, looking for food. While

their ancestors had moved westward with hope and handcarts, these survivors move eastward with futility and a rusty shopping cart.

They carry a road map with them and inspect it frequently, opening and refolding it so many times that it falls into pieces. It’s a map to nowhere, really; the towns are abandoned or obliterated. But the father holds onto it with the reverence of a scriptural guide, describing for his son the world that used to be.

This cautionary tale of survival in a gray, postapocalyptic world is unlike any futuristic novel you’ve read. Yes, you’ll find the usual elements one expects in a dystopian novel — the threatening bands of scavengers, the barren wasteland, the futile vestiges of technology, the desperate attempt to reestablish order out of chaos, the ultimate conflict between good and evil.

But unlike, say, David Brin’s dense “The Postman,” this book doesn’t provide long, detailed descriptions or philosophy or explanations of what has happened. “The Road” stands out for its spare style, its haunting imagery, and its focus on the gentle, intense relationship between an unnamed father and his son as they journey to escape the gray of winter and inevitable death.

“A long shear of light and then a series of concussions” is all that McCarthy tells us about what caused the calamity a few years earlier, but a thick cloud of ash still covers the sky, blocking the sun and moon, and suggesting that the disaster has been worldwide. The father and son’s only food is what they can scavenge from abandoned homes or stores, while always on the alert for other scavengers who would surely kill and eat them if they were caught.

Yes, eat them — though it isn’t said in so many words. The language of this book is not just spare, but sparse, the sentences fragmented, the contractions written without apostrophes, signaling on the very first page that this is a society in which normal structures have broken down. In a world without renewable food, no energy can be wasted, not even for place-holding subjects, verbs, and quotation marks. Details are seen, but not explained. In fact, most of what does happen takes place offstage, just out of sight, the way in which the best

horror films were made. At one point the father turns his son's head away from a grisly scene, with this exchange:

The things you put into your head are there forever.

"Its okay Papa."

"Its okay?"

"Theyre already there."

"I dont want you to look."

"Theyll still be there."

The book is like that. It stays in your head a long time, the unwritten images recurring with such clarity that you swear you have seen it on a movie screen, even though McCarthy has given you only the barest of details. The father and son hide in the woods as a group of marauders passes by, leading "a supplementary consort of catamites illclothed against the cold and fitted in dogcollars." You know their fate, even though you never see them again. On a mattress "darkly stained" they find "a man [who] lay with his legs gone to the hips and the stumps of them blackened and burnt," and you know what has happened, and worse, what is going to happen, without being told. The pictures visit your dreams and wake you before dawn. It stays in your head. I hope not forever.

Yet there is such beauty in McCarthy's poetic prose! "Lying there in the dark with the uncanny taste of a peach from some phantom orchard fading in his mouth," he writes. "By day the banished sun circles the world like a grieving mother with a lamp."

He creates an almost allegorical relationship between father and son as they journey inexorably toward an ocean: "He knew only that the child was his warrant. He said: If he is not the word of God God never spoke." Their all-encompassing love is revealed through simple conversations as the father tries to shield his son from their inevitable outcome, conversations that often resolve into the gentle reassurance, "It's okay. Okay? Okay," even when it's not okay.

In the midst of this grayness, the boy offers a shining light of hope. He has never seen goodness, having been born a few weeks after the holocaust, yet when they see people in the distance or meet a stranger dying on the road, his reaction is always the same: "Can we help him? Papa? Cant we help him Papa?" He hasn't learned this by

example. No one has ever given anything to them, nor has his father taught him to share with others. His goodness is innate, imprinted in his DNA somehow. What is its source?

That seems to be the point of this novel. Much has been made by critics and fans of the cryptic final paragraph of the book, which I can reveal without giving away the story: "Once there were brook trout in the streams in the mountains. You could see them standing in the amber current where the white edges of their fins wimpled softly in the flow. . . . On their backs were the vermiculate patterns that were maps of the world in its becoming. Maps and mazes. Of a thing which could not be put back. Not be made right again. In the deep glens where they lived all things were older than man and they hummed of mystery."

Some say this paragraph lends the story a message of hope for the future, that fish are returning to the streams, while others focus on the bleakness of the words "not be made right again."

I think the answer is found earlier in the book. Juxtaposed against the "limp

and rotting" map detailing the boundaries of a dying manmade world, there is a different kind of map, McCarthy hints, a map found in nature — "the vermiculate patterns . . . of the world in its becoming" that lie inside the earliest form of a fish, when life sprang out of the sea containing the DNA that would eventually produce all animal life. But this is not a paradise. On the other side of that paragraph the boy learns that "the breath of God was his breath yet though it pass from man to man through all of time." More than DNA swirls inside man. And though "a thing . . . could not be put back," it can be started again — a spiritual thing that is "older than man [and humming] of mystery."

You may find something entirely different when you journey down "The Road." That's the magic of McCarthy's poetic style, with its multiple layers of potential meaning. The book is being made into a film starring Viggo Mortensen as the father and Kodi Smit-McPhee as the son. But I recommend you read the book first — it is a journey well worth taking. □

"The Wisdom of Whores: Bureaucrats, Brothels and the Business of AIDS," by Elizabeth Pisani. Norton, 2008, 372 pages.

Bureaucrats of Easy Virtue

Bruce Ramsey

Americans have long known that there was hucksterism around AIDS. Some 20 years ago we were harangued like communist peasants by the "everyone-is-at-risk" campaign. Even then it was fairly clear that everyone was not at risk. Once the blood bankers cleaned up their product, the risk was centered only on people who did certain things

— having multiple sex partners, being the receptor in unprotected anal sex, or using an unsterilized doper's needle. The message eventually got through. Risk takers used condoms or clean needles at least some of the time, and the geometric momentum of the human immunodeficiency virus (HIV) was broken.

But HIV had exported itself. The AIDS industry followed. As epidemiologist Elizabeth Pisani shows in this

impassioned and well argued book, they took their hucksterism with them. Some of them believed it, and in any case it was useful.

AIDS is spread by specific behaviors, and the most dangerous ones are widely considered wicked or disgusting. Many partners often means prostitutes, and multiple-partner anal sex often means transsexual prostitutes. Drug injectors means junkies. Politicians shy away from programs to protect these groups, not because they are deaf to their people's will, but because they hear it. The average voter does not want to give free condoms to prostitutes and free needles to junkies. But that's what stops HIV.

Of course if people stopped injecting drugs and paying for sex, it would work just as well. Even better. The social conservatives argue for a world of cleanliness, but how to make it real? Usually the formula includes putting down wickedness by force, and that requires a moral story of victimization. With drugs, it is the old idea of the pusher. With prostitution, it is the idea of the sexual trafficker.

Both are generally false. Pisani, who has interviewed hundreds of "sex workers" in Indonesia and elsewhere, says, "I have only ever met one girl who said she was trafficked." Sexual slavery does exist, she says, but it is not common. Women mostly do sex work, Pisani says, because "it is the best gig they can get," and because it pays "a better living than capitalism and free trade have yet to offer" (by which she means stitching shoes in a Nike plant).

AIDS is spread by specific behaviors, and the most dangerous ones are widely considered wicked or disgusting.

Most women who get into prostitution stay for three or four years and get out. Some have paid for their sisters to go to school or their fathers to get medical treatment; or they have built up a nest egg for themselves. Some get AIDS. Some don't.

One gets the impression that men in the sex trade more often get into it because it is exciting — though they also do it for the money.

Pisani takes the reader through the lurid world of Indonesian brothels, transsexual streetwalkers, rent boys, and drug injectors, some of them in more than one of these roles. Into this subculture, which has sprouted in a largely Muslim society, come officious investigators with lists of questions and demands for blood samples and anal swabs. Much of Pisani's book shows how difficult it is to find out what people's behavior really is, and gives the impression that the closer you look the wilder it gets.

How to stop the spread of AIDS? Early in her AIDS career, Pisani was part of a group trying to scare governments into spending money on HIV-AIDS prevention. They used the "everyone at risk" argument, which focused on risks to wives and newborns from HIV-infected fathers. It was baloney, Pisani says. The risk to wives and newborns in the general population is very low except in eastern and southern Africa, where HIV has infected an unusually high proportion of men and women.

The reason the virus has run rampant there, she argues, is that eastern and southern Africans tend to have sex with more people, more often across age barriers, and more often intentionally unlubricated. She says she wrote a piece for *The Economist* saying this, and it was rejected by an editor who thought it was racist to say Africans had more sex. But surveys show it, she says. And it's not about all Africans, but a geographic subset. In Senegal, which is an African country, less than 1% of adults were infected with HIV in 2006. In the southern African microstate of Swaziland, it was 43%. When 43% of the people are infected with a virus, it's not just being spread by junkies and whores, or by gays.

The ultimate in political correctness has been to declare that HIV-AIDS is not fundamentally a sexual or drug-user issue at all, but a "development issue" caused by poverty and gender inequality. The World Bank said something like this in 1997. Pisani denounces it as the purest bunk. South Africa has the highest HIV rates in sub-Saharan Africa and also the highest incomes.

Bangladesh is one of the poorest and most gender-unequal countries on the planet, and it has very little HIV. There is some correlation between poverty, etc., and AIDS, but none of these factors spreads HIV, and fighting them instead of the behaviors that do spread it is a waste of money.

The development thesis is nevertheless popular with poor-country politicians. It means they can get HIV-AIDS money without the embarrassment

These women do sex work, Pisani says, because "it is the best gig they can get."

of having to spend it on druggies and whores. Thus, in Ghana, Pisani says, 76% of new infections are from paid sex, but 99% of the AIDS money goes to general-population programs like micro-credit and workplace outreach. In Nigeria, the most populous country of black Africa, 90% of the Bush administration's anti-AIDS money goes to "general population" measures.

And because the general population is not much at risk, Pisani says, these programs don't work.

Libertarians will appreciate her comments here:

If you're asking for money in any other industry, potential investors would ask you to run the numbers. They want you to show how you'll maximize profits. In the case of HIV prevention, the profits are saved lives. You maximize them by providing effective prevention services to the people who are most likely to pass on an HIV infection, and those who are most likely to be exposed to someone else's infected body fluids. And yet none of the major funders asks us to run these numbers. . . . The result is a colossal waste of taxpayers' money.

A few pages later, she says it again:

The AIDS industry isn't a free market . . . You can be judged a success for just doing what you said you were going to do, like build a clinic, or train some nurses to give leaflets to 400 out of the nation's 160,000 drug injectors. It's a bit like declaring that Ford is doing

really well in the car market because they've got factories and floor managers and an advertising campaign, instead of looking at sales figures. Or even checking that they make cars that run.

Pisani isn't a libertarian, and she isn't advocating that AIDS prevention be left to the marketplace. She is a public-health worker, and she allows at one point that "public health is inherently a somewhat fascist discipline" because "it accepts that we must sometimes violate the rights of the few to protect the health of the many." And sometimes that is so, as much as libertarians might not like it. In 2003 the super-infectious pneumonia SARS was stopped by coordinated government action, and it's a good thing it was. Public-health authority can easily be taken farther than a libertarian would like, but libertarians must have a believable way to protect people from epidemics.

Harm reduction is, at least, a better way than putting prostitutes or drug injectors in jail — a place that in many countries is full of drug injection, anal sex, and HIV. Harm reduction does, however, use taxpayers' money for condoms and needles.

Regarding condoms, there is a common idea that prostitutes don't have the bargaining power to make their customers use them. "Hogwash," Pisani says. When female prostitutes insist, they mostly get their way. "Their bargaining power seems to be higher than we thought." When the brothel owner insists, condom use becomes more frequent still.

Regarding clean needles, there is a common idea that addicts won't take the trouble to use them. But if needles are made truly free and available, instead of being rationed out, many addicts will use them. And since many drug users do eventually quit, the health issue is whether they spread HIV when they're using, and whether they end their drug career HIV-infected. Writes Pisani:

All the evidence suggests that harm reduction programs help people quit drugs, and increase the chances that people will not be infected with a fatal virus when they do manage to get off drugs.

A libertarian might ask, "But why does it have to be the government that pays?" It doesn't have to be; it's just

that AIDS suppression isn't a profitable enterprise. It has been easier to get the money from governments, including the socially conservative government of George W. Bush. Indeed, Pisani says, "The sheer volume of money now available washes away the need to use what we have well." Waste is particularly noticeable, she says, with money from democratic governments. China and Iran, she says, have used anti-AIDS money more effectively than Western countries, partly because they are not democratic and don't have to justify

their spending to squeamish voters.

There is a thought here. "What we really need," Pisani writes, "might be more people like Bill and Melinda Gates and squillionaire Warren Buffett. These New Philanthropists have the potential to change the face of international public health, because they have gobs of cash and no voters to answer to." She notes approvingly that the Seattle-based Gates Foundation has an anti-HIV project in India that spends most of its money on services for whores, johns, and junkies. □

"An American Carol," directed by David Zucker. MPower Pictures, 2008, 83 minutes.

An American Gargle

Stephen Cox

I have a warm fondness for propaganda films, so long as they're ridiculous, as they usually are. I've gotten almost as much fun out of "Mission to Moscow" (1943), "Gabriel Over the White House" (1933), and "Wilson" (1944) as I have out of "The Palm Beach Story" (1942). The first is a no-rock-left-untuned defense of Joseph Stalin, sponsored by Franklin D. Roosevelt's former ambassador to Russia. The second, produced by William Randolph Hearst and acclaimed by Franklin Roosevelt, is a fascist fantasy about how wonderful it would be if a president of the United States achieved dictatorial power and used it to Put America Back to Work, while simultaneously Achieving World Peace. The third is a modern-liberal fantasy about a president who tried to do that and failed completely, but what the heck? — he was a great man, anyhow.

These films are adorable; they never run out of laughs. And I enjoy seeing how many tricks they come up with to bamboozle their audience. It's like watching a magician who somehow manages to extract all 50 species of leporidae from his battered old top hat.

By the way, I hope I don't have to tell anyone what "The Palm Beach Story" is. It is not a propaganda film. It is a work of art. And that's the important thing.

Now comes "An American Carol," a satire of most of the things I detest on the American political scene: self-righteous modern liberals, the blame-America-first mentality, academic intolerance, media bias and ignorance, history as interpreted according to the precepts of the Howard Zinn school of "thought," and the whole boatload of feces that goes by the name of political correctness. "American Carol" is propaganda that I should like for its own sake, as well as for any laughs it happens

to provide. And I probably would like it, if it were managed even half as well as any of the propaganda films I've just mentioned. Too bad — it isn't.

This is not just my opinion. I saw the movie with a friend who is even more gung-ho, right-to-bear-arms, America-first, and American-dream than I am. We were both embarrassed.

"An American Carol" is the story of Michael Malone, played by Kevin Farley and aimed at Michael Moore. Malone is an irresponsible filmmaker who consorts with communists, lies about America, and receives awards from communist sympathizers in the movie industry. Yet this Michael is capable of growth. He is visited by three spirits (yes, now we get to "Carol," as in Dickens' "Christmas Carol"): General Patton (played by Kelsey Grammer), General Washington (played by Jon Voight), and country singer Trace Adkins (played by himself). Malone also gets himself involved, without knowing better, with some crazed Islamic terrorists. The strange result is that he stops being a communist sympathizer, learns to love America, and turns up at an Adkins concert to support our troops in the Middle East. His soul is saved. Hallelujah.

Could this movie have worked? I guess so, if it had stuck to one plot. But two plots — the Dickens retrospective and the terrorist adventure — are at least one too many. The filmmakers should have left the Islamicists out, especially because most of the ones we see on screen are charmingly feckless young men, as if the filmmakers had fallen victim to their own kind of political correctness. More important, they should have provided some coherent intellectual or at least conceptual

message. As my friend observed, the movie's strategy is to equate "America" with "liberty," without suggesting any definition, concept, or exemplification of liberty, except a patriotic rally with country music.

The music is actually pretty good. I mean, Adkins has a good voice. But it doesn't mean a thing. Throughout the

If you want to make a satire about Michael Moore, you will never run out of jokes.

movie, we're invited to laugh at, and be horrified by, mobs of brainless leftists demonstrating their hatred for America. The climax features a mob of brainless rightists demonstrating their love for America. Big deal. It isn't funny, even unintentionally. It's just a bore.

Conscience prompts me to say that there are good things about this film. Kevin Farley is very good. He turns Michael Moore, a disgusting slob, nag, and fool, into an oddly complex and lovable Michael Malone. His performance is well worth watching, especially in the second half of the movie. Kelsey Grammer, whom I regard as one of the great comic actors of our time, is adequate. He looks good, but he lacks his usually exquisite sense of timing and implication. (Maybe he tired of the script; I would have.) Dennis Hopper does a good job as a judge who sits on the bench shooting zombies — soulless ACLU lawyers who keep coming back

and coming back to court. Jon Voight, of whom I have long despaired, is exactly the George Washington one would want to see, perfect in every way, miraculously good. But damn, he's given only a few brief minutes on the screen.

Leslie Nielsen appears as the narrator of Malone's adventures — and this brings up another problem.

If you're writing social satire, you can take it slow or you can take it fast. On the one hand, you can gradually let the impression develop that something, somewhere, must have gone wrong, terribly wrong, in some strange and absurd and ultimately funny way. This is the technique of "The Graduate" and "Network" and "Dr. Strangelove." If you follow that method, you're not depending on immediate outbursts of laughter; you're depending on the viewer's steadily growing sense of his or her superiority to the people on the screen. On the other hand, you can take it fast, and try to provoke a big laugh every 60 seconds. This is the method of TV, and of "His Girl Friday" and the "South Park" movie and "It's a Mad, Mad, Mad, Mad World" — and also of the "Scary Movie" and "Naked Gun" series, in which Leslie Nielsen and David Zucker, director of "An American Carol," were both involved.

Each method can work, and it does work in all the titles I've listed. The question is: Does your audience assume from the beginning that your characters are ridiculous? If it does, you shouldn't spend a lot of time proving it; get on with the jokes. That is what "American Carol" fails to do. It assumes that it needs to demonstrate that Michael Moore (aka Michael Malone) is ridiculous. But virtually everyone already regards Michael Moore as ridiculous, and those who don't are assuredly not going to see this movie.

If you want to make a satire about people like Moore, you will never run out of jokes. Their follies are so many, and so familiar, that you can make a joke every 10 seconds, not just every 60. But "you" are not the makers of "American Carol." They get stuck to two long, tiresome stories, in which their characters keep yapping at the audience, providing arguments for a case that is obvious from the beginning. Nielsen, the master of the quick scene and the big laugh, is made the unfunny teller of these tales.



"Sorry, Professor Kleinzweck — your 'Chaos Theory' program just crashed."

What a waste.

The whole thing is a waste of talent. There's a scene in the movie in which Michael Malone is given a Leni Riefenstahl Award for Documentary Filmmaking. Leni Riefenstahl, as you remember, directed two propaganda films for Hitler. I'm not sure whether this business about the award is funny

or not. I am sure that if propaganda for American ideals is going to avoid embarrassing even its core audience, it needs to display some of the purely cinematic virtues of its morally detestable right-wing and left-wing rivals. In fact, it needs to display the purely cinematic virtues of any normal Hollywood film. □

"The Changeling," directed by Clint Eastwood. Universal/Imagine, 2008, 141 minutes.

Empty and Ugly

Jo Ann Skousen

You've probably seen previews for "The Changeling," with Angelina Jolie pounding her breast and wailing, "I want my son back!" before she is carted off to a psychiatric prison ward. The previews promise corruption in the police department, a mad psychiatrist, and a tantalizing mystery, all in one film. Who wouldn't be interested?

Christine Collins (Angelina Jolie) is a single mother who comes home from work one evening to an empty house. She has no idea where her son has gone. No one in the neighborhood has seen him. He hasn't eaten his lunch. It is every mother's worst nightmare. Five months later the police find a boy in Illinois and bring him back to be united with his mother — but she doesn't recognize him. When she complains to the police and begs them to continue their search, the police chief has her committed.

In one sense, the film delivers on its premise. Jolie's character does fight the system and expose corruption at several

levels, including a loophole that allows the police to incarcerate unruly whistleblowers without a trial — sort of a precursor to Gitmo. The film reveals the perversity of a system in which it is virtually impossible to prove one's sanity. Since the doctor has deemed her unbalanced for not recognizing her son, the only way she can get out of the mental institution is to sign a false statement that she now accepts that he is her son. But signing that confession would demonstrate that she had indeed not recognized him, thereby proving that she was mentally unbalanced . . . the classic Catch-22.

It's a frightening issue, one that hasn't gone away: many states have an equivalent of Florida's Baker Act, under which a person can be committed to 30 days in a mental institution without recourse, if a psychologist deems the person dangerous to himself or others. (And when the psychologist is employed by the police department, it's pretty easy to predict whether the detainee will be so deemed.) My own daughter came frighteningly close to being Bakered when she was 17, so I

know how quickly it can happen. (See "Splish Splash, I Was Taken to Jail," *Liberty*, November 2003.)

But previews are supposed to do more than just give an idea of what a film is about. They also need to foretell its tone and subject matter accurately, so the viewer can decide when and whether to see it. Sometimes I'm in the mood for a comedy, sometimes for a thriller, sometimes for a romance or a drama. I don't want to know the whole storyline in advance, but I do want to know what emotions are going to be piqued before I go to a movie. And that's where I felt duped by Eastwood this time.

So let me warn you here: the official previews — and also the reviews I've read — leave out the brutal second story line, the one that shows the horrifying fate of 20 kidnapped boys. I felt completely blindsided by the grisly side of this film. Eastwood presents it masterfully — the strategically placed "smoking gun" as the detective searches the old farmhouse (in this case the "gun" is a scattering of hatchets and cleavers), the suspense-laden soundtrack, the close-up shot of the detective's untapped cigarette ash demonstrating his own horror as he interviews a young witness. Great filmmaking. But come on, Clint. Couldn't you have warned me?

The main storyline, about Collins' victory over the police force and the psychiatric institution, seems incongruous in light of what happened to those boys. How could a mother smile about sticking it to the police department when she has imagined her son calling out for her in terror before he was hacked to pieces? I found nothing to cheer about.

I also found it hard to accept how unkind Jolie's character is to the boy masquerading as her son. He's a little boy, for heaven's sake. Something terrible must have happened to him to make him try to pass himself off as someone else. Couldn't we offer him a little compassion? I felt the same way about the young witness to the crime.

But here's the really strange fact about the film: despite its horrifying storylines, despite Eastwood's gorgeous sets and attention to detail, and despite Jolie's constant tears and emotion, I felt strangely detached. It seems

as though Eastwood comes at the story from all different directions, but never with any conviction. As a result, it falls flat.

Moreover, for all her tears and agony, Jolie herself is emotionally detached. Notice I use the actress' name, and not her character's. That's because she never connects with Christine Collins. Watch the best actresses in the business — women like Meryl Streep, Ingrid Bergman, Bette Davis. Notice how they react in a scene with their whole bodies, listening intently to the other character, seeming to gather their thoughts spontaneously, from the situation, not from a script. By contrast, I'm always

aware of Angelina Jolie pretending to be someone else. She's too aware of how the camera will capture her profile, her lips, her tear-stained makeup. She's not afraid to look grimy, but even then she seems to be thinking, Look at me, see how I throw myself into this scene! Now give me another Oscar!

In short, Eastwood can go to bed early on Oscar night this year. After directing a string of remarkable successes ("Mystic River," "Flags of Our Fathers," "Letters from Iwo Jima," "Million Dollar Baby"), he produced a real stinker with "The Changeling." Can someone take this changeling back and find the real Clint? □

Filmnotes

Intermittent Victory — Years ago I had an argument with a well known libertarian about a popular film. He maintained that "Trading Places" with Eddie Murphy and Dan Aykroyd was "antimarket" because it lampooned two rich old commodity traders who, he believed, represented "naked capitalism" while I argued that the fact that Murphy and Aykroyd's characters turned the tables by using market mechanisms (rather than, say, calling the cops) showed that the movie was actually "procapitalism."

I thought of that discussion from many years ago while enjoying the delightful "Flash of Genius," (directed by Marc Abraham, Universal, 2008, 119 minutes) which, unlike "Trading Places," is based on a true fight between the inventor of the variable speed windshield wiper and the automotive giant that claimed the device. By coincidence, I have often used the variable-speed windshield wipers as an example of the market in action. When compared to U.S. medical care, where no competitive model exists and an outmoded approach to evaluating patients may persist for many years based on personal physician preferences, local inertia, third-party payment mechanisms, and so on, I note that it didn't take years for Chrysler, GM, and others to follow

Ford after they had initially developed the variable-speed wiper.

But before seeing "Flash of Genius" I hadn't known the whole story. It's a true David vs. Goliath drama, where an invention made by a simple electrical engineer, Robert Kearns (played brilliantly by Greg Kinnear, who was also wonderful in the recent "Ghost Town"), was stolen by the Ford Motor Company after he shared with them the basic working model. What could one man do against a such a great and powerful company? (Granted, seeing Ford depicted as a great and powerful company is somewhat nostalgic when they are now close to bankruptcy.) Could he sue them? In front of a Detroit jury?

Turns out the answer is "Yes," although the fight drags on for 12 years and costs him his marriage and his job. Along the way Ford offers several financial settlements, but reminiscent of Howard Roark, Kearns refuses Ford's offers because they won't include a public apology and acknowledgement that the idea and invention were his.

Kearns represents himself in court, having spent years reviewing countless legal documents on the case. And he wins. He receives public acknowledgement and over \$18 million, as well as the respect of his six children.

So is that an anticapitalist movie?

I'm not sure. Big business is portrayed as the bad guy. But the entrepreneur and inventor won in the end. Rand once said that at the root of her defense of capitalism was her defense of individualism. And this is certainly a movie that pays proper homage to the individual. Robert Kearns died in 2005, sadly before he could see the story of his invention honored on screen. That surely would have meant more to him than the financial settlement he received. His story is worth honoring. I highly recommend this movie.

— Ross Levatter

Kill 'em All — "Eagle Eye" (directed by D.J. Caruso, DreamWorks, 2008, 118 minutes) is a tense and fun thriller. Granted, it's unrealistic. But in a real sense, after the invention of CGI (Computer Generated Imaging) all adventure thrillers are unrealistic. Actions that would kill even the ablest stunt doubles in real life barely leave characters contused on film. Our barely contused hero in this case, Jerry Shaw (Shia LaBeouf), is joined by FBI agent Thomas Morgan (Billy Bob Thornton) and fellow victim Rachel Holloman (Michelle Monaghan), as they try to survive the manipulations of a governmental supercomputer guiding them perilously through a series of actions to an unknown end.

The libertarian perspective? The supercomputer, run by the American military, has been given the command to defend freedom. On observing the actions of the U.S. government, the supercomputer determines that defending freedom requires assassinating the president, vice-president, speaker, president pro tem, and most of the cabinet, working its way along the chain of presidential succession until it reaches someone who believes in a less aggressive foreign policy. I knew computers were getting smarter, but this computer is smarter than the humans in the cast, who try to shut it down!

Will they succeed? What does Jerry's twin brother, killed in an apparent traffic accident, have to do with this? What role does Rachel's young son, on a school field trip to Washington, DC, play? These questions will be answered by the end of a solid, fun thriller with a libertarian bent. I hope you enjoy this movie as much as I did.

— Ross Levatter

Masters of the Blog, *from page 40*

transplants in the U.S. have, and they'd be beating Toyota today.

Sure, we don't have a time machine, but at least we could kill the UAW stranglehold and see if some sort of domestic auto industry can survive.

Instead, Obama's going to give us card-check, and union thugs are going to intimidate manufacturing in the whole country into being as sclerotic and inefficient as the Big Three.

And:

Health care hasn't prevented Toyota and other foreign auto companies from profitably building cars in the U.S., and it hasn't prevented American manufacturers in other industries from succeeding either. Health care hasn't kept United Technologies from profitably building elevators and helicopters, and it hasn't prevented John Deere from profitably building tractors. Detroit's problems stem from locking in labor costs with the UAW that it can no longer afford. Those labor costs include gold-plated health care benefits for retirees.

There aren't many sites on the internet where a joke about lithium morphs into a reasonably informed discussion of legacy costs at GM. This is why I like McArdle's site.

A fellow libertarian whose opinions I respect once asked me contemptuously why I liked Asymmetrical Information. He complained that McArdle was too "intentionally quirky — like the artsy girl everyone dated for two weeks in college." And McArdle does describe herself in elfin terms from time to time.

But that intentional quirkiness doesn't apply to her posts. More than anything else, McArdle is a fluid writer who tackles big issues seriously and has built a following of rational readers. One of her most-quoted quips about the endless, self-serving bickering between the Democrat and Republican Parties: "The devotees of the party in power are smug and arrogant. The devotees of the party out of power are insane."

In many ways, McArdle is a sort of political mirror image of Atrios. And a universe away in both tone and style from the sophomoric ranters at DailyKos.

What conclusions can one draw from a rhetorical analysis of these political sites?

One is that brevity is the soul of wit. Concision is the essence of good writing — especially online. Statist ranters are neither brief nor concise. Libertarian bloggers write more tightly.

Irony and satire stay sharp only if they cut both ways. The humor of the statist Left online doesn't find objects evenly

across the political spectrum, so its efforts at irony end up tinny and, well, humorless.

The writing of many statist online (perhaps like the writing of statist everywhere) takes the form of the graduate student screed — long-winded, wordy rants that struggle desperately to prove their intelligence by the verbal pound.

The online writing of many small-government advocates takes an epigrammatic form. Short bons mots layered with referential links. Wildean at its best; Seinfeldian at its not-quite-best.

Statist bloggers and, particularly, commenters move quickly to ad hominem attacks. Their red meat is a personal hatred of George W. Bush and, by extension, John McCain and Sarah Palin. They move quickly to invective and obscenity.

These foul-mouthed commissars clearly believe in the power and centrality of the president in American politics — and society. This may explain their passionate feelings (for and against) presidents and presidential candidates. Just like the Dick Cheney they despise so passionately, these statists believe in a strong executive. And this belief drives the urgency of their ad hominem attacks.

Last: most limited-state political sites remain decorous because they position themselves against establishment icons like the Brookings Institute and The New York Times. Statist blogs position themselves against the twin *bêtes noires* Rush Limbaugh and Sean Hannity. Lefty commenters bring those two up explicitly and repeatedly — regardless of the topic in question. Many comment threads on DailyKos include references to "hate radio." For example:

I just went to an article on HuffPo about a woman in a NC diner shouting "Socialist" at Obama. To read the article, I had to link to it. After the article, I read some of the comments from readers. Nauseating comments mixed in with some good ones. I would guess that most of the people who comment below those newspaper articles are similar to those who call hate talk radio.

And:

The Ayers and Wright stuff has stuck — hate radio and Fixed Noise have done a pretty good job . . . it takes a very long time to disassemble the web of lies here, even when dealing with the rare persuadable who will listen.

If the statists on Capitol Hill manage to rein in talk radio by use of a revived FCC Fairness Doctrine, the Kossacks will need to find another reason for being.

They'll no doubt find one; they've gotten used to being angry. □

Reflections, *from page 20*

state voting for a black candidate showed his faith to be right, reasonable, and justified.

What a horrible thing to say!

One possibility is the Republican crowd in Ohio simply doesn't know what "vindicate" means, but picked up non-verbal cues from McCain that it had to be bad. This would be just an additional piece of evidence that in only a generation the Republican party has gone from the party of ideas to the party of *boobus americanus*.

Alternatively, perhaps the Republican crowd thought it

better to have a political process one must believe in despite any evidence it is right, reasonable, or justified. If so, they are fortunate. That's exactly the political process they have.

— Ross Levatter

Moon before hunger — The Indian government has launched a mission to the moon. By running its printing presses overtime, it has produced inflation in the double digits. The real rate of interest is negative. Lack of jobs is making the youth increasingly frustrated. The sex ratio between male and female children is becoming increasingly skewed. The majority of the Indian population does not remotely know about the basic conveniences of life. The majority has

no access to clean water or sanitation facilities or electricity. Indians still go out in the open to relieve themselves. Health facilities are few to nonexistent. Educational facilities are very limited. Malnutrition is commonplace. Using a \$1.25 per day benchmark used by the World Bank, 41% of India's population lives below the poverty line.

Despite the media hype, India is an abysmal place to live. The moon mission might make India more visible and recognised in the world. Indians might feel proud. But, whatever ego-aggrandizing purpose the moon mission aims at fulfilling, does India's poverty make such a mission worth it?

— Jayant Bhandari

Federal Emergency Management — In the 2006 congressional elections, the mainstream media dutifully followed the script written for them by the Democratic National Committee, namely, that the Republicans in Congress had created a "culture of corruption." Exhibit one was Rep. Mark Foley of Florida, a genuine creep who had sent suggestive emails to young male pages. He resigned amid a blizzard of bad press, and although later cleared of any criminal behavior, dropped into a well-deserved obscurity.

The Democrat running for his seat, one Tim Mahoney, another bona fide creep, won by tarring his opponent with the Foley scandal and by preaching about his strong commitment to family values and strong marital ethics.

Mahoney in office has hardly been a saint. It turns out that he kept a mistress, one Patricia Allen, and got her a cushy federal job (something the FBI is examining). She later sued him for sexual harassment, and he coughed up \$121,000 to settle

the matter out of court (or hush it up, one suspects).

The randy Mahoney also started another affair with a high-level official in Martin County. The Feds are now investigating whether Mahoney, in exchange for the sex, helped her get a \$3.4 million grant from FEMA for her district. I personally don't mind if the dude hires hookers, but when he uses my tax dollars, I find it annoying.

None of this has made much news. The same mainstream media that annihilated the career of Foley is strangely quiet about the Mahoney baloney. But then, he's a Democrat. This is just the same old game: bash Republicans for pork-barrel spending, but ignore the issue when the Dems rule Congress. Bash Republicans for sex scandals, but pass over those of the Dems.

— Gary Jason

Dreaming of other livestock — Whoever becomes president will inherit a mess, a net of disasters so deep that neither Democrats nor Republicans will be able to resolve them, leading to the decline of both donkeys and elephants and, thus, to opportunities for more nimble third parties. Bored with the current election, which strikes me as a contest between equally incompetent dreamers, may I look forward to the next?

Need another Lenin predict that state-subsidized capitalism will collapse of its own contradictions?

— Richard Kostelanetz

Good intentions — McCain told journalists he would follow Osama bin Laden "to the gates of Hell."

Wow! Two for the price of one.

— Ross Levatter

Letters, from page 5

debacle is foolish. Cobbling together a loose coalition of disparate libertarians that still have designs on the lives of others is inherently unsound.

Most importantly, people — many libertarians included — simply don't want freedom. Any libertarians who want to curry favor with the elite or persuade the masses of the virtues of individual liberty will be rebuffed every time and when they concede vitally important points like the necessity of government they've already lost the game.

But by all means, form a mass-membership organization for libertarians and evangelize away for the liberty club even though the error of your ways is so apparent.

Bruce Korol

Calgary, Alberta

Worth a Try

Back when I was still doing a radio talk show, I started a movement to *always* vote against incumbents, as Ross Levatter suggested in his Reflection (December 2008). It was called D.R.I.P.

"Don't Return Incumbent Politicians!" Our battle cry was "DRIP on 'em."

The result? Many listeners said, "I'm with you on this! I'm not voting for any incumbents." But, despite those assurances, the same people kept getting reelected. One defense of such voting was, "I don't like those people in office . . . but my representative is different, so I'll vote to reelect."

I wish Levatter well in his attempt to "vote the rascals out," but I don't have much hope that it will happen. I expect a lot of the current bunch will still be there in January.

Jim Eason

Auburn, CA

Levatter responds: Congratulations to Mr. Eason in beating me to the punch.

I, too, expect to see most (especially Democrat) incumbents reelected this year, but, after all, a Reflection in Liberty is not exactly a national campaign effort.

The idea, if it were to be taken up and done seriously, would require millions of dollars, several nationally rec-

ognized and respected Democrat and Republican spokespeople, and extensive polling. It couldn't take place until November 2010 at the earliest.

I myself am in no way confident it would work. But I'm also convinced that nothing else has.

You Tell 'em

Long live the goose that lays the golden eggs. Long live Joe the Plumber and other productive businesses like his.

Aesop wasn't very much liked among the redistributors of his time. But today the Obamanites are still experimenting in how many feathers they can pluck from the goose and from Joe and still have a live goose and a live Joe.

The tricksters wish Aesop would for once shut up. His quips are dangerous. What! Someone might start thinking. But the fables have survived in print.

So let's boost 'em along whether or not we live in an Obama-nation.

Jacob Lapp

Cassadaga, NY

Washington, D.C.

Another good thing not overshadowed, from the *Newark Star-Ledger*:

A New Jersey councilman who allegedly urinated on a crowd of concertgoers from the balcony of a Washington, D.C. nightclub swore off booze two days after he was busted for an incident he called “deeply humiliating, very embarrassing and troubling.”

“I’ve resolved not to touch alcohol again,” said two-term Jersey City councilman Steve Lipski. But the 44-year-old Democratic councilman refused to admit outright to the lewd stunt, claiming instead he “spilled a drink and someone may have thought it was urine.” He added, “I can’t comment on that. I’m going to continue to do all the good things, and I’m not going to let this overshadow me.”

Helena, Mont.

Righteous retort to a scurrilous accusation, from the *Billings Gazette*:

Republican gubernatorial candidate Roy Brown this week accused Democrats of spreading a false rumor that he is a vegetarian in this meat-loving state.

“I am not and have never been a vegetarian,” Brown said. “I am disgusted by the baseless allegation that I am a vegetarian and that my personal eating habits should somehow be construed as opposed to the economic interests of Montana’s livestock industry.”

London

Expansion of the War on Obesity, in the *Daily Mail*:

Owners of fat cats and obese dogs could be fined or jailed under controversial Government rules.

New beefed-up codes of practice for pet owners published today state that overfeeding pets is a “serious welfare concern” that can lead to unnecessary suffering.

People who refuse to put seriously fat pets on a diet could be prosecuted under the Animal Welfare Act — and face a fine of up to £20,000 or even 12 months’ jail.

United States

A view from the outside, as seen in the *Sydney Morning Herald*:

A hideous new affliction is creeping through the ranks of America’s creative community. The further Barack Obama edges ahead of John McCain in the million and one polls that are coming out, the more pernicious the nagging fear becomes.

What if he loses?

For many, the dread is nameless and paralyzing. Erica Jong, author of the 1970s feminist bible *Fear of Flying*, has developed a new complex in recent weeks — the fear of an Obama flogging.

“If Obama loses it will spark the second American Civil War. Blood will run in the streets, believe me. My back is also suffering from spasms, so much so that I had to see an acupuncturist and get prescriptions for Valium.

“Yesterday, Jane Fonda sent me an email to tell me that she cried all night and can’t cure her ailing back for all the stress that has reduced her to a bundle of nerves.”

Akron, Ohio

A debtor gives a novel debt relief tactic a shot, reported by the *Cleveland Plain Dealer*:

Mortgage finance company Fannie Mae said it is forgiving the mortgage debt of a 90-year-old woman who shot herself in the chest as sheriff’s deputies attempted to evict her.

“Just given the circumstances, we think it’s appropriate,” Fannie Mae spokesman Brian Faith said. “It certainly made our radar screen.”

“She said it was a crazy thing to do, now that she’s had time to think about it,” said Polk’s longtime neighbor, Robert Dillon.

Salem, Ore.

Governmental definition of “compassion,” as reported in the *Eugene Register-Guard*:

The news from Barbara Wagner’s doctor was bad, but the rejection letter from her state-run insurance company was crushing.

The 64-year-old Oregon woman, whose lung cancer had been in remission, learned the disease had returned and would likely kill her. Her last hope was a \$4,000-a-month drug that her doctor prescribed for her, but the insurance company refused to pay.

What the Oregon Health Plan did agree to cover, however, were drugs for a physician-assisted death. Those drugs would cost about \$50.

Albany, N.Y.

The pressures of office, diagnosed in the *New York Post*:

N.Y. Gov. Paterson’s chief of staff now says he owed nearly \$300,000 in back taxes, \$100,000 more than was previously known — and his lawyer blamed the problem on “non-filer syndrome.”

Charles O’Byrne’s attorney, Richard Kestenbaum, mentioned the virtually unheard-of ailment at a briefing for reporters intended to quell the firestorm surrounding O’Byrne’s failure to file income-tax returns from 2001 to 2005. “Many times, that syndrome causes them not to be able to file their tax returns,” he explained.

Rhondalee Dean-Royce, a spokeswoman for the American Psychiatric Association, said there is no such disorder or syndrome in the Diagnostic and Statistical Manual of Mental Disorders, a standard reference.

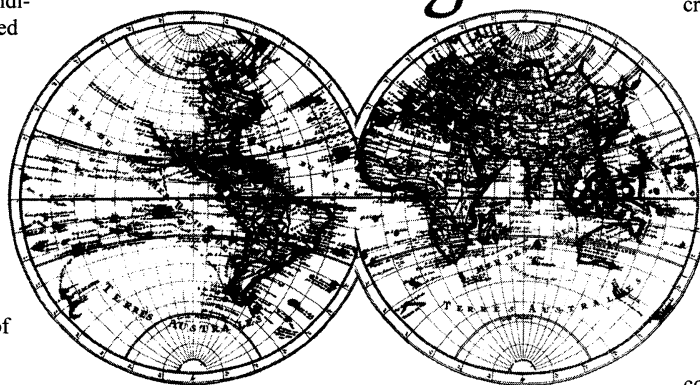
Washington, D.C.

Refreshing candor in central planning, from the *D.C. Examiner*:

Elizabeth Edwards — wife of former Democratic presidential candidate John Edwards and currently a health care advisor to Sen. Barack Obama’s campaign — isn’t 100% behind the Democratic nominee’s health care plan.

However, Edwards’ critique of Obama’s plan doesn’t mean that she’s saving any love for McCain’s health care proposals. Edwards said McCain’s plan fails in all-important areas by leaving the decision-making process up to individuals, who can frequently “make stupid economics decisions.”

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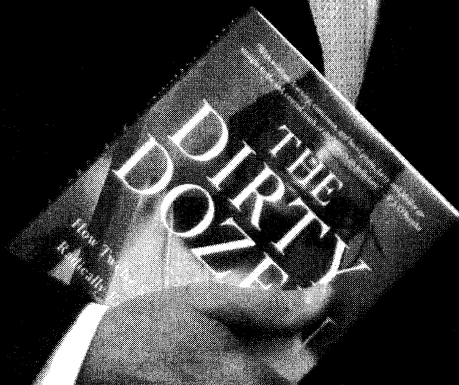
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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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