Liberty

January 1997 Vol. 10, No. 3 $4.00

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Dole, Democrats, and Other Dinosaurs

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I Was Bill Clinton's Running Mate!

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My War with the FDA

by Sandy Shaw

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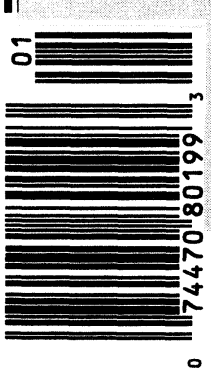

Also: *Clark Stooksbury* unwinds the twists and turns of a once-conservative mind, *Bill Kauffman* transcends the tide of nationalism, *Michael J. Oakes* exposes Japan's corporate gangsters . . . plus other Articles, Reviews, and Humor

"Liberty is rendered even more precious by the recollection of servitude." —Cicero

Letters

Quaint Sophistry

George H. Smith's "A Killer's Right to Life" (November 1996) struck me as an exercise in sophistry. The notion of the killer as "moral agent" was especially quaint. Why the hell should anyone care whether the killer has any rights?

Dave Fafarman
El Sobrante, Calif.

Logic and Mr. Smith

Suppose George H. Smith were persuaded, "as certain as any mortal can be," whether by the empirical evidence he scorns or his own infallible intuition, that capital punishment has a strong deterrent effect; for example, that, on the average, each additional execution of a convicted murderer led to seven fewer homicides.

Would he then change his position? How would he balance the inalienable right of the murderer against the inalienable rights of the seven innocent victims of a failure to execute the murderer?

I hasten to add: I am not making an empirical point, only testing the logic of Mr. Smith's argument.

Milton Friedman
San Francisco, Calif.

A Reader's Precis

George Smith's position boils down to this: I may not agree with your killing that kid, but I'll defend to the death your right to pop open a Bud afterwards and reflect on life's ironies while his weeping parents are read lectures on natural rights.

Eldridge DeFede
Lone Pine, Wyo.

Editor's note: Further responses to George Smith's article will appear in a special symposium in a forthcoming issue.

Cardinal Sagan

A few kudos are due Dominick T. Armentano for putting Carl Sagan in his place ("The Truth Is Out There," November 1996). I hope I am not the only libertarian who has grown skeptical of the brand of "skepticism" fostered by Sagan and his fellow CSICOPpers. I cannot help but wonder whether this group would have joined Cardinal Bellarmine in refusing to look through Galileo's telescope. Let us face it: intellectual and political communities contain many people more interested in perpetuating positions than in finding out what the truth really is.

Case in point: Does one consign oneself to the cognitive oblivion of kookhood by wondering whether something very unusual really did happen near Roswell, New Mexico, in 1947 — something the government either cannot explain at all or is covering up? Federal authorities routinely lie about far more mundane matters. One thing is for sure: the official explanation of this incident is ludicrous. Government agents are not sworn to lifelong secrecy and people's lives threatened because of a downed weather balloon.

"Pseudoscience" can be characterized as investigations, usually by self-taught amateurs claiming to be doing science but working in near-isolation, applying bad methodology to defend theories held for other than scientific reasons. There are plenty of such people. Von Daniken and Velikovsky are probably the two best examples. And surely John Mack's recounting of case after case of people under hypnosis recalling being abducted by UFOs is suspect, because these "experiences" have not been duplicated under laboratory conditions. No space aliens were involved.

But two points should be noted. First, anyone who has studied the philosophy of science knows that "scientific method" is very hard to clarify, and not as simple as "debunkers" would have us believe. (Institutional structures, funding mechanisms, etc. being what they are, it is also notoriously difficult to apply consistently without various compromises.) Second, there are people investigating so-called "paranormal phenomena" who observe the highest standards of rigor in their empirical research. This research differs from the "conventional" science favored by the Carl Sagans of the planet in not being locked into a materialist theory of reality. Perhaps this is what we should be discussing. At any rate, surely the matter is more complicated than the black-and-white contrast between sober, tough-minded, just-the-facts-ma'am scientists and kooky, wild-eyed true believers Sagan presents. Our best policy might be to take the advice of the great American philosopher Charles Saunders Peirce: "Do not block the path of inquiry."

Steven Yates
Columbia, S.C.

You Opened the Door, Dom

Dominick Armentano quotes Richard Hall as saying, "Exactly why 40 years of impressive human testimony and related instrumental and physical evidence has essentially escaped the attention of science constitutes a human mystery of major proportions."

If a mere 40 years of human testimony begins to give UFOs credibility, how does that compare to 2,000 years of human testimony giving Christianity credibility? It seems absolutely incredible that a person in one culture with no Christian background could give testimony that agrees with testimony from someone in an entirely different culture. It's even more awe-inspiring when this is repeated thousands of times over. How can this be?

I would say that Christianity, or at least the essence of it, is very credible indeed.

Stuart Toepke
Bismarck, N.D.

The Secret History of MSAs

I am puzzled by Ross Levatter and Jeffrey Singer's observation ("The HMO Illusion," November 1996) that economist Jesse Hixson originated the Medical Savings Account concept.

John Goodman has indeed credited Hixson with inventing the MSA, but I am beginning to suspect that Hixson cribbed it from me. I published the idea, then called the Health Security Account, in 1981. I sent it to Dr. George Ross Fisher, then a member of the board of the American Medical Association. Dr.

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Letters Policy

We invite readers to comment on articles that have appeared in the pages of *Liberty*. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct, typewritten letters are preferred. Please include your phone number so that we can verify your identity.

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Inside Liberty

January 1997
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Fisher called my office to say that, bingo, this was the solution the world was looking for.

Dr. Fisher took the idea to the AMA in Chicago, where Hixson was then employed as an economist. Only after that did Hixson begin to appear as the reputed originator of the idea.

I have since found a similar idea implemented by the Mendocino County, California school board in about 1980, and have been told that a Thibodeaux, Louisiana physician named Smith had advocated approximately the same thing for many years before that. My friend Richard Rahn hit upon it independently in 1984.

Unfortunately, Hixson has refused to respond to two polite inquiries from me, asking how he came to originate the MSA. I have now concluded that Hixson is milking the credit from my good idea. I guess I'll just have to come up with something else to finally get some respect. Sigh.

John McClaughry
Kirby, Vt.

The Trouble With Harry

I am dismayed at Harry Browne's rhetorical question, "Would you give up your favorite federal program if it meant you never again had to pay income tax?" ("The Libertarian Challenge," September 1996). Is Mr. Browne totally out of touch with his fellow citizens' lives? Or is it his purpose to make the Libertarian Party an elitist refuge for a tiny segment of the population, with no possibility of ever winning an election?

Millions of Americans are dependent on Social Security. That is their favorite federal program. Take it away and there would be no question of income tax, for there would be no income. Is Mr. Browne asking them to make that trade? Or is he saying that there is no room for them in the Libertarian Party?

Many more millions of Americans depend for their medical care on Medicare and Medicaid; they have no private insurance and insufficient money to pay for the huge costs of modern medicine. Take away the federal medical programs and there would be no question of income tax, for these people would die. Is that what Mr. Browne is asking them to do? Or is he saying that there is no room for them in the Libertarian Party?

Still more millions of Americans depend upon veterans' benefits and hospitals to ameliorate the disabilities they suffered in the nation's armed forces. Take away his favorite federal program from a man rendered quadriplegic by an enemy mine and he will not need to worry about income tax, for he will not live through another tax season. Is Mr. Browne asking such men to make yet another sacrifice for their country? Or is he saying that there is no room for them in the Libertarian Party?

Still more millions of Americans have no other source of income than their federal pensions, civilian and military. Take their pensions away, and they will not need to worry about income tax. Is Mr. Browne asking these people to commit financial suicide? Or is he saying that there is no room for them in the Libertarian Party?

And still more Americans receive government assistance for their businesses or farms or benefit from such unique institutions as the Library of Congress, the National Library of Medicine, and the Centers for Disease Control. To the extent that their economic well-being or even their lives depend on these programs, they may be loath to give them up, even in return for tax relief. They might be willing to discuss changes in their organization and

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Reflections

Truth™, justice, and the American way — In October, AT&T ("your true choice," whatever that means) sued MCI over the latter company's "True Rate" program. The problem was the word "true." As AT&T spokesman Mark Segal told the *London Times*, "True is our intellectual property and we have spent millions on establishing it." (Heaven knows it's important to establish property rights in words — otherwise, who'd have any incentive to come up with new ones?)

It will be interesting to see how Ma Bell decides to profit from her new possession, if she wins her suit. Perhaps she will monitor our phone conversations for the word, and add royalty charges to our monthly phone bill. Perhaps she will sell the word to another interested party — Merriam-Webster, the Roman Catholic Church, the Democratic Party, Spandau Ballet — and reap the short-term windfall. Or perhaps she will simply sue anyone who uses the word, forcing those of us who cannot afford representation to adopt less popular labels for truth, such as "veritas."

In the meantime, I'll be watching what I say — and not just when "true" threatens to cross my lips. Can you imagine the free-for-all that would erupt if I said "savings"? —JW

Whiz kids — Libertarian proposals are gaining acceptance as never before! State: prepare to wither! The latest good news comes straight from the White House, where President Bill Clinton — exactly the kind of bold policy entrepreneur we're always seeking to cultivate — has swiped a plan hatched in the Incubator of Liberty known as the "Pete" du Pont presidential campaign of 1988. Du Pont, you'll recall, was touted as a closet libertarian, and among his most louring brainstorms was his call to require every teenager who applies for a driver's license to urinate into a plastic cup. Yes, this is a wee invasion of privacy and a degrading act to any human being this side of a politician — and a violation of federalist principles withal — but hey, this is the real world, and the oxymoronic (emphasis on the last three syllables) "libertarian Republicans" can be forgiven for endorsing the total state when it comes to the drug war, the empire, corporate control of politics, etc., provided that they spit nails at tenement-dwelling unwed black mothers and pensioners in trailer parks. No free ride for you, loafers!

Anyway, our president, who lacks the funny hangup that most of us have about whipping out our dicks in front of total strangers, has taken up the cause of federally mandated pissing. So score one for Pete du Pont: a seminal figure, it seems. But as long as we're going to crack down on 17-year-old potheads, can we also do something about degenerate old money families whose members murder Olympic wrestlers? —BK

Reach out and irritate someone — Smug, smarmy, sanctimonious. I'm talking about the latest ad campaign for "Working Assets," appearing in recent issues of *The Nation*, *Harper's*, and other magazines. The ads implore the reader to sign up for Working Assets' long distance service and then "call your right-wing, gun-toting, NRA-supporting uncle in Tulsa and tell him how he's helping to support the ban on assault weapons" by talking with you on the phone. Similar ads suggest that you call various other right-wing friends and relatives and pontificate about abortion, gay rights, and animal rights. They all appeal to the moral vanity that has infected many leftists for a generation or so, making worthy causes like peace, tolerance, and conservation seem revolting.

So why not call your Volvo-driving, *Ms.*-reading, gun-controlling Women's Studies professor in Berkeley and explain to her why her politics have no appeal outside the confines of a college campus? —CS

Loneliness of the long-distance drinker — I have finally learned what has made Ted Kennedy behave the way he has for the past decade or so. In a television commercial from the 1980 election campaign (rebroadcast recently on C-Span), he told Americans, "I'm convinced that President Carter represents the only real chance to prevent a Reagan victory, and to preserve our hope for an America of progress and fairness." Apparently, once the Reagan victory destroyed any "hope for an America of progress and fairness," he turned in despair to gluttony, lechery, and dipsomania. —RWB

Michael J. Fox, call your office — On October 1, 1996, a new U.S. law made it illegal to *appear* to depict children in sexual situations, whether or not any minors are actually involved. The new definition of "child pornography" includes photographic and video images of adults portraying minors, as well as computer-generated images. Produce such a picture, and you'll go to jail for 15 years; possess one, and you'll head to the slammer for five.

The law is a response to computer-altered photos that make it impossible to identify the people pictured, let alone to ascertain their ages. The Internet is now expected to be above even the appearance of wrongdoing. —WM

Johnny got his blacklist — The genius of libertarian analysis is to ask who benefits economically from activities of the state. Who benefits from a country's going to war? Munitions makers. Who benefits from draconian drugs laws? Purveyors of illicit drugs, and the incarceration industry. Who benefits from the law requiring cigarette packages to contain cancer warnings? Cigarette companies, who can reply to wrongful death suits with the defense that smokers were warned in advance. Who benefits from compulsory schooling? The teachers' union. And so on. What is missing from most complaints about professional blacklisting, including the new edition of Robert Vaughan's *Only Victims*, about

Hollywood in the 1950s, is such economic analysis.

What makes this omission surprising is, first of all, the author's background. Though this book began as a doctoral dissertation, Vaughn is not a tenured academic (and thus oblivious to economic instability) but a prominent actor, which is to say a success in a highly competitive business where most fail. Secondly, he notes early on that the avowed purpose of the first House Un-American Activities Committee, in the early 1930s, was to get "rid of the Communists [so that] one could give jobs to honest, loyal American citizens who are unemployed." One fault of this book, along with other protests of professional blacklisting, comes from forgetting this last insight.

Communism was a mistake; Communist writers may have been dupes. Nonetheless, Dalton Trumbo wrote some brilliant Hollywood films in addition to an unforgettable anti-war book, *Johnny Got His Gun* (1939). One of the Hollywood Ten, he was blacklisted in the early 1950s. Since some Hollywood producers still wanted Trumbo's scripts, they bought them anyway but paid less; in one memorable incident, Trumbo's pseudonym failed to show to collect an Academy Award. Less desirable blacklisted writers were forced to seek other kinds of work, while work that might have gone to them went to others. The result was not just unnecessary personal misfortune but less competition within the business of Hollywood scripting — a business no less competitive then than it is today, an activity at which most fail. The blacklisting of Communist scenarists was no different from rules excluding from employment women, blacks, Jews, or any other people who can perform a job.

What lefty critics of blacklisting fail to see — given their other biases perhaps — is that state-initiated blacklisting resembles state-supported craft unionism, both preventing "legally" the employment of certain otherwise competent professionals. Reasons for excluding such people from the craft unions have included race, ethnicity, and the lack of a relative already among the membership. In an open society, political blacklisting is no less acceptable than blacklisting for gender or anything else.

This blindness to the larger issue leads me to believe that most writers protesting Hollywood blacklisting are really complaining about the removal of Communists, whom they want us readers to admire as unfortunate victims, rather than objecting to the evil intrinsic in blacklisting per se. Such obtuseness likewise informs Victor Navasky's *Naming Names* (1980), which Vaughn praises in his new afterword as "the most thorough and intelligent examination of this time of scoundrels." If it fails to identify who benefited, it cannot be considered "thorough."

Don't forget that the "right to work" is a two-edged sword, no doubt theatening any cabal restricting employment but also granting opportunities to those otherwise excluded. Failure to recognize that the right to work is a principle applicable to everyone reflects economic insensitivity that is finally as objectionable as social insensitivity. There is reason to fear that certain lefties might really support state-enforced professional blacklisting — not of their colleagues, of course, but of other writers, all toward the end of eliminating competition. In that case they would be no less objectionable than the House Un-American Activities Committee. —RK

Pardon my precedents — Of all the crimes perpetrated by the First Criminals, the only one that bothers Chris Matthews of the *San Francisco Chronicle* is the administration's examination of highly confidential FBI files on its political opponents. Matthews says that Clinton should have called the appropriate staff member into his office, told him to come clean about who in his department was responsible, and fired the guilty parties immediately.

Why didn't Clinton react this way? Matthews suggested that he had a natural reaction to defend himself and his administration. I can think of two better reasons.

First, it is not manifest that finding and firing the guilty parties will win public favor. The best precedent for doing so was Warren G. Harding's response to the scandals that rocked his administration in 1923. When Harding learned that Charles Forbes, director of the Veterans Affairs Bureau, had sold government property to associates in sweetheart deals, he called him to his office, shook him "as a dog would a rat," denounced him as a "double-crossing bastard," and demanded his resignation. A few weeks later, he demanded the resignation of Interior Secretary Albert Fall in connection with the sale of government oil lands — the "Teapot Dome" scandal. Two other members of his administration committed suicide after Harding confronted them. Harding died before completing his first term, but it was widely believed that the scandals had mortally wounded his re-election chances. And Harding is remembered today, not as the great president he in fact was, but as a man who presided over a corrupt administration. Virtually everyone has forgotten that he himself was not corrupt.

Even more importantly, the best evidence to date is that the person who ordered the FBI files was not a member of Clinton's staff. It was Clinton's wife, Hillary. The erstwhile co-president retains her office as first lady. The only means of firing her would involve a divorce court.

So Bill Clinton didn't take Matthew's advice. Instead, by weaseling around, lying, conveniently forgetting various facts, spin-doctoring, etc., he has maintained a position of barely plausible deniability, sufficient for his followers and the mostly indifferent American electorate.

Meanwhile, people close to special prosecutor Kenneth Starr say that the only reason he hasn't asked for an indictment of Hillary Clinton is that he fears it would be perceived as a political move, and that he plans to ask for an indictment sometime shortly after the election. If so, how will the president react to his wife's indictment? He has consistently refused to promise that he won't pardon Susan MacDougal (who has steadfastly refused to answer questions about Bill Clinton's involvement in criminal activity on the preposterous grounds that the questions are politically motivated).

Which raises another interesting question: How will the public react when, as now seems likely, the president pardons Hillary? Lately, Americans have been inclined to be

indifferent about the rising tide of evidence of criminal activity by the president and his allies. Will Americans remain indifferent if he pardons his own wife for such varied crimes as looting the public treasury on his behalf? Or using the FBI to dig up hearsay evidence for use against his political opponents?

Stay tuned. —RWB

Gesundheit! — My parents have a beautiful magnolia tree. Lots of people compliment it. Some even ask for cones, so they can grow magnolias of their own. I'm not so crazy about it; I got allergies when it bloomed each spring. But I would have never considered killing that poor tree just because I got the sniffles now and then.

I'm glad I don't live in Alberquerque. There, the city council voted to outlaw cypress, elm, male juniper, and mulberry trees. As of next August, the nasally correct city will fine anyone who grows, sells, imports, or plants these trees up to $500.

Just reading about it set off my allergies. —CB

Anarchist squares — My husband and I recently found ourselves sipping cappucino in a small, triangular park in Athens known as "Anarchist Square." A fellow named Nikos, with whom we had struck up a lucky chance acquaintance, had directed us there after learning that we were "North American anarchists." He declared himself to be a European one.

In the wee-hour conversations that ensued, I was fascinated by the differences in our approach. The ideological ones were predictable. He was an anti-capitalist, anti-American, pro-Green Kropotkinist subscriber to *The Guardian*, with whom I shared an admiration for the works of Murray Bookchin and Noam Chomsky. He considered technology to be anti-freedom, the one view against which Brad and I dug in our collective heels and argued vehemently.

Nikos seemed starved for news of North American radical movements, and yet he was tremendously cautious about receiving the information. As we chatted at an isolated table, he constantly watched the people who drew near and silenced me as they passed within earshot. Sensing my confusion, he explained that there were "government people" who wore ordinary clothes and that he could lose his job over his political views. I immediately altered my behavior to respect his wish for discretion, but the word "paranoid" flashed in my mind. After all, just days before, the socialists had prevailed in the national election, and their views seemed remarkably similar to his own.

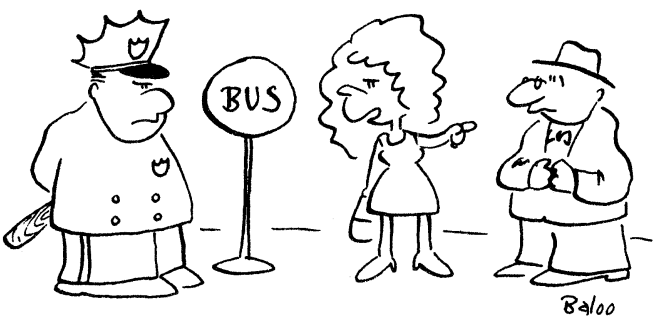
The word began blinking when he asked me about an American company with whom I've worked. "How do you know they are not connected to the CIA?" he inquired softly. Not having a clue how to answer, I commented on the question itself. "That is not something that anyone from Canada or the States would ever think to ask about a small private company," I replied. I could see the word "naive" blinking in his eyes.

When we finally and reluctantly parted, my street map of Athens was decorated with small circles indicating bookstores, a publisher, Anarchist Square, and other places of political interest. My first stop: a reputedly Kropotkinist bookstore which also held political meetings at night. It was a good-sized basement-level room jammed by baseboard-to-ceiling bookcases with a center table of stacked magazines. As we walked in, a thin middle-aged woman behind a desk glanced up, took in our obvious North American looks (Reeboks, fanny-packs, a camera), then studiously frowned downward into an open book. Although we were the only customers in the one-room store, both of us had difficulty getting her attention thereafter. Indeed, the only way to do so was to stand directly and patiently in front of the desk, saying "excuse me." Then she would look up reluctantly, returning her focus to the book after each sentence as though the conversation had been concluded.

I was fascinated by the store's stock, if only because I'd never seen Timothy Leary, Murray Bookchin, and Jerry Rubin expounding in Greek before. A handful of books were in English, with an interesting range of titles in French, which I read with some fluency. I spent about 20 minutes sifting through the latter, before selecting one about the Spanish Civil War.

"Excuse me," I began with careful politeness. "How much is this?" The woman — like most Athenians I met — spoke English well, and replied that the book was from her private library and not for sale, just for display. I reshelved it and returned with two other volumes from the French section, both of which had multiple copies apparent. They were not for sale either. In fact, nothing from that side of the bookstore could be purchased. "What *is* for sale?" I asked. The magazines, she replied in an English that seemed to deteriorate markedly as we spoke. When I began to sift through the periodicals and to set several aside, they ceased to be for sale as well. Indeed, the woman ceased to be able to understand what I was saying or to reply to me in English. She kept shaking her head and repeating with a palms-spread gesture, "I cannot understand you."

Sitting at an outside table in Anarchist Square, Brad and I discussed the scenario and realized that we must have set off the woman's internal "danger" signals. Indeed, mine were starting to prickle my skin. Anarchist Square was the only place in Athens where Brad and I received pointed hostility, mostly in the form of bearded men and student-sorts staring and gesturing. As we waited for cappucino, two obvious drug deals took place across the street. A young fellow staggered toward us — obviously either to buy or sell — and ricocheted away when we waved him off. A woman aggressively panhandled us (again, the only place in Athens this happened) and the stares became increasingly intrusive. Or was I becoming paranoid? We drank quickly and paid up inside the shop. As we did, I noticed a man examining our empty



"Officer, this man is boring me!"

table, hoping to steal whatever tip the Americans might have left.

Next time I travel abroad, a red maple leaf will be prominently displayed on some item of clothing. Maybe that way, people will relax around me as Nikos did when I explained, "Actually, I'm Canadian." He nodded with a broad smile of satisfaction and replied, "And not a stupid American woman." Under the circumstances, I let my husband's nationality go unstated. —WM

Passing the torch — When someone offers their life for a cause, the words *heroic* and *martyr* come to mind. But the story of Kathy Change, the Pennsylvania pacifist who immolated herself, just left me puzzled, and slightly uncomfortable. What exactly brings one to commit suicide for "world peace"? Why would one burn oneself to death in front of a large peace symbol? To make things worse, her statement came across as less a political manifesto than a warped comedy routine — "I offer myself as a . . . *torch* for liberty"; "My real intention is to *spark* a discussion of how we can peacefully transform our world."

What was accomplished that day in October? Did she stimulate people to think about world peace? Or did they talk about Kathy Change, that strange woman who used to try to bring attention to her cause by wearing a tight t-shirt and thong? —MG

Surrealism in everyday life — In Chapter 14 of Murray Rothbard's *The Ethics of Liberty* (1982), the chapter on "Children and Rights," the inestimable Murray favorably quotes a crusading young attorney by the name of Hillary Rodham. Check out page 110 with your own unbelieving eyes. —WM

Elmer Berger, R.I.P. — It is only appropriate that the passing of Rabbi Elmer Berger at age 88 be acknowledged in the pages of *Liberty*. He is undoubtedly unknown to most readers. That would not be unusual for a prophet who, guided by sound ethical and political principles, correctly foretold the future, yet was so out of favor with the establishment that he was systematically ignored.

Rabbi Berger was the last of the classical Reform Jewish leaders who opposed the creation of the State of

Share the Excitement!

Why the Great Depression Lasted So Long. **Robert Higgs** explains how government caused the Great Depression; how the New Deal prolonged it; and why World War II *didn't* bring the Depression to an end. An eye-opening exposé of a key myth of statism. **(Audio: A213; Video: V213)**

Radicalism vs. Pragmatism. **Bruce Ramsey, R.W. Bradford, David Friedman,** and **Fred Smith** debate whether we should smash the state or erode it. **(Audio: A214; Video: V214)**

Liberty and the Press. Reporter **Bruce Ramsey** and *Slate* editor **Jack Shafer** join **R.W. Bradford** and **Jane Shaw** to figure out what's wrong (and right) with the media. **(Audio: A216; Video: V216)**

Inside the Browne Campaign. True tales of the Browne campaigne from insider **Jon Kalb**. **(Audio: A217; Video: V217)**

Civil Society Chic. **Jesse Walker** explains the new "civil society" rhetoric — and why most of its users seem to hate actual existing civil society. **(Audio: A218; Video: V218)**

Is Greener Really Better for Business? Could environmental regulations actually boost bottom lines in the long run? **Richard Stroup, Jane S. Shaw, David Friedman, Ralph Smead,** and **R.W. Bradford** give their answers. **(Audio: A219; Video: V219)**

The Threat from Metro. **Randal O'Toole** exposes the arrogance of "urban planners" — and reveals the disastrous long-term consequences of their "new urbanist" designs. **(Audio: A220; Video: V220)**

Religion and Liberty. **Jane S. Shaw, Timothy Virkkala, David Friedman, Richard Stroup,** and **R.W. Bradford** debate the historical and philosophical relations of man, God, and state. **(Audio: A221; Video: V221)**

Technology of Tax Limitation. **Scott Reid** shows practical ways to cut taxes, and discusses the ways politicians have frustrated the best-laid plans of tax-limiters. **(Audio: A222; Video: V222)**

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Israel. He was an eloquent spokesman for the early Reform view that the nationalist movement known as Zionism was doubly ill-conceived. It was so, first, because it ignored the rights of Arabs who had lived and tilled the soil of Palestine for many generations; second, because transforming Judaism into a nationalist movement would undermine the religion. Berger warned that the creation of an exclusivist Jewish state in Palestine would bring war and untold suffering. For him, Zionism was out of spirit with the liberal Enlightenment, which put individual rights ahead of group considerations. As he wrote in one of his best-known essays, "Zionist Ideology: Obstacle to Peace": "Nationalist territorial Zionism's dehumanizing of Arabs has *not* been in response to or defense against Arab inhumanity to Jews. The accurate statement of the equation is quite the other way around. It has been the sometimes gradualist, sometimes cataclysmic translation into practice of Zionism's ideology which has generated Arab hostility. . . . *The source of the conflict was always Zionism*" (italics in original).

Rabbi Berger was a founder (in 1942) and the first executive director of the American Council for Judaism, established by Reform rabbis to prevent the creation of Israel and oppose "all philosophies that stress the racialism, the nationalism and the homelessness of the Jews." Later, when ACJ wavered in its anti-Zionism, Berger formed American Jewish Alternatives to Zionism. Rabbi Berger wrote several books, including *Memoirs of an Anti-Zionist Jew* and, his last, *Peace for Palestine: First Lost Opportunity*, an important historical work. I had the honor of meeting Rabbi Berger several times. He was a passionate and intrepid champion of justice and liberty. He will be missed. —SR

J. Bracken Lee, R.I.P. — J. Bracken Lee, the sort of political crank who keeps this country running, died October 20 at the age of 97. He was a Utah Republican, but no one ever mistook him for Orrin Hatch or Enid Greene "Say it Ain't So, Joe" Waldhotz.

Lee was a congenital politician: he served 12 years as the mayor of Price, Utah; then eight years (1949–1957) as Utah's governor; and finally another dozen years as mayor of Salt Lake City. He took special delight in squeezing the untouchable parts of budgets. Confronted with an "education crisis" as governor, he snapped, "If it's necessary to close every school in the U.S. for a year to save the government, close them." Besides, "I would rather have a son with only an elementary school education than a son with a college degree and no freedom."

To Lee, foreign aid and the income tax were Washington's most brackish concoctions. He refused to declare United Nations Day in Utah; he wrote the foreword to Frank Chodorov's charmingly titled book, *The Income Tax: Root of All Evil.*

Perhaps his noblest act came in 1965, when as mayor of Salt Lake City Lee led the "No" forces in a citywide referendum on whether to participate in the federal urban renewal program. To the disgust of enlightened people everywhere, Salt Lake City residents voted 29,119 to 4,900 against letting Uncle Sam raze their hometown. (The *New York Times*, ever ready to stick its nose into things that are none of Manhattan's business, whined that Lee's triumph was "painful proof that a scare campaign centering around fear of 'the Federal Bulldozer backed by eminent domain' can easily defeat city planners and civic organizations.")

Lee was frequently criticized for his laxity in stamping out vice, particularly drinking and prostitution. Salt Lake City Public Safety Commissioner James L. Barker told Lee biographer Dennis L. Lythgoe that Lee's attitude was, "if you wanted to do those things, you did them. He didn't enjoy that himself. I never knew a guy who was quite as dedicated to his wife as Brack Lee." Barker added that Lee could have been "one of the great men of this country if you could have added a couple of attributes to him. He was always 'AGIN.'" Which is not a bad place to be in a government filled with Fors. —BK

Chuck Estes, R.I.P. — Chuck Estes was an active libertarian for more than 30 years. It was my pleasure to know him for more than ten of those years. Despite the fact that we disagreed on all sorts of issues fundamental to libertarian thinking, I always treasured his friendship. Chuck was as fine a human being as I have ever known. He always practiced the quiet virtues: he was honest, he took responsibility for himself and his family, he kept his word, he treated people squarely. He showed that sometimes being a good man is more important than being a great man. Liberty — and the world — are poorer for his passing. —RWB

Letters, *continued from page 4.*

funding, but they will be unlikely to join a party which puts their abolition at the front of its agenda.

I am aware that Mr. Browne has made suggestions about selling off government assets to fund Social Security and perhaps other "entitlement" programs for those already receiving benefits. But if his rhetorical question is addressed only to people who do not receive substantial benefits from the federal government, or whose benefits would not be curtailed by the programs he proposes, then it is a mere debaters' gimmick with no substance at all — of course people who receive only minor benefits from federal programs would be willing to give them up for the major benefit of tax annulment.

No, I assume Mr. Browne is a serious man. If he is, and if he really means the Libertarian program would end federal benefits to millions of Americans who depend on them in return for tax relief that would benefit only some of them, mostly the best off, it is no wonder support for the party is in the low single digits. A more inclusive party, one that offered all Americans a real small-government alternative to the mainline big-government megaparties, without cutting off those who were trusting enough to believe their government's promises and unlucky enough to depend upon those promises being kept, might attract real support.

George Goldberg
Tucson, Ariz.

Election '96

The Revolution Continues

by R.W. Bradford

Okay. Bill Clinton was easily re-elected president. The Republicans gained ground in the Senate, lost ground in the House. And the Libertarians were, as usual, nearly invisible, with Harry Browne getting about 470,000 votes — well over the total garnered in 1992 by the hopeless Andre Marrou, but barely more than were cast for Ron Paul in 1988.

So what? Just what does all this mean for human liberty?

Like most American elections, it doesn't mean a great deal. Americans have a long tradition of eschewing political theory, ignoring principles, and voting instead on the basis of how they perceive their own economic situation, the sex appeal of the candidates, and whim. And the election just past is no exception.

The Republicans, like the Libertarians in 1992, were determined to give their presidential nomination to a man whom party hacks and regulars viewed as a warhorse who deserved the nomination, rather than to a candidate who could best articulate their program or have the greater prospect of victory. Some 14 months prior to this election, I predicted that Clinton would be defeated unless the GOP nominated Bob Dole, and I heard few voices (at least among my libertarian friends and colleagues) that disagreed. Clinton led in the polls from the beginning to the end of the campaign, and Dole played into his hands by running the least ept campaign in history, flitting from theme to theme without the slightest indication that he had any convictions on any subject, except that Bill Clinton was a crook (big news there) and that he, Dole, ought to be president. One week the theme was to cut taxes, but when polls showed people were having trouble accepting Dole (whom Newt Gingrich once presciently dubbed "the tax collector for the welfare state") as a tax cutter, he dropped the issue like a hot potato. Then it was that Clinton was somehow responsible for an increase in drug use, and that Dole would be "tougher." But when Clinton proposed even more idiotic, more draconian anti-drug measures, Dole moved on to yet another theme.

This time Clinton's crookedness seemed to capture Dole's attention, if not the voters'. The problem with this was that Americans have long realized that their political leaders have their hand in the till, and most of us don't seem to mind much. The one unquestionably morally upright president in recent years (by political standards, anyway) was Carter, and look how things worked out with him: inflation exploded to more than 10%, unemployment soared, Americans were humiliated by nutball Muslims in Iran, interest rates skyrocketed to 20%, gasoline got so expensive it took a day's pay to fill your gas tank, but shortages were so bad you couldn't get any even if you could afford it, and in a dramatic moment that seemed to capture the essence of Jimmy Carter, the president got in a fight with an angry rabbit — and lost.

The typical American voter realizes that Clinton is a crook, but doesn't care much. And besides, he figures, Clinton seems to have gotten over all that silly left-wing stuff like letting homosexuals into the army and socializing medicine. And he apologized for the gigantic tax increase he imposed. He's learned his lesson, maybe. And why rock the boat, when the economy is going so well?

Even Clinton seems to realize that his victory doesn't really mean much. He's not even claiming a mandate for change, like he did in 1992, despite the fact that he got 49% of the vote this year versus only 43% in 1992. The best he could come up with was that the voters were sending a message that he and the Congress should "work together." Perhaps he was hoping that Congress would stop looking

into his (and his wife's) past criminal activities.

Left-liberals who had hoped or believed that the 1994 Republican landslide was a temporary aberration had their hopes dashed. Despite the huge plurality that Clinton piled up, the huge amount of special-interest money thrown into television commercials, the unpopularity of the Republicans' attempt (however halfhearted) to balance the budget, the even greater unpopularity of Newt Gingrich, and the blame that most voters heaped upon the GOP for the so-called "government shutdown," the Republicans at press time had lost only nine seats in the House (leaving them a comfortable majority) and had managed to gain two seats in the Senate. Worse still for the leftist advocates of big government, three centrist Republicans were replaced by conservatives and one of the GOP losses was retiring Senator Mark Hatfield, who had a generally liberal voting record. The new Senate will be substantially more conservative than the old.

Probably no state held better prospects for the Democrats and their allies to roll back the GOP revolution than Washington. Washington was the only state west of the Mississippi (aside from hopeless Hawaii) that Humphrey carried in 1968, and has been solidly Democratic in every presidential election after Reagan. GOP primary voters, in a moment of temporary insanity, decided to help the Democrats by nominating a Christian right-winger for governor — a candidate who opposed abortion in a state where over 70% of voters went for legalization way back in 1972. Smelling a big victory, labor unions, environmentalists, and anti-gun nuts shelled out something like $1.5 million to swamp the airwaves with messages attacking freshman Republican House members. The result: the Democrats knocked off only two of the five GOP freshmen, leaving the state with more Republican congressmen than at any time in memory except the past two years. Elsewhere, the pickings were slimmer, and partially offset by conservative GOP gains in southern and border states, where Democrats retired in record numbers. The net result was a Democrat gain of between seven and 13 seats (six races, at press time, are still undecided), leaving the Republicans a clear working majority. This was hardly a great triumph for GOP conservatism. But given how well the cards were stacked against the Republicans, the election certainly showed no evidence that voters have any intention of overturning the "revolution of '94."

Unfortunately, the pragmatic conservative ideology that now seems to dominate the Republican Party leaves a great deal to be desired. The GOP has proved remarkably weak-kneed when it comes to cutting the size of government, reducing spending, and balancing the budget. They have replaced a rapidly growing government with a slowly growing government. And they seek to replace social engineering via redistribution of wealth with social engineering via prohibition of drugs and abortion, a government-mandated family structure, limits on free speech, and the destruction of civil liberties and property rights through a "war on drugs." An improvement, perhaps. But perhaps not.

As usual, voters showed a greater preference for liberty with their votes on ballot measures than with their votes on politicians. For the first time voters have been asked directly whether they favor distribution of government benefits according to race, and

I Was Bill Clinton's Running Mate

As I began walking onto the beach of San Diego's Hotel del Coronado on the morning of October 17, a Secret Service agent stepped in front me and told me to wait. Suddenly the president of the United States appeared. "Hi! How are you?" he asked with a smile.

"I could be better!" I responded. He ignored my comment and went out onto the beach to jog. I couldn't resist the opportunity. I ran up, shook his hand and asked, "Mind if I run with you?"

The Secret Service agents were closing in, but the president waved his hand. "It's okay. Let him go."

So for the next half hour, I had the president's ear. Clinton set a fairly rapid pace, but I was able to keep up and have a conversation at the same time. I introduced myself as an economics professor at Rollins College and the editor of *Forecasts & Strategies*, an investment newsletter. I remarked that the stock market has performed extremely well during the past four years.

"I hope the market does as well in the next four years under my administration," he ventured.

"Well, it won't if you try to introduce socialized medicine again," I replied.

And so began a rather warm debate on economic policy. He could tell that I favored free markets; so, being the consummate politician, he frequently mentioned his favorite "market solutions" for Medicare and other national issues.

I told him that if he really wanted to ensure that the current bull market would continue, he should sharply cut the capital gains tax. "Germany and most of the Asian Tigers have a zero capital gains tax and use capital efficiently. Meanwhile, our nation is at a disadvantage with one of the highest capital gains tax rates in the industrial world."

His response surprised me: "I support a capital gains tax cut." Then he added a caveat: "But it must include a small alternative minimum tax to insure fairness." In other words, a capital gains tax in name only.

We continued to talk about the tax burden in the United States, which I said was too high. I gave him a personal example. Every year, I give up to $10,000 to Rollins College for scholarships for needy students, but last year, I could not. Because of his tax increase, last year I sent all my surplus wealth to Washington, paying over $100,000 in taxes — money that could have been spent on hiring people,

mative action. Golden State voters also passed a "medical marijuana" measure that legalizes marijuana with a doctor's "recommendation" and will likely have the practical effect of legalizing the devil weed. Voters in Arizona passed a measure decriminalizing marijuana with a doctor's prescription, by an even bigger margin.

Voters tended to favor restrictions on the power to tax. California voters enacted a requirement that any tax increases be approved by a majority of voters; they also required a majority of property owners to approve any increase in property taxes. Florida voted to require a two-thirds majority of voters for any tax or fee increase, while South Dakota now requires a two-thirds majority of the legislature or a majority of voters, and Nevada now requires support from two-thirds of the legislature. A similar measure failed in Oregon, and Nebraskans turned down a measure to cap local property tax. Oregon voted down an increase in its cigarette tax and Floridas turned down a tax on sugar production. Voters in the Show-me State turned down a measure to create a "Department of Aging," praise Yahweh, but Arkansans voted to increase sales tax and Hawaiians voted to subsidize hurricane insurance.

In other measures of interest to libertarians, Californians passed a limit on campaign spending. A higher minimum wage was passed in California, but similar proposals were rejected in Missouri and Montana. Missouri's was an especially loopy proposal: it would have increased the minimum wage to $6.75 in 1999 and increased it another 15¢ each year for all eternity.

My first temptation is to compare Clinton's 1996 victory to Nixon's re-election in 1972. Both were victories achieved by presidents under the shadow of substantial evidence of criminal wrongdoing. Both campaigns were financed in part by illegal campaign contributions. And both were easy victories over candidates who were personally unattractive. But I think the better parallel is the 1956 re-election of Dwight D. Eisenhower. Like Clinton, his party lost control of both houses of Congress in its mid-term election. Like Clinton, he benefited from a prosperous economy and voters' don't-rock-the-boat mentality. And like Clinton, he proved to have remarkably short coattails, despite his large margin of victory.

The underlying parallel is even more striking: Eisenhower was a conservative Republican who tempered his views to please an electorate that had gradually come to believe in the miracle-dispensing welfare state that Franklin Roosevelt had introduced to Americans two decades earlier; Clinton is a left-liberal Democrat who tempers his beliefs to please an electorate that has gradually come to reject that same faith.

But the parallel applies only to Eisenhower and Clinton as politicians. It is their contrast as human beings that will likely be remembered. Eisenhower was a war hero widely respected for his leadership and wisdom, a man of indisputed personal honor and integrity. Clinton is a draft dodger, held in contempt by all but his most partisan supporters, whose career has been characterized by dishonor and dishonesty.

In the summer of 1994, I predicted a Republican victory in the congressional elections that fall and Clinton's defeat in 1996, and argued that Bill Clinton would be the last Democrat elected president during the foreseeable future, and quite possibly ever. My first prediction proved to be correct,

---

investing, and giving to charities and other good causes like scholarships to needy students.

He nodded his head and added, "But I had to do something about the deficit." He complained about the high deficits created by the Reagan "supply-side" tax cuts during the eighties.

"That's another misconception," I told the president. "Tax revenues went up every year during the Reagan administration. You can't blame the deficit on the tax cuts, but rather on excessive spending — by both Democrats and Republicans."

He agreed. Both Republicans and Democrats were to blame, he said.

"Do you believe at all in supply-side economics?"

"Yes," he replied, "tax cuts increase revenues as they did under the Kennedy tax cuts. But we must not go overboard."

He picked up the pace as we headed back to the hotel, now filled with reporters. A woman started heckling the president, but we tried to ignore her. (The media, with its characteristic interest in substantial discussion, played up her verbal attacks, while a real debate was going on with me.)

We talked about the problems of Medicare. Clinton said he was glad to see the cost of medical care coming down to reasonable levels. He said he supported Medical Savings Accounts. From time to time, he mentioned what he planned to do in the next four years. (He was extremely confident of winning re-election and thought Bob Dole was a poor debater and challenger.)

Throughout the discussion, he referred to himself as a rich man. Pointing to me, he said, "You and I are both wealthy people who can afford to stay at expensive hotels like this one. If we stay healthy, we won't need to worry about Medicare. But I'm concerned about the less fortunate."

A Secret Service agent looked at Clinton and pointed to his watch, but Clinton kept on talking about Medicare. He was plainly enjoying himself.

Finally, I reached into my pocket and pulled out a dollar bill and asked him to sign it.

"It's illegal, but I'll do it anyway," he said, surely a reflection of the times.

He signed the dollar bill and gave it back to me. Our discussion was over, and I said good-bye. Returning to the hotel, I was approached by a horde of reporters and TV cameras, wanting to know about my one-on-one with the commander-in-chief.

A reporter asked, "Did he change your vote?"

"No," I said. "I want real change in America. I'm voting for Harry Browne, the Libertarian Party candidate."

—Mark Skousen

and for a while, I looked like a very smart fellow. Of course, Clinton's re-election proved my second prediction wrong.

But what about my third prediction, that Clinton will prove to be the last Democrat elected president in the foreseeable future? Certainly, the Democratic Party does not look very much today like a party that is about to roll over and die. Does Clinton's re-election undermine my brazen prediction? Am I ready to abandon it? The answer to both questions is "No."

The basis of my prediction was two developments:

(1) During the previous decade, American voters had gradually abandoned their old faith in the magic of government. They were no longer willing to accept the proposition that government can take a certain amount of property from its citizens with one hand (its tax collection system) and somehow manage to dispense even more property to its citizens with another (its welfare systems), thereby making everyone better off in the process. That view of government as miracle-dispenser — the dominant ideology of the past half-century — is not about to rise from its well-deserved grave. The 1996 election is another nail in its coffin.

(2) A combination of special interests and ideologues unable to recognize this change controls the Democratic Party, and will continue to do so in the foreseeable future.

Of course, I recognize that Bill Clinton was (and remains) a remarkably talented politician, one adaptable and skillful enough to cobble together the old Democratic coalition of interest groups and tired old ideologues one last time. On November 5, Clinton managed to be re-elected, thanks to a prosperous economy and the Republicans' idiotic decision to nominate Bob Dole. I realized at the time that Clinton's re-election was the least certain of my predictions, as well as the least important. After all, predicting an incumbent president will be tossed from office is generally a sucker bet. Only three times in this century has an elected president failed in a re-election bid: Hoover in 1932, Carter in 1980, and Bush in 1992. Hoover's loss came in the wake of the Great Depression, Carter's in the wake of the horrible inflation and recession of 1980, and Bush's in the face of a weak economy and an independent candidacy that diverted mil-

Goring Lincoln

During the embarrassingly boring vice-presidential debate, Jack Kemp explained why he opposed a government policy of discriminating in favor of people of certain ethnic backgrounds:

> My life has been dedicated to equality of opportunity and our democracy should provide that. Quotas have always been against the American ideal. We should promote diversity, and we should do it with a new civil rights agenda, based upon expanding access to credit and capital, job opportunities, educational choice in the inner cities for a young urban mother who can't get . . . an education . . . for her child, and ultimately the type of ownership and entrepreneurship from public housing residents in Washington, D.C., to Nickerson Gardens in Watts, Los Angeles. People need to own, and that's what Abraham Lincoln believed, when people own something, they have a stake in the American dream.

Vice President Al Gore responded with a nifty putdown:

> With all due respect, I do not believe that Abraham Lincoln would have adopted Bob Dole's position to end all affirmative action.

What Lincoln thought about how the law ought to treat African-Americans is not a matter for speculation. Lincoln had definite opinions, and he stated them very colorfully. In the Lincoln-Douglas debates, for example, Stephen Douglas asked him whether he favored allowing "the Negro" (as African-Americans were then known) to be American citizens. Lincoln responded:

> He shall have no occasion to ever ask it again, for I tell him very frankly that I am not in favor of Negro citizenship. . . . If the State of Illinois had that power, I should be opposed to the exercise of it. That's all I have to say about it.

In response to Douglas' suggestion that Lincoln believed in the equality of the races, Lincoln said:

> I will say then, that I am not nor ever have been in favor of bringing about in any way, the social and political equality of the white and black races — that I am not, nor have ever been in favor of making voters of the Negroes, or jurors, or qualifying them to hold office, or having them marry with white people. I will say in addition, that there is a physical difference between the white and black races, which I suppose will forever forbid the two races living together on terms of social and political equality and inasmuch as they cannot so live, that while they do remain together, there must be the position of superior and inferior that I as much as any other man am in favor of having the superior position assigned to the white man. . . .
>
> I have said that separation of the races is the only perfect preventative of amalgamation. . . . Such separation . . . must be effected by colonization.

Lincoln's "solution" was simple: ship the blacks "back" to Africa, or perhaps to someplace in Latin America. For Lincoln, the United States should be for white people only.

Americans have elevated Lincoln to the status of political saint, so most have forgotten or suppressed the memory of old Abe's less pleasant opinions. The fact that Lincoln's approach to race relations is closer to that of the American Nazi Party than to that of contemporary Republicans — let alone contemporary Democrats — is replaced by Al Gore's fantasy that Lincoln would have supported advancing the status of African-Americans by force, leaving the hapless Jack Kemp unable to respond.

—R.W. Bradford

lions of votes from his total. Indeed, I backed away from this prediction early in 1995, when it became evident that the Republicans would almost certainly nominate Bob Dole.

What I did expect is that the American public's loss of faith in the old welfare state ideology would continue to be evident in 1996. And it did. For the first time since 1928, the Republicans managed to keep control of both the House and the Senate. The new Senate will be far more hostile to left-liberal thinking than the old, and the new House will be more hostile than any House in the past half-century except possibly the body elected in 1994, despite the huge amount of resources pitted against them and the weakness at the top of their party's ticket.

So I see nothing in the 1996 election returns that undermines my prediction. Of course, I still recognize that American politics is an incredibly chaotic mix of interest groups, opinions, personalities, and influences, ebbing and flowing and eddying in a way that is ultimately unpredictable, at least in any scientific sense. Of course, I still recognize the possibility that the Democratic Party may somehow free itself from the control of special-interest groups and tired old ideologues. And, of course, I am aware that some external shock (another depression or war) might ignite the desperation that leads to a rebirth of statolatry.

But I don't see any evidence that any of these developments is occurring, or is likely to occur any time soon. Everything that happened in the 1996 election was entirely consistent with the thinking that led me in July 1994 to predict a GOP victory that November and to predict that Bill Clinton would be the last Democrat elected president in the foreseeable future.

And just what does the foreseeable future hold? An amusing time for all of us who enjoy American politics.

Hillary Clinton is likely to be indicted within the next few months. When this happens, what will the president do? Leave her to face the humiliation of trial and possible conviction and imprisonment? Or give her a presidential pardon, and put himself in the uncomfortable position of pardoning his own wife for actions she took with his cooperation and for his benefit as well as hers?

If the president himself is indicted — and there remains an excellent chance that he will be — the situation is even more intriguing. Will he pardon himself? Or resign, with the understanding or hope that Al Gore will pardon him? And what will Gore do if faced with such a situation? Surely, he will recall what happened to the last president who inherited his office and pardoned the man who had resigned from that office under pressure. Gore may not wish to face the fate of Gerald Ford. ❑

Election '96

Grand Old Dinosaur

by Stephen Cox

November 5 was Guy Fawkes Day, the ironic commemoration of a Roman Catholic conspiracy that once tried and failed to bring down the English government.

November 5 was also Election Day in the United States. It too merits commemoration by the friends of government. It demonstrated, yet again, just how hard it is to carry out a revolution — especially if you're a Republican.

"Revolution," of course, is putting the Republican Party's aims a little too high. Most Republican leaders are about as revolutionary as Barney the Dinosaur. In fact, they *are* Barney the Dinosaur. The G.O.P. owed its landslide in the election of 1994 not to Barney but to more fully evolved party cadres, people who were capable of reading. These people discovered, in a book somewhere, the libertarian idea of limited government. They thought it made sense, and they used it to frustrate the Clinton administration's ambitions for vast increases in state power.

In 1996, however, the advanced elements lost control of the Republican presidential campaign. After long and exhausting pillow fights, Barney recaptured party leadership, and his soft, walnut-sized brain began assiduously plotting schemes of victory in the general election. It was obviously going to require quite a lot of singing and dancing to pry aging child star Billy Clinton away from center stage.

Barney stood there in the footlights, holding tight to his best friend, Bob Dole. When the television cameras swivelled toward them, both were smiling broadly. But Barney hadn't decided what song they ought to sing! Truth to tell, he was ready to sing just about any song. What he needed to know was which one the people came to hear.

Barney peered out into the audience, and — my oh my! — the very first thing he saw was a lot of grumpy people who would never, never, never even consider singing along with *him*. These were Billy Clinton's friends, all right. In 1992, Billy had gotten 43% of the vote (which was pretty good for a boy like him), and almost all of his voters were still around.

Barney beckoned to some of his own pals, who happened to be pollsters and political scientists and such, and he asked them who these Clinton people were. So they told him. A lot of Billy's friends turned out to be something called Identity Democrats. (That's a long name, I know, but I think you can say it if you try.) Ages and ages ago, it seemed, the Identity people had been kidnapped by the Democratic Party and hypnotized into believing that it was their only friend and that without it, they would lose

their Identity and just be no one — or maybe they would even be Republicans, which was worse. The hypnosis had never worn off. Barney noticed a lot of people sitting there on the left side of the auditorium who must have been kidnapped as far back as 1933. Some of the others looked as if they had actually worked all their lives for the government! Not much of a life, thought Barney; I'd rather be an entrepreneurial capitalist. (Occasionally it occurred to Barney that he, too, worked for the government, but for some reason he had a hard time remembering that.)

Barney could also see some people out there who kept switching back and forth. They had voted for Billy in 1992, but from time to time they had voted for Barney, too. Some of them were ladies and gentlemen that I will call Domesticated Voters (for that is what they were): nice people who had nice Values but had been given mean books to read about how Newt Gingrich is the bogeyman and if you don't watch out, Jesse Helms will get you and eat you up.

The Domesticated Voters, as I say, were always very nice, very nice indeed; but right beside them were some other people who (and I am very sorry to have to tell you this) really cared about absolutely nothing except how much money they had in the bank. These were the Economically Inclined Voters, which is a long, hard name to say; but they were actually very simple folk. We might just call them the Paycheck People. If the economy was "good," they voted for the president. If the economy was "bad," they voted against the president; and they didn't even care if he was a nice man or not. In 1996, somebody told them that Billy Clinton was busy out in a field somewhere "growing the econ-

Civic Goulash

How should a person decide how to vote? According to what was called "political science" when I went to college a quarter-century ago, a voter makes his decisions on the basis of what is best for society at large. "Public Choice" analysis, on the other hand, holds that voters almost always make their decisions on the basis of self-interest.

The modern politician prefers ascribing a façade of altruism to his supporters while making appeals to their crude self-interest. Consider this excerpt from a stump speech by Hillary Rodham Clinton, on the steps of New Haven city hall. First, she appeals to voters' higher nature:

> If you do not care about your obligations to the larger community, if you do not see that there is a role for all of us to play in improving life for our neighbors, then the work that must be done to enhance America's future will not occur. We have seen around the world what happens when people with education, with economic prosperity, have no belief in the common good, have no sense that they are responsible at all for anyone else.

Then she spells out what will happen if voters ignore the noble call to act for the benefit of their neighbors:

> All we have to do is look at the nightly news. I saw that first hand when I was in Bosnia last spring. (It was spring vacation so I took my daughter. We went at my husband's request to thank our American forces for the work that they did there.) We went to Tusla, which is the American headquarters, and I met for a few hours with civilians, Muslims, Croats, and Serbs. I listened as doctors and nurses told me what it was like to care for patients under bombardment. I listened as teachers explained how they tried to keep track of their students only to find that they were injured or missing or dead. I listened as women told me about the day that the knock came on the door and they opened it to see neighbors surrounded by strangers who had come to take away their husbands or their fathers or their sons and they have not seen him since.
>
> One man said, "I want to thank the president and American people for what you are doing to give us a chance to have a peaceful and normal life again. But more than that I want you to thank Americans for the example that they set. We look at you and we see that despite your flaws and imperfections that you keep trying to get along with each other for people of different backgrounds, races, ethnicity, religion to work together with respect. That is something that we need from you."
>
> I understood what he meant when I got into one of those big army helicopters and went out to two base camps, Camp Alicia and Camp Bedrock. As I got out of the helicopter I saw the soldiers who were massed to greet me. And what did I see? I saw men and women in uniform. I saw black and brown and white faces. I began to shake hands and I heard the accents of every region of America. And as I began talking with our soldiers, I recall clearly their reactions to the experiences they were having.
>
> One young man said, "You know before I got here I didn't understand what was happening and now I see how important it is to give these people this chance for peace." He said, "Sometimes the progress is very small. . . . [P]erhaps we see a house that has been abandoned once again inhabited because there's a line of wash hanging outside or we hear the sounds of children playing." He said, "You know, these people hate each other, and they all look alike to me." He went on to say, "In the neighborhood I come from you know who is different, and you have to get along with them, but here there is so much hatred, so much history, and I think that when when they see us working together maybe it makes an impression. And it does, and it's something that each of us should value."
>
> When I returned and I talked to my husband about what I had seen and learned, I told him that more visibly than I could see it anywhere

omy," so these people were going to vote for him. That was why the 43% that he got in 1992 looked like it might turn into 50% in 1996.

Then Barney remembered that he had some friends of his own to depend on, and he started counting them on his eight big fingers. There were the Southern Conservatives over here, and the Western Conservatives over there; and the Church Committee, always sort of edging up toward the stage; and the Angry Moralists, just behind them, with the Good Government Cranks; and a lot further back, casting shifty glances toward the door, the Buchananites and the Rightwing Intellectuals. Those last two groups, Barney had learned, didn't really like each other; but they were both staying around for the Barney Show because neither of them had any other place to be. Hmmm, Barney thought.

Finally, Barney saw a lot of Technocrats scrunched down in their seats, reading science fiction in the dim, uncertain light; and near them was little Rush Limbaugh, who had taken to sitting in his chair and scowling all the time.

Well, Barney thought, these people sure need to perk up a little! And he thought he knew exactly how to perk them up. Barney bent over (and he was looking a lot like Mr. Haley Barbour when he did that), and he whispered something to Ol' Bob Dole. Then they both started singing:

> Look at me! Look at me!
> I'm not Clinton, can't you see?

That'll get 'em to the polls, Barney thought.

Having energized his base, Barney decided that he was ready to try to steal some of Billy Clinton's friends. If only, he thought, Bobby Dole (who could play a little rough at times) would keep from saying anything "personal" about anyone, including Billy Clinton, or anything good about Bob's own friends, especially Newt Gingrich. Maybe Bob could just pretend that *nothing* happened back in '94! No health care plan, no scandals, no contract with America, no nothing! That would reassure the Domesticated Voters, who were, Barney sensed, very easily ruffled. As for the Paycheck People, Barney would get them all talking about his brand new pal Jack Kemp, who could entice them with his 15% tax cut and his promise to burn the entire tax code (yes, all of it) at Barney's very next birthday party.

But then something curious happened. Jack decided to spend virtually all his time trying to make himself popular with — you will never guess, so I will have to tell you — the Identity Democrats, people who wouldn't vote for him in a million million years! Jack went so far with his appeals to the multiculturalists and the Roosevelt crowd and the people who hated Nixon that Jack's opponent, Al Gore, said that even if nobody else in the world liked Jack (and he seemed very sure that nobody did), still *he*, Al Gore, liked Jack very, very much. Yes, he did, because he thought that Jack was the only voice for "moderation" in the whole Republican Party.

Jack enjoyed the compliment, but his enjoyment, strangely enough, did very little to make the Republican base want to get up out of its seat and cheer for him. Meanwhile, the softer part of the Democratic base, the Economic people that Jack invited to his tax-code bonfire, were wondering exactly where and when and *how* that party was supposed to happen. Somehow, he

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> else, I understood what was at stake in the great American Experiment as we move toward this new century. That individual success — individual education and economic success — is certainly important, but it is not enough, that we have to feel and believe that we are bound together in this American experiment and that as members of this community we are committed to building a bridge into the twenty-first century, a bridge that is big enough and strong enough and wide enough for all Americans to walk across together. *(applause)*

This is a genuinely bizarre digression. Strip away the gratuitious references to her "husband" and the explanation that "it was spring vacation so I took my daughter," both transparently aimed at portraying the Clintons as a traditional family. Strip away the patriotic appeal to America's military might as a force for good in the world, and the obviously made-up story about the Bosnian thanking "the American people" for sending in troops to occupy their country, thereby inspiring the Bosnians toward peace and brotherhood. Strip these away and what is left?

Only a preposterous claim that the war in Bosnia resulted from people failing to act out of "obligations to the larger community." Wars are *always* acts of selfless concern for one's obligations to the larger community, at least on the part of those actually on the front lines. Soldiers, whether Nazi invaders of Russia or American invaders of the Confederacy, whether Soviet defenders of Stalinist Russia or southern defenders of the Old South, whether Cuban guerillas fighting against Batista or against Castro, whether Bosnian Muslims killing Bosnian Christians or Bosnian Christians killing Bosnian Muslims, are acting in hopes of enhancing their enthno-cutural-religious community's supremacy or survival.

But it sounded good and appealed to patriotism and family values. Mrs. Clinton quickly wrapped up by getting to the bottom line:

> In 18 days we will make a decision that is in many ways far more about you and me than it is about Bill Clinton or Al Gore or their opponents. Yes, we'll be voting as to who we want to be in the White House. But we will be voting about what kind of future we expect to have and about how willing we are to contribute to making it.
>
> If each of you will not only do your most elementary task as a citizern by voting but spend your time talking with others about what is at stake then I have no doubt that when this election comes, people will *vote their own interests*, they will vote with confidence and optimism about the future, they will *vote for themselves* and they will vote to re-elect Bill Clinton and Al Gore. Thank you all very much!

There you have it. Just 637 words after exhorting voters to "care about your obligations to the larger community," Mrs. Clinton exhorted them to remember to "vote their own interests" and "vote for themselves."

—*R.W. Bradford*

couldn't tell them!

It is possible that Mr. Dole, an older, wiser figure, had persuaded Jack to cancel the bonfire, because he knew that some government official might get hurt. Anyway, Old Uncle Dole had a better idea about how to get people to vote for Jack and him. His idea was: he would tell them fairy tales! To wit:

> The Clinton administration made little children turn to drugs.
>
> The American economy is the worst it has been in a hundred years.
>
> The Republicans love Social Security and know precisely how to fix it.

These silly stories, sad to say, put everyone to sleep, even the Domesticated Voters, who had been troubled by the scary idea that Barney and his friends were a bunch of he-man jerks. Now the Domesticateds could take a rest, because they could see that the Republicans were just play-acting after all. "Well, do *something*!" Barney said when he saw the people looking groggy. So Ol' Mr. Dole started telling about how he fought in World War II, and Jack Kemp, who was always red-faced and sweating because, I think, he tried to fit into clothes that were three sizes too small for him, shouted a bunch of reminiscences about his days playing football.

"No, no!" Barney shouted, and he ran around the stage and waved his hands. "That's not what I *wanted*! That's not what I wanted at *all*!" But the matinee was already over. The workmen were already taking down the sets for the kiddy shows and moving in heavy furniture for the Whitewater Trials.

Everything considered, it was a fun afternoon (though the evening performance is bound to be better). But what did we learn from our experience?

First, we learned that the Clinton Democrats are almost as bad at campaigning as the Barney Republicans. In August, Clinton was polling about 49%, and that's what he got in the election. Against Dole and Kemp, he didn't have to accomplish much of anything as a campaigner, and he didn't. The labor unions and the ideological Democrats tried their best to unseat the most conservative Republicans, chiefly the freshmen in Congress, and they failed disastrously. Four out of five of the freshmen held their seats.

Second, we learned that the pollsters' method of targeting campaigns to various socially defined groups — the aforementioned Identity Democrats, Paycheck People, and so forth — has definite limitations. The Republicans tried to make themselves look like multiculturalists, so they could muscle in on traditionally Democratic social groups. They failed. The Democrats tried to make themselves look like conservatives, so they could muscle in on traditionally Republican social groups. They also failed. A remarkably low voter turnout, supposedly the lowest since the 1920s, afflicted both the Republicans and the Democrats. Trying to add one group to another, largely by means of image appeals, both parties failed to attract and motivate individuals, even in their core constituencies.

The sorry truth is that if you want to attract support, you should offer people some plausible reason for supporting you. You should try to engage their minds. If you don't have a "vision," you could at least use a coherent argument.

Believe it or not, the Democratic leaders have a coherent argument. They hold that government exists to take care of people in every possible way; they therefore plan a continual expansion of government. The Democrats, however, do not want to state their premise openly; even in modern America, it still sounds bad to the vast majority of people in all social groups. This is a long-standing handicap for the Democrats.

The thinking minority of the Republican Party leadership — formerly represented by the hapless Kemp — has a much better argument, the argument for limited government. That argument, which the Republicans stole from the classical liberal tradition, gave the modern "conservative" party its only real chance to compete successfully with the long-entrenched Democrats. That argument won the 1994 election, in the teeth of the Clintons' scheme to bankrupt the country with gigantically benevolent programs. That argument offered the Republicans a distinctive, forward-cutting edge for the 1996 campaign.

At the San Diego convention in August, Dole and Kemp spoke eloquently for the idea of limited government, and offered obvious and attractive inferences from that premise: lower taxes, an end to the IRS "as we know it," and so on. In the campaign that followed, however, they failed to state their proposals sensibly and coherently. They allowed themselves to be dragged into quibbling discussions about Clinton's proposals to help this group of people and that group of people. They never thought it might be a good idea to refuse this sort of engagement and demand a serious debate about the big-government philosophy from which the individual proposals continually emanated.

They seemed incapable of insisting on the obvious linkage between the arrogance of the Clintons' ideology and the stupidity of their political schemes — the health care proposal, the attempt to frustrate welfare reform, the promised tax cut that was replaced by a giant tax increase, not to mention the purge of the Travel Office and other such revealing clues to the real nature of big-government arrogance.

Afraid that the Barney costumes in which they stumbled about so ludicrously might be soiled by any contact with "dirt" (the media's name for truth), Dole and Kemp addressed the Clintons' scandals by inventing surrogate political issues. Dole apparently wanted to use the alleged drug-enforcement problem as a way of suggesting Clinton's moral depravity without giving himself the image of (oh, horrors!) someone who regarded individuals in a moral light. Far be it from Dole, the master politician, to think of making, early in the campaign, a dignified, grandfatherly statement, to this effect:

> Serious moral charges have been raised against many people in and around the current administration. Serious charges against the president himself are under investigation. It's not my place to judge the private morality of other people. But government officials wield enormous power, and their reputation for good conduct ought to be commensurate with their power. I am sorry to say that the current administration appears to fail this test. I invite the

president to discuss this matter fully, specifically, and soon.

By hollering about the surrogate issue of drugs, Dole merely gave Clinton an opportunity to show that *he* could holler about drugs, too. Being the incumbent, Clinton could also "take action" against them — by expanding the government's powers. Never was Clinton put in the position of having to respond, or to run away from, serious moral allegations. More important, never was the country put in the position of thinking carefully about the arrogance and corruption that are inseparable from unlimited government. If there was a limited-government argument in most of Dole's campaign utterances, it was encoded by a master cryptographer.

Admittedly, the limited-government argument takes a certain amount of brains to make — and guts, too. Spokesmen for endlessly expanding government programs can usually point to *some* blessings bestowed on the subject population. They can always point, as Clinton is always pointing, to Mrs. Someone from Somewhere, who will surely be very grieved to learn that a Republican congressman could actually oppose the Beekeepers' Education Act that sent her son to college. Spokesmen for limited government must constantly challenge people to use their heads and imagine (1) how terrible it would be if the government kept expanding forever, or (2) how many good things might have happened if the resources devoted to government had remained available for private use.

But such arguments are not impossible to make. They have, indeed, been made: by libertarian and conservative research foundations, by the Libertarian candidate for the presidency, by most of the freshmen Republicans, by Jack Kemp himself in his earlier days. Yet I have grave doubts that even the campaign of 1996 will give the Republican leadership the brains and guts to stick with these arguments, and make them stick.

On the day after the election, muffled calls for retreat could already be heard in the ranks of the G.O.P. leadership: reflections about the smaller Republican majority in the House and the consequent necessity of "working together with the president"; sweet agreements with media commentators who have discovered (surprise, surprise!) that "cooperation with the president" is the will of the people; eager desires for "bipartisan action" to avert or disguise the collapse of Medicare; above all, wistful yearnings for salvation by miraculous aid of the Special Prosecutor. Maybe if we just stand here and look *cooperative*, like the demure dinosaurs we are, somebody else will take care of our problems, and we can win *really big* in the year 2000.

But I don't know. I think that even Al Gore may be a match for Barney. ❑

Election '96

The Browne Campaign: Triumph or Disaster?

by Chester Alan Arthur

The Libertarian Party's Harry Browne managed to get a total of around 470,000 votes. That's an increase of some 59% from Andre Marrou's total in 1992. This increased showing was not unexpected, considering that the 1996 campaign enjoyed several very substantial advantages over the 1992 effort:

(1) *A much less hotly contested race among the major parties, with the incumbent Bill Clinton enjoying a huge lead in the polls ever since the political season began in mid-summer.* Voters have long shown an inclination to shy away from third parties when races are perceived as close.

(2) *Much less competition from Ross Perot than in 1992.* In 1992, Perot was widely perceived as a serious contender who could effect real changes in the political process.

(3) *A much more articulate candidate in Harry Browne.* Browne is a seasoned public speaker, with very extensive experience in the give-and-take of interviews; Marrou was sometimes embarrassingly inarticulate.

(4) *More money.* Browne's campaign raised a total of about $1 million during the campaign, and the national LP another $2 million during the election year, compared to $800,000 raised by the Marrou effort and another $1 million by the national LP in 1992.

(5) *A much better-managed campaign.* By major party standards, of course, Browne-LP financial resources were pitifully small, but Browne and his staff managed to get a lot of bang for their buck by concentrating their efforts on getting Browne exposure on talk radio and by concentrating their advertising spending late in the campaign. It was difficult to perceive any plan at all in the Marrou election campaign, and such television advertising as it used was bereft of ideological content.

The Browne campaign was much more media-savvy than previous Libertarian campaigns, sending an endless stream of intelligently written press releases to hundreds of newspapers and arranging more than 500 media appearances. In addition, it ran the best Internet campaign of any of the candidates.

As I write these words less than 24 hours after the polls closed, Browne

and his spin doctors are already busy trying to convince donors and supporters that the effort was worthwhile, and furthermore, that the effort and investment ought to be redoubled.

The case they make is not very convincing. Consider the following, from a post-election statement by Browne:

> As I write this, we don't have final vote totals. But, even so, there's no question we have a great deal to be pleased about.
>
> Our total vote will far surpass the 1992 total — close to doubling it.
>
> Based on the media coverage received, we far outpaced the other candidates. We apparently received about 1/18 of Ross Perot's vote total, while getting less than 1/100 of his media coverage. We got roughly the same vote as Ralph Nader, while receiving less than a fifth of his media attention. Evaluating our performance this way, it was even better when measured against the coverage given Clinton and Dole. And we far outpolled all the other small parties.
>
> For a $3 million campaign and a party with 20,000 members, we achieved a great deal.
>
> But it's obvious that we will never break into the big leagues with a $3 million campaign.

That's about as positive as you can spin a fifth-place finish. In actual fact, Browne got about 61% more votes than Marrou, not "close to double." Nader garnered 23% more votes than Browne, which I suppose may be considered to be "practically the same," as Browne maintains, though this is a pretty charitable characterization. It was the second-best LP vote total in history, as the party observed in its press release, but only about 9% better than Ron Paul's total in 1988. And if you eliminate the votes that Browne won in the four states in which Paul's name was not on the ballot, Browne's vote total is virtually identical to Paul's.

In terms of cost per vote, Browne spent about $6.38 versus Perot's $3.81 or Ron Paul's $4.50. Nader, the fourth-place finisher, spent much less, apparently less than a penny per vote. (Nader's campaign was basically a book tour, during which he reportedly slept on the couches of his supporters.)

"I think we ran the best $3 million presidential campaign you can run, with the best presidential candidate," said Sharon Ayres, Browne's campaign manager. "But we've run up against the limits of what's possible with a $3 million campaign. If we're going to compete more successfully in the year 2000, we're going to need a lot more members, more resources, and more money."

But Ayres was paid a substantial salary by the campaign, and Browne earned royalties from his campaign book. Their opinions are important, perhaps, but not nearly so important as the opinions of those who paid their salaries, and financed and worked on

Spin Cycle

The Harry Browne campaign seems worried that party members will be disappointed that Ralph Nader got more votes than Browne, despite Nader's having run a shoestring campaign. From a press release sent out the day following the election:

> However, a last-minute vote surge in California pushed the highly publicized Ralph Nader, the candidate for the Green Party, past Browne in popular votes. Nader ended with about 577,000 votes. . . . Browne noted that the presidential race had been called by the time California voters went to the polls, so many Clinton supporters cast meaningless protest votes for Nader.

Browne didn't cite any evidence for this claim, and there is little evidence of any "last-minute vote surge" for anyone as a result of the voters changing their votes from Clinton or Dole because they figured the outcome of the election was already determined. This should be painfully obvious to Browne. Consider the following press release, sent out just before the election:

> "Bill Clinton is going to win this presidential election by a comfortable margin. So he doesn't need your vote," Browne tells voters in full-page ads in three Western newspapers. "Bob Dole is going to lose this election by an uncomfortable margin. So he can't use your vote. But you can invest your vote for president, and use it to make a powerful statement about what you want."
>
> The ads are appearing in the *Rocky Mountain News* in Denver (Colorado), the *Anchorage Daily News* (Alaska), and the *Honolulu Advertiser* (Hawaii) on Monday and Tuesday.
>
> Browne argues that the results of the presidential contest will be known before Western voters cast a ballot, so they won't be able to influence the election — unless they vote Libertarian.
>
> "The choice is yours: Cast a meaningless vote for Clinton or Dole. Or cast a vote that [is] loud enough to send a clear, forceful message to Washington, DC," say the ads. "Don't waste your vote on Bob Dole. It will just be seen as another vote for big government. Don't waste your vote on Bill Clinton. It's just a vote for bigger government. Invest your vote. Vote for Harry Browne, Libertarian for President."
>
> Browne's campaign manager, Sharon Ayres, explained the rationale behind the ads: "Obviously, all the polls say this election is going to be a blow-out for Clinton. So, we want to make sure Democrats, Republicans, and independents have a reason to show up at the polls to vote.
>
> "Democrats, confident that Clinton will win, can cast a protest vote for Harry Browne — and send a message of dissatisfaction to Clinton about his poor record on civil liberties," she said.
>
> "Republicans, resigned to Dole's defeat, can send a message to the Republican Party that they want genuinely smaller government — not a government that's 14% larger, like Dole was promising."

What was the effect of this tactic? In the states in which the Browne campaign made this pitch, Browne ran an average of 50% ahead of the Marrou totals of 1992. In the states in which Browne did not make this pitch, he ran an average of 61% better than Marrou. Evidently it did not work at all. If anything, it backfired. Attributing Nader's California vote total to "a last-minute vote surge" after the election was called just doesn't make sense.

—*Chester Alan Arthur*

their campaigns. The question of whether the money and efforts expended on the campaign were money and effort well-spent has to be answered by every individual who invested money and effort. As one of those individuals, I'm not really sure what the answer is.

For one thing, I am not entirely sure how the money was spent. Reports of high staff salaries and relatively little investment in advertising surfaced early in the campaign and persisted. The Browne campaign has promised me full details on its finances within the month, and I expect to have a full report on the subject in the next issue of *Liberty*. But campaign donors and volunteers ought to be concerned at a more fundamental level. If we take Sharon Ayres's evaluation at face value — if we accept her claim that this was "the best $3 million presidential campaign you can run" — and we recognize that conditions for a third-party challenge this year were very good, then we have to conclude that the only way a Libertarian Party campaign can significantly improve on the 470,000 votes Browne got is to have substantially more resources at its command. (Or else be a household name, like Ralph Nader — but how many household names would also be willing and able troubadours for the libertarian message?) Browne himself recognizes this. In his post-election commentary, he wrote:

> The task ahead of us is clear: we have to create a party so big, so strong, so well-financed that in the year 2000 no one can ignore us. We have to make an enormous splash before and throughout the next election year, so that the media will have to give us the same attention and respect they give to the two old parties. We have to be so well known to the public that the Republicans and Democrats can't hold a debate without us. And if they decide not to hold the debates at all, then we must have an army of people so large that we can carry our message door-to-door to every voter, and we must have the money to tell our story through advertising.

This, I submit, is even more grandiose than Browne's original goal of raising $50 million and winning the 1996 election. The simple fact is that LP growth tends to occur mostly during election campaigns, and that membership totals tend to decline between campaigns. This doesn't make substantial growth impossible in the immediate future, but it suggests that such growth is unlikely. Looking at the 470,000 votes after the expenditure of $3 million and goodness knows how many hours of volunteer effort, many donors and volunteers will inevitably doubt that their money and effort were well-spent. Some will leave the LP for greener pastures in the Republican Party and others will abandon political activism altogether.

Of course, the impact of the campaign goes beyond its ability to obtain votes. There is no doubt that the Browne campaign helped to spread libertarian ideas and that it helped build party infrastructure (i.e., a professional bureaucracy). These are certainly benefits. They are quite conducive to party growth. But gradual growth is not Browne's vision. He sees the transformation of a minor party — one that can claim only one American in 13,000 among its members — into "a party so big, so strong, so well-financed that . . . no one can ignore us." And he believes that this can be accomplished in just

Lost Opportunity

One obvious mistake the Browne campaign made was failing to offer an inexpensive paperback edition of Browne's campaign book, *Why Government Doesn't Work*, which remained available in a hardback edition priced at $19.95 during the entire 11 months since it was published. A less expensive paperback edition published at the height of the campaign would likely have sold very well and provided a much more useful tool for taking Browne's political program to prospective voters.

I asked Browne campaign officials several times when the book would come out in a less expensive edition. The first several times, they answered that they didn't know when it would be published or who would make the decision. Eventually, I was told that the decision was solely that of the publisher and that neither Browne nor the campaign had any say in it.

Given that the campaign spent a significant amount of money promoting the sale of the book and gave the book a central role in the campaign, it seems odd that Browne would agree to a contract that gave neither him nor his campaign any control over the paperback rights.

Also, it seems peculiar that St. Martin's would not want to come out with a paperback edition during the campaign, when demand for the book would be at its highest. With the campaign in full swing, a paperback edition would have sold quite well. With the campaign over, it's difficult to see how a paperback edition would sell more than a few copies. I doubt that any paperback edition will ever be published.

A real opportunity was missed.

—*R.W. Bradford*

three years, without the aid of a presidential campaign.

As much as I wish Browne was right, as much as I would like to see such explosive growth in the popularity of libertarian ideas, I simply cannot. In the past, Libertarian Party activists have sustained their activism during presidential campaigns by suspending their own good judgment, by believing against all reason that this time, somehow, the LP would break through into the big time. Browne encouraged this sort of thinking when he spoke of raising $50 million for his campaign and of winning the election outright.

Now, I fear, Browne is encouraging Libertarians to sustain their activism with an equally unrealistic expectation that if they work hard enough and contribute enough money to their party during the next three years, they will somehow manage to make 2000 the breakthrough year. Propagation of this belief, in my judgment, will only lead to a resurgence of burnout, that well-known phenomenon by which libertarian activists suddenly lose all interest in advancing libertarian ideas. It also runs the risk of undermining the very real achievements of the Browne campaign. Party membership doubled during the campaign, reaching its all-time high. Harry Browne articulated the libertarian message to millions of Americans, many of whom reacted positively, including about 450,000 people who were not members of the LP but who cast their vote for him. Right now, I'm inclined to believe these benefits are reasonable return on my own investment of money and effort in Browne's campaign. And I hope that others will feel the same.

But Browne and his staff need not raise false hopes among their volunteers and donors to justify their efforts. The cause of liberty will not be advanced by selling false expectations to its proponents. The struggle for freedom requires a long-term effort. Liberty gains its adherents one at a time, and it will triumph when enough people come to understand its value. A sudden surge in people's affection for libertarian ideas would be wonderful. But one is not likely to occur by simply redoubling our efforts. ❑

Terra Incognita

New Haven, Conn.

The progressive ideas of economist Irving Fisher, as described by Philip J. Davis in *The Society for Industrial and Applied Mathematics News*:

> "For a while, he thought that a diet of bananas and peanuts contained all the ingredients necessary for life, and he estimated that a person could live on this diet for $35 a year. Whether he considered this a practical suggestion is doubtful; in any case, it was surely an anticipation of the kind of problem that would become standard in courses in linear programming: Find the minimum-cost diet that includes all the necessary dietary elements and excludes those that are counterindicated. In many different ways, Fisher's ideas were in advance of their time."

Washington State

Update on modern therapeutic techniques, from the *San Jose Mercury News*:

> According to a study by the Washington Department of Labor and Industries, 10% of a sample of patients had considered suicide before undergoing "recovered memory" therapy. After three years of therapy, 67% were suicidal.

Villenova, N.Y.

Judicial review in the Empire State, reported by the *Dunkirk-Fredonia Evening Observer*:

> Villenova Town Justice James R. Bradigan has been censured by the state Commission on Judicial Conduct for hearing DWI cases while drunk.

America

Curious poll datum:

> A *Washington Post*/ABC News poll found that 59% of people who claimed to have experienced close encounters with flying saucers preferred Ross Perot to Clinton or Dole.

Washington, D.C.

Retiring Senator David Prior describes one possible disadvantage he'll have to overcome when he returns to the workforce, as reported by the *New York Times*:

> "I don't know how to turn on a computer."

Judea

A prescient observation by former Libertarian presidential candidate David Bergland, from the *Harry Browne for President* site on the World Wide Web:

> "I am reminded of those great scenes from the Monty Python film, *Life of Brian*, in which the Judean People's Front (all six of them) and the People's Front of Judea (another half dozen) plot the overthrow of the Roman Empire. Such silly boys, to take up that quixotic, doomed quest. But, wait a minute — the Roman Empire is gone and Christianity is followed by billions of people. New social/political movements always start with a small group of committed radicals. Jesus and the twelve disciples were not exactly a mass movement in 25 A.D."

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

Essay

America (Fifty) First

by Bill Kauffman

"America, turn in and find yourself."
—*Paul Engle*

For one or two weeks last winter, a monster crawled into the sunlight from its hermitage in the American inland — the region known as the fever swamps to the rent-a-scholar trollops who give good opinion in exchange for a few thousand dollars from the scrofulous johns of Foundationville.

The monster is protean, it has many faces, but its visage in February 1996 was that of Pat Buchanan, whose nationalist message — encapsulated in the noble old motto "America First" — contained a hodgepodge of high tariffs and an end to foreign aid, no NAFTA and not many more Josés. For daring to commit the ultimate breach of post–World War II political etiquette — offering real dissent — Buchanan was hammered by the most hostile press of any candidate in memory, with the possible exception of George Wallace in 1968. In an eerie echo of the old Soviet Union, the Freuds and frauds of the corporate media adjudged him mentally ill. Indeed, you can always tell when an insurgent threatens the regime because he's called "nuts" and "paranoid" (as with Ross Perot) or denounced as the hate-seething product of authoritarian parents (as with Buchanan, because his mom and dad had the temerity to be believing Catholics). Buchanan stumbled — or was tripped — but not until being subjected to a Two-Minute Hate that was right out of Orwell's *Nineteen Eighty-Four* (with Pat, ironically, playing the role of Goldstein).

Like many *Liberty* readers — well, four or five anyway — I enjoyed seeing Buchanan rattle the cages, though after a few swats on the nose with a rolled-up *New York Times* he's become house-trained. Now he just sits there in the shabby corner the Republicans have allowed him, offering an anemic "woof" every few minutes. Good doggie. Let us hope that he'll soon return to his mangy cur form, roaming the neighborhood after the sun goes down, growling at the neuters on Haley Barbour's porch.

One of the oldest practices in the political burlesque game is exaggerating one's closeness to Powerful Men. The classic example is Sinclair Lewis' *The Man Who Knew Coolidge* — a blowhard on a train boring his seatmates with tales of a president he bumped into on a college green decades ago. In that tradition of fools I'll note that Buchanan stole a line or two from my recent book, *America First!*, and even said nice things about the book in New Hampshire, so please, for a few paragraphs, vest me with the same authority accorded the Plato and Aristotle of our day, Bill Kristol and Cokie Roberts.

"America First" is a superb slogan, almost as good as George McGovern's "Come Home, America." But it ought to apply only in a very narrow sense, that is, in placing the interests of our own people and republic — erstwhile republic — foremost in the conduct of foreign affairs. This means, in practice, staying out of foreign wars, abjuring imperialism, and not ceding an inch of sovereignty to supranational bodies.

But Pat Buchanan, alas, gave the phrase the loosest possible construction, and the bulk of the once-vaunted House GOP freshman class has gone down the same road, a path that turns out to be circular and dumps its traveler off at the front door of the leviathan he set out from at journey's beginning.

The nationalism of the Buchananites — who are, I believe, the most significant new force on the right in my lifetime — is praiseworthy when applied to the U.N. occupation of Somalia, but on the domestic front it carries the seeds of tyranny. It leads to a demand for a national law on abortion, which is properly a matter for local government, if any government at all. It leads to this silly effort by the Beltway Right — Ralph Reed and his

Caesar-sucking brethren — to define marriage in Washington, as though a union between man and woman in the eyes of God or one's family or neighbors or friends now needs the imprimatur of Uncle Sam. Federal marriage and divorce laws — which were proposed very seriously in the 1920s and are coming back today — are among the worst ideas on the right. A national marriage policy administered by Donna Shalala would so demean the institution of marriage that it would come to stand for little more than a way to get your favorite unemployed bedmate onto your health insurance.

Let us hope that Buchanan will soon return to his mangy cur form, growling at the neuters on Haley Barbour's porch.

An assertive national government may claim to put America first, but in practice America, by which I mean the thousands of little places and special cultures and age-tempered customs, is the first victim of nationalism. Not to in any way slight true patriotism and love of the whole country — the real country, the contiguous country, to hell with Guam and Hawaii and Alaska and Puerto Rico. For as Josiah Royce wrote in his 1902 essay "Provincialism": "The two tendencies, the tendency toward national unity and that toward independence of spirit, must henceforth grow together. . . . The loyalty to the Republic must not lessen the love and the local pride of the individual community."

But under the spur of deracinated elites — most from the old-money WASP classes that supplied the Wise Men who drowned our country in blood and tears and acronyms — "loyalty to the Republic" has come to mean participation in the emptiest of rituals: chanting "USA! USA!" as bombs and bullets paid for by our tax dollars murder obstreperous Africans and Serbs and whichever tribe is unlucky enough to be chosen Ragheads of the Week. Or reclining in the Barcalounger as TV correspondents with irritating foreign accents instruct us on the duties of empire and the sublimity of mass murder on behalf of our friend, the state. As a *Saturday Evening Post* editorialist put it in 1941, "Very few of those who maintain that it is sweet to die for one's country have ever done it."

A deep and rich loyalty to the Republic must be preceded by loyalty to some smaller constituent part thereof, whether Seattle or Oak Street or Indiana: to place America First and, say, Buffalo Second, is to put remoteness above closeness, and strangers above people you know. Politically, you wind up with a national war on drugs, a national war on poverty, a national war on tobacco, and a Buchananite protectionism that places the interests of Nashua over those of Yakima. You end up with an artificial national culture and a central state that will brook no obstructions from the yokels. You end up with Madonna and Waco. With *USA Today* and the corpse of Vicki Weaver.

The great American painter Grant Wood, a citizen in every good sense of the word of Cedar Rapids, Iowa, spoke of his efforts to create a Midwestern school of painting as "a revolt *against* cultural nationalism." His prescriptions for a regionalist art speak directly to the political implications of nationalism. Wood understood that "when the different regions develop characteristics of their own, they will come into competition with each other; and out of this competition a rich American culture will grow." Another time he asserted, "national expression . . . must take group form from the more genuine and less spectacular regions. . . . An American art will arrive through the fusion of various regional expressions."

I think there is a fairly direct link between political decentralization and cultural prosperity. Is it a mere coincidence that the two great flowerings of American letters — in the 1850s and the 1920s — occurred in eras oft-derided for their weak presidents and lackluster governments? I'll give you the novels and poems written while the presidents were Abe Lincoln and Woodrow Wilson and you give me work done during the golden ages of Franklin Pierce and Warren Harding, and your side won't be fit to sharpen my side's pencils.

I suppose President Pat Buchanan, like James Buchanan, would have fallen somewhere between Pierce and Lincoln. Buchanan and the Buchananites understand that empire is a burden that must be shed — and in this they stand in sharpest contrast to the Steve Forbes/William Weld "libertarian" wing of the party, which raises not a peep of protest against war or militarism or the crimes of the FBI or any action the central state takes, with the exception of the capital gains tax. Yet Buchanan could not resist the lure of the bully pulpit, a truly bizarre conception of the president as preacher-in-chief, so he wound up poking his nose into matters that are none of his business, as for instance the school curriculum of Des Moines, Iowa.

But then, this is perfectly consistent with the specious decentralism of the House Republicans. The House freshmen — those alleged radicals, copies of the Tenth Amendment sticking from their back pockets while their front pockets bulge with PAC money — gave us new national standards on drunk driving and child abuse, among other revolutionary innovations.

It is by now a hackneyed observation that the right of Gingrich, Bennett, Kemp & Co. — the Sunday Morning TV Talk Show Wing of the Republican Party — is perfectly satisfied with the size and scope of Leviathan, given a slight reallocation of money. The scalpel they said they'd take to the federal budget is more like a toenail clipper. Does anyone, for example, really believe that the Republicans want to defund PBS? They simply want to run it themselves, perhaps with the assistance of such government subsidiaries as Archer Daniels Midland, which seems to sponsor every single political

The Forbes/Weld "libertarian" wing of the GOP raises not a peep of protest against war or the FBI or any action the central state takes, with the exception of the capital gains tax.

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Urbanology

Coming Soon to a City Near You

by Randal O'Toole

Congestion quadruples, pollution goes up, and new railroads cost $100 million a mile. All thanks to local government by a waste disposal agency on federal steroids.

Oak Grove, the Oregon suburb where I live, is one of many neighborhoods that Portland-area planners want to "densify" through prescriptive zoning. These planners work for an agency known as Metro, which proudly bills itself as one of the strongest regional governments in America. Metro and related agencies think nothing of passing rules that, among other things:

- forbid some farmers to build houses on their land even as they force other farmers to subdivide for residential development;
- force employers to monitor and reduce the amount of driving done by their employees;
- require retailers to build tiny stores even as consumers indicate a preference for larger stores;
- demand that stores and other developments be designed in ways that developers have discovered, through hard experience, to be unmarketable;
- impose high-density developments on unwary neighborhoods of single-family homes; and
- drive up the price of single-family housing.

Metro and other regional governments, sometimes called "metropolitan planning organizations," are a product of decades of struggle between central cities and the suburbs that surround them. As soon as streetcars and automobiles made it possible to live several miles from work, people began moving to outlying areas where land was cheaper, life was less regulated, and taxes were lower.

To urban officials, suburbanites were parasites, enjoying the advantages of the big city without paying their share of its costs. So they proposed annexations and city-county consolidations to put the suburbs in the big cities' tax base and make their residents pay their fair share. Not surprisingly, people who had moved to the suburbs resisted. They formed towns of their own, making them immune to hostile takeovers — or so they thought.

In 1966, the U.S. Department of Housing and Urban Development required all urban areas seeking federal grants to form "metropolitan planning organizations." For HUD, this was simply a way to make sure the agency would not have to consider competing grant proposals from within a single urban area. But for city officials, it was a new tool for extending their reach over the suburbs.

Today there are more than 300 MPOs, or "metros," scattered across the country. Some are little more than intergovernment committees with post office boxes. Others are much more.

At first glance, the regional government idea seems to make sense. There are some issues, such as pollution, transportation, and protection of scenery and open space, that the individual cities, counties, school districts, and other governments in an urban area can't handle individually. But all bureaucracies want to grow, and once Metros were established, they started taking on more and more responsibilities, intruding further and further into peoples' lives.

Portland's Metro

Portland's regional government, the aforementioned Metro, started out as a solid waste disposal agency. That sounds innocent enough. Then it took over the Portland zoo. Then it became the chief planner for Portland-area transportation. With each new responsibility, it got more federal grants.

As Metro was growing, so was the New Urbanism, a movement in urban planning that believes that cities' chief problem is cars, which (they argue)

people rely on simply because cities are poorly designed for mass transit, pedestrians, and cyclists. New Urbanists also worry about loss of farms, forests, and open space. Everybody says that they don't want their city to look like Los Angeles, sprawling across thousands of acres of once-prime farmland. So New Urbanists call for urban redesign for transit and pedestrians

A key New Urban prescription for both cars and sprawl is higher-density development. Instead of building homes on half-acre lots, New Urbanists argue, people should live in apartments above retail stores and offices. Then they can walk to markets and work, and their communities will require less land. One subset of New Urbanists, the "Neotraditionalists," believe that building design is as important as urban layout. Neotraditionalists endorse large front porches, tiny garages, peaked roofs, and other design elements.

All bureaucracies want to grow. Once Metros were established, they started intruding further and further into peoples' lives.

Personally, I have nothing against the sort of cities that the New Urbanists favor, so long as people want them. There's nothing wrong with someone building or living in a walk-up apartment with shops on the ground floor. In some cities, New Urbanists are building demonstration communities to show how nice high-density living can be. But in the Portland area, they're going much further. Confronted with a population that doesn't want to live according to New Urbanist prescriptions, these ideologues intend to use Metro to ram their ideas down recalcitrant suburbanites' throats.

In 1992, Portland-area voters were confronted with a ballot measure titled "limits regional government." In fact, the measure gave almost unlimited powers to Metro, including the power to do all planning in the urban area and to force three counties and 24 cities to conform to its plan. Voters, most of whom did not understand this, approved the measure by a modest margin.

Metro quickly moved to enact a five-part program for urban and suburban renewal:

- densification of the residential areas within the growth boundary, to double or quadruple their current populations;
- construction of light rail lines throughout the area;
- prescriptive zoning codes that call for pedestrian-friendly and transit-oriented developments, especially near light rail lines;
- a 50-year plan for the region, complete with population and employment targets; and
- an urban growth boundary, outside of which little or no new development may take place.

Metro expects to finish its 50-year plan in 1997. Cities and towns will then have three years to revise their zoning codes and other ordinances to conform to the new order. Metro has already assigned all towns in the area population targets for both residents and jobs, and many are moving to revise their zoning codes.

The Urban Growth Boundary

Oregon's 1973 land-use law requires cities to have urban growth boundaries. Metro set Portland's boundary in 1979. Supposedly, it would be expanded when most of the land within it was developed.

During the 1980s, a lot of people moved to Portland, and by 1990, more than half its vacant land was developed. Population growth accelerated in the early 1990s, and housing prices skyrocketed. Homebuilders argued that rising home prices were due to the shortage of vacant land within the boundary and convinced the 1995 legislature to pass a "truth-in-planning" law requiring expansion of urban growth boundaries to insure a 20-year supply of vacant land.

By this time, however, an insidious problem had developed: now that the boundary had been set, it had become sacred. Many local environmentalists and city officials were, and are, lobbying relentlessly against expanding it. Since Portland is growing rapidly, the only alternative is to pack in more people. Metro seems to have adopted this goal.

Instead of expanding the boundary, Metro responded to the truth-in-planning law by giving all cities and towns in the area targets for increased residential densities. Planners have designated 35 "centers" connected by "main streets" and transit "corridors." These areas occupy about a quarter of the urban area, but planners want them to house nearly half of all new residents over the next half-century. Even though the 50-year plan is incomplete, several cities have already begun rezoning to meet these targets. The targets also include jobs, and zoning must provide for these as well.

Region-wide, Metro wants new housing developments to average more than 15 units per acre — less than 2,900 square feet per unit. That includes both multi- and single-family homes; developments of just single-family houses are to average 4,100 square feet per lot (e.g., 41 feet by 100 feet or 64 feet square). That's less than half the average of about 8,500 square feet per new home.

Densities in areas designated "centers" must more than double; corridors must nearly double. Existing neighborhoods of single-family homes will be left alone only if they are outside of a designated center or corridor and if cities can meet their population targets elsewhere.

These ideologues intend to use Metro to ram their ideas down recalcitrant suburbanites' throats.

In the centers, Metro wants to triple or quadruple existing population densities and to require retail developments on the same sites, thus meeting the New Urban goal of mixed-use neighborhoods where people can walk to market or work. Metro plans to have nearly half of all newcomers to the Portland area live in such high-density, mixed-use areas.

In many places, these targets are

ludicrous. For example, a typical urban office complex today might employ 60 or 80 people per acre. A typical apartment building might house 12–24 families per acre. Only in downtown cores do employment or residential densities reach these levels. Yet Metro is proposing several developments that would employ 90 people *and* house 25 or more families, all on the same acre. Effectively, Metro wants to build new downtown Portlands all over the urban area.

Frank Lloyd Wright understood 75 years ago that electricity, the automobile, and the telephone made downtowns effectively obsolete. Joel Garreau, author of *Edge City*, says that Wright was right: Americans haven't built any new "downtowns" in more than 80 years. Yet Metro planners are betting that nearly half of all new Portland-area residents will want to live in a downtown-like setting.

How do the New Urbanists answer those critical of their downtown orientation? With two words: light rail.

Light Rail

Light rail, say Metro planners, will attract people to live in centers, corridors, and other high-density areas. So Metro wants to build a huge system of light rail lines throughout the Portland area.

Portland already has one light rail line, completed in 1986. Planners projected that ridership would reach 41,500 people per day within five years of completion. In fact, ten years later, ridership is only about 27,000 people per day.

The reason is simple: light rail is an inflexible system that doesn't take people where they want to go. Developed over a century ago (when people called them "streetcars" or "trolleys"), light rail vehicles made sense in cities with no cars and little pavement, but can't compete against the almost infinitely flexible and convenient automobile.

In New York City, population densities are high enough for a rail system to make sense. But even if light rail can attract people in Portland to live in higher densities — which is unlikely — the light rail Metro proposes suffers from another problem: pork.

The federal government pays from 50% to more than 80% of the construction costs of light rail lines. Not surprisingly, for many city officials, light rail has become a way to transfer money from the feds to local contractors. Transit has nothing to do with it.

At a cost of about $14 million per mile, the first light rail line went 50% overbudget, but it was cheap compared to the lines now proposed. One line now under construction is costing $55 million per mile, while two others are projected to cost $100 million per mile. The total cost of one planned eleven-mile route is $1.5 billion. All eleven miles closely parallel one line of the Southern Pacific Railroad, which the Union Pacific just acquired for $3.9 billion. For less than three times the price, Portland could have bought not just eleven miles of railroad, but 15,000!

Frank Lloyd Wright understood 75 years ago that electricity, the automobile, and the telephone made downtowns effectively obsolete.

To Metro, the high cost of light rail has another benefit: it reduces the funds available for activities that might actually reduce congestion, such as highway expansion or improved bus lines. Metro regards congestion as a sign of "positive urban development." Americans live, on average, 22 minutes from their work. Increasing congestion will force people to accept longer commutes — or live in higher-density areas, Metro's real goal.

Portland already spends two-thirds of every public transportation dollar on mass transit. Boosting the cost of light rail construction will increase this to at least 75%. This means that highways will slow to a crawl. People will continue to drive, because even in bumper-to-bumper traffic, autos remain more convenient — and usually faster — than light rail (whose average speed is only 19 miles per hour). But they will tend to settle closer to work to keep their commute times down.

Metro plans to supplement light rail with "pedestrian-friendly" and "transit-oriented" design codes aimed at reducing people's dependency on the automobile. Pedestrian-friendly means that people can easily walk or take mass transit from home to work or market without being confronted with seas of parking lots, difficult-to-cross streets, and whizzing cars.

New Urban design codes call for all stores to front on the streets, with parking (if any) hidden in back; residential areas with homes on small lots fronting narrow streets; and more pedestrian ways and bike paths. In other words, "pedestrian-friendly" means "auto-hostile," with parking limited and traffic "slowed." The theory is that more congestion means more local business.

In effect, Metro is designing a city for the 6–10% of people who walk, bicycle, or ride mass transit, to the exclusion of the 90–94% of people who use automobiles.

The Results

Will light rail, urban growth boundaries, and high-density, pedestrian-oriented development make Portland a better place to live? Many Portlanders seem to think so, as they have supported Metro in several elections. Portland's mayor, Oregon's governor, and other elected officials strongly support Metro's efforts. Suburbanites, including several suburban city officials, are less enthusiastic, but Metro is still too remote for most people to understand the real consequences of its proposals.

Metro claims that its 50-year plan will increase Portland's livability by reducing congestion, reducing pollution, and protecting open space. But at least one major organization suspects that Metro's plan will, in these respects, make Portland far worse to live in. According to this organization,

- despite major efforts to discourage driving, Portland-area congestion will quadruple;
- despite the billions spent on light rail, the number of people using mass transit will remain below 5%;
- despite mandates to reduce air pollution, some forms of pollution will increase and violate both federal and state standards;

- despite efforts to protect open space, tens of thousands of acres of farms and forests will be developed; and
- despite planners' efforts to make high-density, pedestrian-friendly developments as attractive as possible, developers won't build them and people won't live in them unless they are subsidized.

Who is making these predictions? Why, Metro itself. All the relevant numbers are published and readily obtainable in Metro documents. But Metro's advocates choose to ignore them.

Currently, says Metro, about 94% of all trips in the Portland area are by auto. Less than 3% are by transit, and the rest are by bike or on foot. Metro predicts that spending some three-fourths of Portland's transportation budget on light rail will have almost no effect on how much people use cars. Higher-density developments may reduce auto use a couple of percentage points, and pedestrian-friendly design and higher parking costs may reduce it a couple more points.

The result is that, if Metro's 50-year plan works as it hopes, 90% of area trips will still be by auto. This is according to Metro's transportation computer model, which is probably optimistic. With projected population growth, this means that overall auto-miles driven will increase by 68% — yet Metro plans to increase the highway system's capacity by only 13%. Metro expects the number of miles of congested roads to increase from 160 today to 620 in 50 years. Since most pollution is generated in congestion, this means far more pollution under Metro's plan than under a less congested alternative.

Okay, so Metro's 50-year plan won't reduce congestion or pollution. But what about its protection of open space?

To save "open space" *outside* the urban growth boundary, Metro must force the development of farms and other lands *inside* the boundary. At least 13,000 acres of lands inside the boundary are currently farmed by people who sell their produce to urban residents. These farms are protected by Oregon tax exemptions designed to preserve farms and open space. But Metro regards them as "vacant land" that is wasted if not developed. So Metro wants to take away the farmers' tax exemptions, which it says are "counterproductive to good planning." Meanwhile, many farmers outside the boundary want to develop their land — in some cases because it isn't really suitable for farming anyway. Metro and other planning agencies are trying to prevent this by forbidding development of land in small parcels.

But some people simply want to live on large lots and won't be satisfied with a new home on a 41-foot-by-100-foot lot. If just 5% of the people who would have been happy on quarter-acre lots inside the growth boundary build instead on 20-acre lots outside the boundary, then Metro's plan will accelerate, not slow, urbanization.

Open space is a red herring in any case. Only about a third of the Portland area is residential, and allowing people to build on bigger lots won't add that much to the urbanized area. Even if it did, Portland's urban area takes up only three-eighths of 1% of Oregon, so doubling its size would bring it to just three-fourths of 1%. That hardly represents a major loss of farms, forests, or open space.

Even though its own numbers show that high densities and pedestrian-friendly designs won't reduce congestion or protect much open space, Metro persists in promoting such developments. Metro and Portland-area cities such as Gresham, Hillsboro, and Beaverton have given millions of dollars in tax breaks and direct subsidies to developers who will build to high densities. The developers readily admit that, but for the subsidies, their developments would lose money.

There won't be enough subsidies to go around, but Metro expects to have all local zoning codes revised within a few years to mandate such developments. Gresham has already passed such a code requiring high-density apartments in an area of single-family houses. City officials assured residents that their homes would be "grandfathered" in so long as they wanted to keep them. But if a single-family home were destroyed by fire, the owners would have to get special permission from the city to rebuild them.

Mandates from Above

Many federal and state agencies are supporting Metro's New Urban goals with similarly draconian rules. Ironically, federal funds aimed at reducing congestion are a major source of Metro grants to developers of high-density housing.

The state Environmental Quality Commission has passed a rule requiring employers to attempt to reduce by 10% their employees' use of autos for commuting. Employers who fail to make a good-faith effort to do so can be fined. Another state agency passed a rule requiring all major Oregon cities to reduce per capita auto use by 20% in the next 30 years. Since per capita auto use has increased steadily by 2% or more per year for at least 75 years, this seems impossible. The same agency also requires a 10% reduction in per capita parking in all cities. (This may merely lead people to drive more looking for parking spaces,

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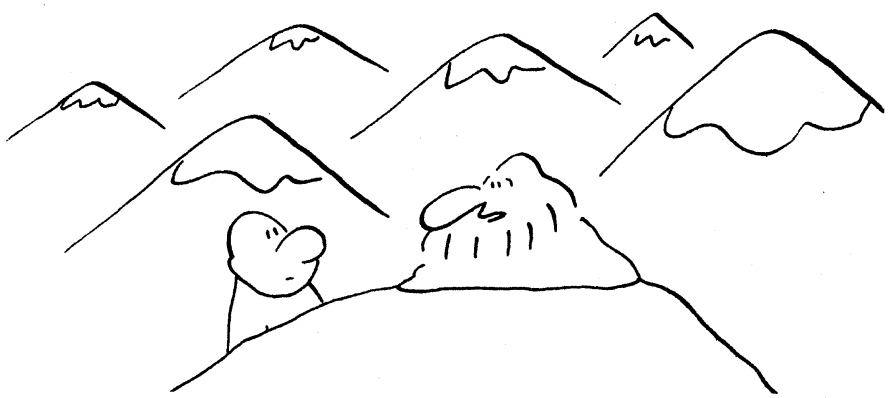

"Wait, let me think . . . I'm sure I knew the meaning of life when I came *up* here . . ."

Science

The Non-Problem of Global Warming

by Ben Bolch and Harold Lyons

Warnings of warming are only so much hot air.

The seemingly unending quarrel over global warming heated up in June, when the United Nations' Intergovernmental Panel on Climate Change (IPCC) released its first report in over five years.

Titled "The Science of Climate Change 1995," it suggests that, on balance, the scientific consensus is that there is a discernible and negative human influence on global climate. Almost immediately, Frederick Seitz — president emeritus of Rockefeller University, former president of both the National Academy of Sciences and the American Physical Society, and current chairman of the George C. Marshall Institute — attacked the report on the editorial page of *The Wall Street Journal* (June 12, 1996). Seitz pointed out that several key items had been omitted or changed between the time the report was peer-reviewed and the time of its public release, including "more than 15 sections" of a key chapter that detailed the evidence against human influence on the climate. Among the statements eliminated were "None of the studies cited above has shown clear evidence that we can attribute the observed [climate] changes to the specific cause of increases in greenhouse gases" and "No study to date has positively attributed all or part [of the climate change observed to date] to anthropogenic [man-made] causes." The IPCC report was criticized again in the *Journal*, this time by S. Fred Singer, a long-standing scientific opponent of environmental hysteria, and by Hugh W. Ellsaesser, a retired Air Force weather officer with many years of atmospheric and climate research experience.

It wasn't long before the IPCC shot back, with Benjamin D. Santer, lead author of the report; Bert Bolin, chairman of the IPCC; and others replying in letters printed in the *Journal* on July 23, 1996. Santer, Bolin, and the rest insisted that the altered report accurately represented the views of the scientists and delegates (presumably different from the scientists) present.

The redoubtable British journal *Nature* entered the fray in a June 13 editorial, commenting that Seitz's complaints were "not entirely groundless" and that the revisions and deletions had shifted the emphasis toward human impact. Nevertheless, the editorial argued that such internecine quarrels should not be allowed to undermine efforts to win political support for the fight against global warming. The editorial could be boiled down to three propositions: the climate may be warming, but we're not sure; the warming may be caused by man, but we're not sure; governments must do something soon, of this we're sure.

The idea that increasing concentrations of CO_2 (and other greenhouse gases) might warm the planet goes back 100 years, to Svante August Arrhenius (1859–1927). It blossomed into a global warming scare in the 1930s, faded when cooling rather than warming occurred, and was revitalized in the 1980s, leading to a wave of congressional hearings, international conferences, and agreements to limit the emission of greenhouse gases. Indeed, since the First World Climate Conference was held in 1979, there has been an almost continuous series of workshops, negotiations, meetings of experts, and reports by international bureaucrats, all to "do something" about global warming. In June 1992, 163 countries signed the Rio Framework Convention on Climate Change, pledging to roll back greenhouse emissions, and in March 1993, U.S. Ambassador to the United Nations Madelaine Albright assured the world that America would go even farther than it had pledged at Rio. The Alliance of Small Island States was formed to lobby for a kind of affirma-

tive action program for greenhouse gases: developed countries would be required to reduce emissions while less developed countries would not, so that the latter could catch up economically.

To understand the global warming debate, one must bear two often-overlooked facts in mind — one scientific, the other political. First, global warming trends are difficult to calculate because the various influences on climate — greenhouse gases, solar activity, etc. — are difficult to isolate. For example, burning fossil fuels release greenhouse gases, which tend to warm the planet. But combustion of fossil fuels has other effects. For example, it also releases sulfur dioxide. This substance is converted in the atmosphere into aerosol droplets of sulfuric acid, which have a cooling effect. So the entire question of whether the net result will be warming, and what thresholds are needed to produce warming, is devilishly complicated.

For most of the last 10,000 years, temperatures varied more than during the last 150.

Second, much of the flap over global warming relates more to economic and political control than to environmental protection. Responding to global warming — with new regulations, new subsidies, new taxes — has been many a bureaucrat's ticket to greater power and influence. Put bluntly, many special interests have a stake in promoting alarmist scenarios. (Of course, some special interests have a stake in promoting skepticism, but they aren't as influential in the government, the media, or the U.N.) "Watermelon environmentalists" (green on the outside and red on the inside) abound. Having failed to exercise benevolent control under the banner of socialism, many of the same crowd now attempt control under the banner of environmentalism. And the basic technique is the same — the creation of the illusion of crisis by use of misinformation.

The steps toward control are are virtually identical to those used in the 1930s to push the United States into the New Deal. First, proponents of increased government power claim that all experts agree that there is a crisis, evident in empirical data. Second, they point out that something must be done (and soon) to prevent the crisis from getting worse. Third, they claim that all thinking people agree that only government can solve the crisis and that a certain loss of freedom and/or wealth must be expected. In the '30s, statolatrists claimed that revolution threatened, as evidenced by strikes and riots, and that if action wasn't taken immediately, prices would fall and unemployment rise, which would intensify the crisis and bring on a disastrous revolution. Happily, they concluded, disaster could be avoided by fixing prices and increasing economic regulation. Today, statolatrists argue that environmental calamity threatens, as evidenced by increasing levels of greenhouse gases, and if action isn't taken immediately, disaster will occur. Happily, disaster can be avoided by limiting the burning of fossil fuels and increasing economic regulation.

Consider first the empirical data cited to support concern about the greenhouse effect. Such global warming advocates as the British Meteorological Institute tell us, for example, that 1995 was the warmest year on record. Yet Harvard astrophysicist Sallie Baliunas rates 1995 as the eighth warmest year of the last 17. She also points out that around 440 million years ago, carbon dioxide concentration was as much as ten times current levels. The IPCC predicts that if current CO_2 levels double, global temperatures would increase about 2.5° Celsius. So the temperature then should have been about 8° Celsius warmer than it is now. Unfortunately for the IPCC, during this period the Earth was in a major ice age.

The coldest period in the last 1,000 years was the "Little Ice Age," which lasted from the thirteenth to the beginning of nineteenth century. And at the 1995 meeting of the International Union of Geodesy and Geophysics, Karen Labitzke of the Free University of Berlin and Harry Van Loon of the National Center for Atmospheric Research demonstrated a strong correlation between solar activity and temperature from 1960 to the present. It has been observed that during parts of the Little Ice Age, solar activity was at a minimum. Solar activity — still a largely uncharted field — may be a key to understanding global climate.

Jonathan T. Overpeck, head of the Paleoclimatology Program of the U.S. National Oceanic and Atmospheric Administration, reports in *Science* (March 29, 1996) that for most of the last 10,000 years, temperatures varied more than during the last 150. There is little doubt, for example, that there were droughts in the Great Plains that were more severe than any recorded since Europeans came to North America, even the dust bowl droughts of the 1930s. The weather has been very good to us during precisely the same time that use of fossil fuels hit all-time highs.

One datum that initially seemed to support the global warming hypothesis came from a NASA instrument aboard a U.S.-French satellite. It indicated that ocean levels had risen by nearly an inch since 1992. But NASA could not even get this measurement right: as the *Washington Post* reported on July 27, 1996, a computer error had significantly inflated the rise. The corrected rise, which agrees with tidal gauge measurements, is now believed to be between 0.04 and 0.12 inches per year.

The weather has been good to us during precisely the same time that use of fossil fuels hit all-time highs.

In July 1996, amid press reports of spring arriving earlier in the northern hemisphere (*Nature*, July 11), representatives from 150 countries met in Geneva to discuss global warming. Three U.N. agencies (the World Health Organization, the World Meteorology Organization, and the U.N. Environment Program) predicted significant warming and a consequent increase in suffering and death. The 300-page report, "Climate Change and Human Health," concedes that its

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Arts

The Art of Living, and Living on Art

by Jamie McEwan

Art is too important for government to support.

It was a delicate subject. My friend had spent several years working for the Rockefeller Foundation; now she held an important post in a large corporation's arts and cultures foundation. Support of the arts was her life's work. Never mind that she had always worked for private organizations — it went without saying that she strongly favored federal support, too.

"It's not just the arts," I explained. "I'm really radical. I would cut everything — seven-eighths of the government, at least — military presence abroad, public schools, roads, almost everything."

"You're not singling out the arts?"

"Not at all. I mean, the NEA is small potatoes."

"So all those Republican congressmen who make a *cause célèbre* of some minuscule grant while they're all in favor of porkbarrel projects in their backyards . . ."

"Ridiculous. I absolutely agree. Bunch of self-serving hypocrites; they pick on some easy target and let the big ones go by. That's one reason I'm not a Republican. No sense zeroing in on the arts; they're the last thing I'd bother to cut."

We had found common ground, and went on talking about hypocrisy, our friendship intact.

Whew.

And yet, after the weekend visit was over, after my friend's children had been packed in the car to drive back to the city and my own had started their homework, I found myself bothered by a lingering feeling of bad faith. I couldn't quite pin down why. Everything I had said was true, wasn't it? The numbers involved *were* trivial: 60¢ per citizen, less than a dollar-fifty per taxpayer, mere pennies out of the thousands we each pay every year. Why worry about subsidies of the arts? And yet somehow I didn't feel entirely comfortable in my own skin.

Insignificant as it is, it's a topic that any devotee of the arts runs into a lot. How many theater or museum programs include a note from an administrator, asking for your political support in the struggle against those wayward budget-cutters? How many cultivated friends insist that their own avant-garde tastes are essential to the cultural health of the world? How many actors, dancers, and writers assume that funding for their particular art is as basic a right as freedom of speech?

Ah — there it was, the tip of the splinter that had gotten under my skin. The belief that it is an artist's *right* to be supported: that was what bothered me.

Yes, from the point of view of the taxpayer, federal support of the arts is of negligible importance, the added threat of a mosquito to a stag beset by wolves. But from the recipient's point of view, it costs so little, yet makes so much difference . . .

It's nothing new for artists to be supported by patrons, to try to please a king, duke, or plutocrat instead of the general public. Some have pleased both. But is there anything different in trying to win the favor of the Medici, or of some governmental desk jockey? Is there any difference between wooing the Rockefeller Foundation or the NEA?

Yes, as a matter of fact, there is.

Entitling and Enabling

Listen to those artists, those performers, those craftsmen. Beyond their rhetoric of "cultural enrichment" and "resisting commercialism" is a bedrock conviction of — this is the key word — their *entitlement*. Entitlement. Their claim is based not on commercial success, nor on pleasing some particular wealthy patron, but on some godlike measure of the inner worth of their endeavor, bestowed by self-selected guardians

of culture. That is why it is actually more prestigious for a theater to have received state or federal grants than to have had popular, well-attended, money-making productions; why it is more important for a dance troupe to win awards than to please its audience. Yes: how much more satisfying it is to feel that you receive support — i.e., *cash* — because of your soul, your divine artistic gifts, your contribution to the spiritual health of the nation, than because you have entertained or enlightened any particular coughing, feet-shuffling, notoriously fickle audience. "Somehow," says composer David Del Tredici, "it was a wonderful feeling that this one [grant] came from the government, something I had never made an artistic connection with before."[1]

An "artistic connection." Yes, government money feels different; it bestows on its recipient precious feelings of inner worth, of having been touched by some divine finger, of community with the creative geniuses of the centuries, of superiority to the common activities of getting and spending. *No, I am not a bricklayer, or a plumber, or a grasping businessman — or Madonna or Sylvester Stallone or Danielle Steele — but someone of a higher, more spiritual level; the proof is that I am worthy of the special attention and support of the state.*

The conviction of mystical superiority of the artist is not new, and was not created by the advent of federal arts programs. But government support of the arts provides a tangible, spendable proof of their special status. Evidence shared, it is true, with farmers, researchers, college professors, and professional politicians. But that is all right: food, curing cancer, and culture are singled out, leaving the makers of cars, flippers of hamburgers, and singers of platinum songs to fend for themselves. The true artist can live with that.

All of these — prestige, mystical superiority, the precious entitlement of the artist — were what made me so uncomfortable. For these are false convictions. And from these false premises, artists construct an attitude toward themselves, their art, and their relation to society that is fundamentally misconceived. The self-esteem so manufactured is fragile, and ultimately baseless.

Listen to the conversations of artists, read what they write about themselves and their relation to society. The strains of elitism, of self-congratulation, the affectation of embattled self-righteousness will convince you that the atmosphere government support engenders is harmful to the artists themselves. The "unique ability" of theater — or of sculpture, or of painting, or of poetry, or of (fill in the blank) — to make us see, transform our culture, civilize us, ameliorate our otherwise blighted and benighted lives is endlessly extolled. The appellation "nonprofit" takes on an almost religious connotation, something akin to "full of grace." Those who cut the NEA budget are not simply "Philistines" — though this overt religious reference is probably the most common word used to describe them — but perpetrators of "vicious assaults,"[2] "mean" and "smug."[3] "Are we destined to become a nation of boobs, rubes, and Philistines?" asks painter Chuck Close,[4] as if the NEA's $100 million or so is all that is holding Western Civilization together. (Note that there are single universities with endowments of 25 times that, and more.) There are accusations of censorship: "The issue is not money," claims actor and playwright Eric Bogosian, "the issue is freedom of speech."[5] By this he does not mean that if the government becomes a major source of arts funding, it will inevitably become an arbiter of its contents — no, he means that cutting the NEA budget is itself a form of censorship. By this reasoning, you are exercising censorship if you fail to give money to a charity you supported last year.

"Somehow," says composer David Del Tredici, "it was a wonderful feeling that this grant came from the government."

The artists' and writers' complaints have a different tone from those of the disgruntled physicists thrown out of work when the particle accelerator was cancelled, or Olympic athletes envious of the state support their European counterparts receive. There is a personal, almost hysterical note, like that of a suddenly disinherited child or a jilted lover. Desubsidized artists feel "heartsick and angry," in the words of "theatre artist" and critic Michael Feingold. He goes on: "The perception has crashed upon us with stunning force: Our country does not want us.... We are the despised and rejected of our nation."[6]

The insulation that federal support provides from any outside reality can be remarkably complete. In some cases, dance troupes are given grants to create new pieces, theaters are given money to produce these pieces, and further grants pay people to watch the results. Really.

It is hardly surprising that the atmosphere thus engendered is not a healthy one. How could it be? For as any parent should know, creating and maintaining an artificially supportive environment — "enabling," in the current jargon — does no one any good in the long run. Private patrons and private foundations are less injurious, for the artist is more likely to recognize money received from them as gifts, arbitrarily bestowed gifts, not entitlements.

So it is the recipients, not the coerced taxpaying donors, who are most damaged by government support.

The Artist *vs.* the Non-Artist

All of these vague, cloudy claims to some sort of unique mystical quality possessed by the artist are based — *have* to be based, in order to have any meaning at all — on the implied superiority of artistic pursuit to other employments. Just what is the difference between an artist and a non-artist?

Just as all arts have their mundane, prosaic side, all occupations have, or can have, their artistic, or spiritual, or aesthetic dimension. In this sense, everyone is an artist. To play a new tune on an old saw: There is nothing worth doing that is worth doing without art. There can be an art to directing traffic. There can be an art to investing in stocks. Motorcycle maintenance has its Zen; so does scalloping, driving an

eighteen-wheeler, taking care of a baby, and managing an enterprise.

So what's different about the arts? Simply this: that art is made to be appreciated specifically for its aesthetic merit. An automobile's design may have aesthetic value, but since it also has a utilitarian purpose, we don't call it "art." I know a short-order cook who's a true performer, very aware of his audience, his every movement beautifully choreographed to flow into his next. But since he's being paid to put food on plates, and entertains his clients only incidentally, we don't bother to call him an artist.

And what of those who practice "art" privately? One of today's best writers may confine herself to penning brilliant personal letters; one of the best actors may be an exhausted father simulating interest in his six-year-old's drawings; one of the best singers may be heard only in his church. We generally do not call these people artists, because we generally think of an artist only as someone who produces work for public appreciation.

What is it about public display that confers superiority on the artist, or his art? Those in the performing arts are in the business of being publicly admired in their very person; it's not surprising that the best of them succeed. This does not mean that those in other occupations, whose admirable traits are subsumed in an activity with utilitarian aspects, are any less admirable, or that those whose productions are not meant for public display are any less worthy.

It is true that the public exhibition of art may give it a greater impact on that impossible-to-define gestalt we call "culture" than other activities do. But insofar as it has this impact — to the extent that it is public and widely disseminated — art is well-supported; in many cases, fabulously well. Who can deny the cultural influence of

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Viewers Like You, Leeches Like PBS

The PBS station here in the New York/New Jersey area keeps showing a phone number to call for the addresses of all your state representatives, senators, governors, viceroys, etc. You're supposed to write these politicians to tell them "your concerns" about government funding for PBS and the arts. So I decided to take the opportunity to ask my elected representatives for an end to such funding.

Don't get me wrong. I realize that trying to influence government is a waste of time. I certainly didn't think I'd swing any of the politicians through argumentation. But I could at least hope that some overpaid lackey would enter a check mark in the "opposed" column. And there was the satisfaction of using PBS's own policy-influencing efforts against it.

So I wrote Sen. Alfonse D'Amato, Gov. George Pataki, Rep. Carolyn Maloney, State Sen. Catherine Abate, and State Rep. Steven Sanders. I tried to keep my letter short and clear, opening with the line, "I think I speak for many voters when I ask that you eliminate funding for PBS and other arts projects."

I continued: "Few voters are vocal in expressing this opinion, because no one wants to sound like a Philistine . . . But that's precisely why paying for art via government will always be a mess: everyone is forced to pay for everyone else's pet projects. Conflict, such as the debates over 'obscene' National Endowment for the Arts projects, is inevitable. . . . Culture won't go away [if funding is removed]. On the contrary, it will more closely reflect the real desires of the public — both as individuals and as corporations — the public who already foot the bill anyway. Every time an average American citizen spends a dollar on a local crafts fair, she is showing her real arts preferences. Every time that dollar is taxed away from her to pay for, say, a post-modernist dance troupe, the government is saying that its preferences will prevail — by force — over the preferences of the citizens."

To date, Gov. Pataki has not found the time to respond, which has had the side-effect of increasing my sympathy for Mayor Rudy Giuliani, who received similar treatment after the gubernatorial election. The other four politicians — or rather, the interns they have charged with distributing form letters — have all written me back. Of these four, only Rep. Carolyn Maloney acknowledged any disagreement: "Unfortunately, we have divergent views on this issue. I believe PBS provides an invaluable educational tool for Americans of all ages, and an alternative to the often violent shows on network television." It's a response, anyway.

The other three reassured me that they would fight to *maintain* funding for PBS. Said State Sen. Abate: "Thank you for your letter regarding public broadcasting . . . I will fight to restore funding to these vital public broadcasting programs. I urge you to contact Governor Pataki and Senator Bruno as well as our federal representatives, to voice your concern on this important issue."

Sen. D'Amato's letter reads like the intern copied it from an encyclopedia entry on public broadcasting: "The Senate voted to authorize the Corporation for Public Broadcasting (CPB), a nonprofit corporation set up by Congress in 1967, at $312 million in the fiscal year (FY) 1994 appropriations bill and $315 million in the FY 1995 appropriations bill . . . During the upcoming debate on PBS funding, I will fight to insure that New York programming remains intact . . . I welcome the opportunity to address your concerns."

The final blow to citizen participation came from State Rep. Steven Sanders, who said: "Thank you very much for taking the time to write in support of public television and radio . . . The involvement of individuals who are concerned about the impact of these cuts can make all the difference in whether funds are restored. Please let me know if I can help in any other way."

No thanks, Steve. I think together we've done enough. —*Todd Seavey*

Disney, Michael Jackson, Stephen King, and your daily newspaper? No one favors sending monthly grant checks to NBC or Arnold Schwarzenegger. It is the marginal theater, the struggling artist, for whom the pleas are pitched. The arts deserve special support because of their public impact — but very particular enterprises or artists that need this support are not particularly popular or successful. We cannot have it both ways: if a particular artist is important to the national culture, she is already supported by her grateful public. And this support does not go only to the likes of 2 Live Crew and Jim Carrey: one estimate puts nonprofit arts spending at more than $36 billion annually.[7]

When an artist is not supported, she joins the ranks of the amateurs — a perfectly honorable place to be. Amateurs may produce for the public, but they do so purely out of love for their art, with no hope of gain. Amateur activity is absolutely crucial to the cultural health of any polity. In my opinion it is inadequately honored in this country. Everyone is — or should be — an artist, just as everyone is, or should be, an athlete; we all engage in creative endeavors, just as we all have bodies with which we move about. We should appreciate active participation, not just passive appreciation. But doling out grants to a few outstanding amateurs does nothing to encourage amateur art; in fact, it is likely to achieve the reverse, by implying that only by receiving money can one prove one's worth. Do America's many well-financed professional sports teams encourage us to engage in amateur sports? No — they encourage us to watch television.

You cannot encourage amateurism by throwing money around. In no place is this more strikingly evidenced than in France, often held up as a paragon of arts support. One percent of its budget is spent on culture. In per capita spending, that's 25 times what the American government spends.[8] Ten percent of every movie ticket sold goes directly to subsidize the film industry.

But what no one seems to ask is: What does this buy? Having lived for a year in the foothills of the French Pyrenees, with three of my children attending French schools, I can only guess that it helps support some lovely museums, and pays the rent on a goodly number of artists' (and administrators') Parisian apartments. There was next to no theater, art, or music in the schools, and very little in the community. Centralization of power had led to a centralization of activity.

Moreover, as the state absorbs more and more of the nation's intellectual and artistic life, it vitiates the independent creative efforts of those who cannot catch a ride on the government bandwagon. It may even discourage attendance: "Despite the heavy state subsidies (or, as some would argue, because of them) the number of French moviegoers has plummeted, from 175 million in 1984 to 110 million in 1995."[9] This is "promoting the arts"?

The Balance Sheet

It is wrong for artists to be led to believe that their occupation is morally, or spiritually, or aesthetically superior to any other. Moral, spiritual, and aesthetic worth lie embedded in individual people, not in occupations. The conviction of inherent superiority is not just false; it is pernicious. For there is no more powerful precursor to destructive behavior than a baseless conviction of moral superiority. Though many artists are strong enough to avoid the false lure of unearned superiority, and succeed in working solidly and unpretentiously at their chosen craft, it is a disservice to their weaker brethren to tempt them with a false mantle of superiority. Artists most emphatically do not have special needs that the rest of us are born to cater to. Everyone "needs" what artists "need": food, clothing, shelter, leisure time, a room of one's own, admiration, love, diversion. We don't all get them. We must all seek them, freely, as best we can.

Quality in the arts is such a chancy, intermittent, unpredictable thing that it is difficult to be sure that federal funding's influence is uniformly negative. Is there any offsetting good? It is tempting to think back to the great artists who were not recognized in their time. Surely they would have benefited from a helpful NEA — right? I doubt it. The very qualities that made them unappreciated in their time would have worked against them once more. I find it very hard to imagine Mozart, or Melville, or Dickinson, or Hopkins making a better living or finding a wider audience through adroit "grantsmanship." And how likely is a bureaucracy to recognize genius if a varied society, replete with cultural subgroups, does not?

I had finally figured out what was wrong with my conciliatory arguments. (I'm all for conciliation; I just need a new method.) The art-subsidy issue is not as insignificant as the buck-and-a-half-per-taxpayer may make it seem. It should not be dismissed as "the last thing we should bother to cut." Not if you care about art.

The seductive doctrine of artistic prerogative existed long before the state subsidized culture, and it will not disappear if this support is withdrawn. There will always be actors who swear undying love to a different partner each month, dancers who take drugs more often than they eat, and musicians who look down on the rest of humanity, with or without federal encouragement of their delusions of innate superiority. But we can restore some sanity to the art world — can all do our part in helping to guard artists' sanity, remove the spirit of entitlement, encourage amateur art, and preserve the best of our cultural heritage — by working together to end government subsidy for the arts. And give our free, individual support where we each perceive artistic merit. Isn't it time we did? ❑

Notes:

1. Quoted in C. Carr, "Hanging by a Thread," *Village Voice*, January 24, 1995.
2. John Sullivan, "Opening Windows," *American Theatre*, October 1995.
3. Robert Hughes, "Why America Shouldn't Kill Cultural Funding," *Time*, August 6, 1995.
4. Quoted in Elizabeth Hess, "How the NEA Lost its Soul," *Village Voice*, January 24, 1995.
5. Eric Bogosian, "The Money Mask," *American Theatre*, September, 1995.
6. Michael Feingold, "An Immodest Proposal," *Village Voice*, January 24, 1995.
7. The estimate comes from Henry Cisneros. See Edith Kurzweil, "Jane Alexander Invites Her Troops," *Partisan Review*, Summer 1994.
8. "Arts of the State: France Tries to Subsidize a Culture," *Washington Post*, October 23, 1994.
9. *Ibid.*

Refutation

The New Reefer Madness

by Paul Armentano

Lies, damn lies, and marijuana statistics.

According to federal politicians, drug prohibitionists, and the majority of the national news media, adolescent marijuana use is soaring toward "epidemic" proportions. This claim has been made so frequently during the past year that many people are unaware that there exists any serious debate on the issue. But there is little tangible evidence behind the current headlines. This latest round of reefer madness appears to be nothing more than a ploy to encourage legislators to stiffen penalties against adult users.

Claim #1: *Marijuana use among teens has doubled since 1992.*

This statement is both misleading and inaccurate. The standard yardstick of adolescent marijuana use has for more than 20 years been the Monitoring the Future study conducted at the University of Michigan's Institute for Social Research. Each year, this study tracks lifetime marijuana use among high school seniors. In 1995, the report showed, nearly 42% of all high school seniors had used marijuana at least once. This figure is an increase from the 32.6% who reported having tried marijuana in 1992 — the lowest rate in the study's history — but it is hardly a doubling. In fact, curent use rates are less than 2% higher than they were as recently as 1990, when the figure stood at 40.7%.[1]

Some prohibitionists attempt to confuse this issue by pointing to other, more specific data (e.g., daily use among eighth graders, monthly use among tenth graders, etc.) that may illustrate a sharper increase in marijuana use for that category alone. However, as the Monitoring the Future statistics illustrate, *lifetime* use of marijuana among high school seniors has remained predominantly the same for years, even as other age groups' patterns of use have varied. In all, the percentage of graduating high school seniors who have tried marijuana has remained between one-third and one-half for nearly three decades.[2]

Claim #2: *Today, our children are smoking more dope than at any time in recent memory.*

Apparently, the prohibitionists don't possess very long memories. Data from both the Monitoring the Future study and the National Household Survey indicate that current rates of adolescent marijuana use, both regular and lifetime, are well below the levels of a few years ago. According to the Monitoring the Future study, lifetime prevalence of marijuana use among high school seniors peaked in 1979 at 60%, a figure almost 50% higher than today's rates.[3] During this same year, according to the National Household Survey on Drug Abuse, the percentage of youths aged 12–17 who reported regularly using marijuana (defined as once within the past month) also peaked, measuring 16.7%.[4] Put in historical perspective, the 1979 figure is more than twice as high as today's "epidemic" of 8.2%.[5] Moreover, today's rate is only marginally higher than the percentage of adolescents who regularly consumed marijuana in 1988 (6.4%), at the height of the drug war and the "Just Say No" campaign.[6] Lastly, it must be noted that changes in the methodology of the Household Survey in 1994 make accurate comparisons difficult.

Claim #3: *Users are starting younger than ever before.*

Reports from the Monitoring the Future study have indicated that marijuana use among eighth and tenth graders has risen since 1992. This is not particularly surprising, as the study began surveying eighth and tenth graders only one year earlier. Not coincidentally, 1991 and 1992 were the lowest years ever recorded for adolescent marijuana use.[7] Since then, use of marijuana has risen for adolescents of all ages. The truth is, we really don't know whether today's

teens are using marijuana at a younger age than ever before, because Monitoring the Future has no data from the 1970s or 1980s to compare it to. Moreover, weighing today's figures against percentages of eighth and tenth graders taken in 1992 — the year reported adolescent marijuana use rates stood at their lowest in history — serves little scientific purpose and is highly misleading.

Recently, the National Household Survey has attempted to use data from 1991–1993 to extrapolate the average age at which adolescents began using marijuana. The Survey notes that these estimates should be "interpreted with caution" and may not portray an accurate answer to this question.[8] Nevertheless, the Survey's estimates indicate that today's figures regarding age-specific rates of first marijuana use are not unique, but rather imitate patterns exhibited in the mid-1970s and early 1980s.[9]

"Today, our children are smoking more dope than at any time in recent memory." Apparently, the prohibitionists don't possess very long memories.

Claim #4: *Today's youthful marijuana users are tomorrow's cocaine addicts.*

According to recent literature from the National Institute on Drug Abuse (NIDA), the majority of marijuana users do not become dependent on cannabis or move on to other illegal drugs.[10] This stands to reason when one realizes that an estimated 71 million Americans have experimented with marijuana at some point in their lives, and that the majority of them never went on to use cocaine.[11] Therefore, while it may be true that some cocaine users did first use marijuana as adolescents, the far more important fact is that the overwhelming number of teen marijuana users never go on to use cocaine or any other illegal narcotic.

In addition, federal literature suggests that the minority of marijuana users who do graduate to harder drugs such as cocaine do so not because of marijuana use, but because of marijuana prohibition. "Using marijuana puts children and teens in contact with people who are users and sellers of other drugs," states *Marijuana: What Parents Need to Know*, a 1995 pamphlet distributed by the U.S. Department of Health and Human Services. "So there is more of a chance for a marijuana user to be exposed and urged to try more drugs."[12]

Support for this theory comes from the Netherlands, where marijuana can be purchased openly in government-regulated "coffee shops" designed specifically to keep young marijuana users from the illegal markets where harder drugs are sold. In contrast to the U.S., where 16% of youthful marijuana users admit to having tried cocaine, only 1.8% of young Dutch marijuana users have tried cocaine.[13] It appears that when the cannabis markets are effectively separated from those for harder illegal drugs, marijuana is not a gateway drug, but a "terminus" one.

Claim #5: *The marijuana adolescents are smoking today is much more potent than the marijuana their parents consumed.*

Not so, according to the data provided by the Potency Monitoring Project at the University of Mississippi, the government-funded program that has been analyzing samples of marijuana for THC content since the mid-1970s. (There are no known measures of THC content prior to 1968, and only a few plants were assayed before 1972. THC is the main psychoactive ingredient in marijuana.) This data, based on analysis of over 23,200 samples, indicates that current average marijuana potency remains under 3% THC, essentially within the same range as the samples assayed by the government during the middle and late 1970s.[14] In addition, there are many examples of marijuana samples from the same period, measured independently by companies such as PharmChem Laboratories, that frequently range from 2–5% THC, with some as high as 14%.[15]

"We try to tell [those who claim that marijuana potency has greatly increased] that there's no study to support the belief that potency is greatly different," a spokesman from NIDA, speaking on a condition of anonymity, told the *Arkansas Democrat-Gazette* in 1995. "I thought [marijuana opponents] had stopped saying that."[16]

Claim #6: *Adolescent marijuana use poses great harm to society.*

America survived the 1970s and will survive the 1990s. While it would be silly to suggest that marijuana is totally harmless, or to advocate that adolescents *should* consume it, the fact remains that moderate marijuana use is relatively harmless and poses far less cost to society than do either cigarettes or alcohol. Today — as in 1977, when President Jimmy Carter recommended federal decriminalization — marijuana prohibition causes far more harm than marijuana itself does.[17]

We may never know why adolescent marijuana use rates fluctuate over time or to what extent social stigmas and social norms regarding cannabis influence the accuracy of self-reporting, the sole source of these data. We do know that adolescence is a period filled with experimentation and that recreational marijuana use, for good or bad, is sometimes a part of this experience. Young people, as well as all Americans, should be informed of the scientific evidence about marijuana so that they can make knowledgeable decisions about both their own drug use and the future of American drug policy.

Moderate marijuana use is relatively harmless and poses far less cost to society than do either cigarettes or alcohol.

The recent claims of rapidly rising and near-epidemic rates of adolescent marijuana use simply do not stand up to close examination. When put in historical perspective, today's figures warrant only mild concern. They certainly do not justify intensifying the war against adult marijuana consumers, a battle that resulted in more than 482,000 arrests in 1994 alone.[18] We do not arrest responsible adult alcohol drinkers because we want adolescents to avoid alcohol; neither should we arrest responsible adult marijuana smokers to protect children from smoking marijuana. ❑

Notes to "The New Reefer Madness":

1. L.D. Johnston, *et al.*, *Monitoring the Future*, University of Michigan Institute for Social Research, 1993–1995.
2. *Ibid.*
3. *Ibid.*
4. United States Department of Health and Human Services, *National Household Survey on Drug Abuse: Main Findings 1992*, Substance Abuse and Mental Health Services Administration Office of Applied Studies, 1995, p. 34.
5. United States Department of Health and Human Services, *Preliminary Estimates from the 1995 National Household Survey on Drug Abuse*, Substance Abuse and Mental Health Services Administration Office of Applied Studies, 1996, p. 62.
6. *National Household Survey on Drug Abuse: Main Findings 1992*, p. 34.
7. Johnston, *op. cit.*
8. United States Department of Health and Human Services, *Preliminary Estimates from the 1995 National Household Survey on Drug Abuse*, p. 25.
9. *Ibid.*, p. 92.
10. United States Department of Health and Human Services, *Marijuana: Facts for Teens*, National Institute on Drug Abuse, 1995, pp. 10–15.
11. *Preliminary Estimates from the 1995 National Household Survey on Drug Abuse*, p. 56.
12. United States Department of Health and Human Services, *Marijuana: What Parents Need to Know*, National Institute on Drug Abuse, 1995, p. 8.
13. John Morgan and Lynn Zimmer, *Exposing Marijuana Myths: A Review of the Scientific Evidence*, The Open Society Institute, 1995, p. 14.
14. M. ElSohly, *et al.*, *Potency Monitoring Project Report #50*, Research Institute of Pharmaceutical Sciences, University of Mississippi, 1994.
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Bolch and Lyons, "The Non-Problem of Global Warming," *continued from page 30*

forecasts are uncertain but nonetheless recommends "precautionary policies that balance current social needs against serious, perhaps unacceptable risks."

Given less press coverage was a joint report by more than 100 European and American scientists at the same meeting. Their report condemned any attempt to reduce CO_2 emissions, arguing that there is no scientific consensus on climate change. Indeed, they continued, since there seems to have been significant cooling between 1940 and 1970, the current slight increase in global temperatures might simply represent a natural recovery.

What's more, as University of Virginia environmental scientist Patrick J. Michaels points out in the Winter 1995 *Economic Affairs*, CO_2 is such a minor greenhouse gas compared to water vapor that even if all atmospheric CO_2 were removed, the net effect would be to reduce the "Greenhouse Effect" by only 5%.

In brief, there is no scientific consensus that temperature data over the past few years indicate a warming signal that is distinguishable from the noise inherent in that data. To paraphrase Michael Wallace of the University of Washington, we need to be skeptical of the idea that every time we see something novel in the weather record, it must be a sign of global warming.

But suppose — for the sake of argument — that there *is* a problem, and that something *does* need to be done. Even then, the IPCC's recommendations hardly reflect a scientific consensus. Consider the work of T.M.L. Wigley, one of the principle scientists advocating action to halt global warming. In the January 18, 1996 *Nature*, he and two colleagues examined several ways to reduce human impact on climate. Their conclusion shocked much of the scientific community: if we wish to stabilize CO_2 at a level of 500 parts per million (today it is about 350 p.p.m.), both the economy and the environment would benefit more from modest reductions now followed by greater reductions later than from substantial reductions now and modest reductions in the future. There are three reasons for this: (1) the further into the future that costs can be pushed, the smaller the relative amount of capital that must be employed to do the job; (2) long-lived capital such as power plants need not be scrapped now; and (3) technical progress will almost certainly bring cleaner substitutes for fossil fuels.

The bottom line: while others recommend sanctions (taxes) and incentives (subsidies) to reduce CO_2 emissions *immediately*, Wigley's group suggests that we should continue on a business-as-usual basis with no radical changes for 20 to 30 years. Not only does this make good economic sense, but it also has the great merit that in 20 to 30 years, we may actually know whether the climate has warmed as a result of fossil-fuel combustion.

And suppose we grant — again, for the sake of argument— that government *should* immediately intervene. It would still by no means be clear that such intervention need be intrusive, expensive, or even aimed at reducing use of fossil fuel. A 1992 National Academy of Science study recommended instead a reform that would cost only a few million dollars a year — de-tuning the engines on commercial jets so that about 1% of their fuel is exhausted into the atmosphere as waste. This minor change, claims the study, would create a cooling haze sufficient to offset all CO_2 emitted by the U.S. every year.

Those who find it difficult to believe that such an inconsequential adjustment could affect the climate of the world should also have trouble believing that global warming is much of a problem to begin with. ❑

Child Pornography and Free Speech

by Joan Kennedy Taylor

The child-savers ride to the rescue of computer-generated kids.

About a year and a half ago, I was asked to be on a New York television program to discuss whether or not Calvin Klein's current jeans ads were "child pornography." At the time, I thought this was obviously a very farfetched charge: there was no explicit sex, no nudity, not even couples embracing. These were certainly pictures of people in their middle teens in sexually provocative poses, underwear and belly buttons on display, but the ads were clearly a reflection of how the market sees itself, not an attempt to sexualize the models in some abnormal way. The ads were aimed at young people, many of whom do dress like that and most of whom do in fact have sexual experiences by the time they are 17, not at older people who might wish to sexually exploit teenagers. Even if they had been aimed at an older market — selling limousines, say, or brandy, instead of adolescent clothing — they might be tasteless, but could hardly be called "pornographic." Case closed?

Apparently not. Last fall, S. 1237, a new bill that radically changed the definition of child pornography, was introduced in Congress. Few people knew about it, and fewer still opposed it. The ACLU did, and so did the Media Coalition, which describes itself as "a trade association that defends the First Amendment rights of publishers, booksellers, librarians, periodical wholesalers and distributors, recording and video games producers, and recording and video retailers in the United States." In June, Judith Krug of the American Library Association testified against the bill in a Senate Judiciary Committee hearing. In July, 16 law professors signed a letter opposing the legislation, and the anti-censorship organization Feminists for Free Expression sent a statement opposing the bill to each member of the committee.

At the end of July, the committee approved a modified version of the bill. Several senators had technical reservations about it — notably Paul Simon, who objected to the mandatory sentencing provisions — but only Sen. Russ Feingold publicly opposed it on free speech grounds. Who wants to be for child pornography?

Then, in a surprise move, the Child Pornography Prevention Act of 1996, mandatory sentencing and all, was attached as an amendment to the omnibus budget bill and signed into law on September 30, 1996.

So what? Why are free speech advocates so upset about this bill?

The Supreme Court never discussed sexual material until 1957. The justices struggled with a definition for obscenity for 16 years, and finally settled on one in a case called *Miller v. California* in 1973. Since then, a line of cases has been solidly in place for over 20 years, establishing that there are no national standards, only local (or, at most, state) "community standards," and that in order to be obscene (and therefore censorable), sexual material must be considered as a whole, must have no redeeming "literary, artistic, political, or scientific value," must be "patently offensive," and must be judged by its effect on "the average person," not on members of a special audience.

Engaging children in sexual activity is a crime. The word pornography has no legal definition; it seems to mean "whatever turns you on." However, in 1982 the Supreme Court decided, in *New York v. Ferber*, that in order to prevent "sexual exploitation and abuse of children," certain kinds of "child pornography" may be prohibited even if they are not legally obscene: those that photograph actual children in sexual situations. The justification for this special treatment was that not only are the rights of the children who are models for this material violated in its creation, but additional psychological harm is done to the children by preserving and circulating the record of that activity. The legal definition of child pornogra-

phy is broader than that of obscenity: it includes "simulated" sexual acts and "lascivious exhibition of the genitals or pubic area" of minors. One case in the Third Circuit even said that "lascivious exhibition" need not be nude. But the Supreme Court has said that proof that the supposed child was actually an adult was a complete defense.

No more. The new law jumps from protecting the rights of exploited minors to finding that the images must be banned because they can be used to seduce children and to "whet the sexual appetites" of "pedophiles." (Pedophilia actually refers to a predominant or exclusive interest in prepubescent children, but lawmakers use it to describe people attracted to anyone under 18.)

But if that's the justification for the law, does it matter whether actual children were used at all, as long as the material *appears* to use children? No, it doesn't. Any "visual depiction" that "appears to be of a minor engaging in sexually explicit conduct" is defined as child pornography. Suppose no actual people were photographed — suppose the pictures were morphed or computer-generated? That's still no defense. There is a three-part defense against an allegation of child pornography, all three parts of which must be true: (1) the material used real people; (2) they were all adults; and (3) "the defendant did not advertise, promote, present, describe, or distribute the material in such a manner as to convey the impression that it is or contains a visual depiction of a minor engaging in sexually explicit conduct." So if you produce an image of this sort without using a real model, you are up the creek.

Any "visual depiction" that "appears to be of a minor engaging in sexually explicit conduct" is defined as child pornography.

The main target of this bill is computer-generated imagery. No longer do we care about children; we're out to get people who respond to sexual images of children. What if the technological fix actually protected children from assault, by helping channel impulses away from real children to a fantasied release? After all, sexual attacks on women have decreased in some countries that liberalized their pornography laws. But it doesn't matter. The original bill even targeted drawings, but that word was deleted after Judith Krug listed a number of famous works of art that would thus be made illegal.

The law still vaguely refers to "visual depictions produced" by "other means," which civil libertarians fear may open the door to attacks on works of art. Bruce A. Taylor, president of the National Law Center for Children and Families and an advisor to Sen. Orrin Hatch on the bill, pooh-poohs this fear, telling a *Washington Post* staffwriter, "We're not in the business of writing laws and enforcing laws just to put people in jail. . . . We don't need to capture artists, or whatever. We need to capture pedophiles." That is, people who want to look at this stuff, whether or not they have ever harmed a child.

This avowed objective is a frightening step away from previous judicial guidelines on the First Amendment, which define deviance by action, not thought. In the new law, there is no "taken as a whole" test, no exception for literary or artistic value, so Zefferelli's film of *Romeo and Juliet* would be covered. Does the new definition's phrase "appears to be" mean "appears to be a minor" or "appears to be engaging in sexually explicit sex"? Lawyers are guessing that it will be applied to both, so a photograph of a child-like adult doing something under a sheet that might be intercourse may very well be child pornography.

Up to now, the courts have resisted any arguments that said that expressive material could be targeted because of its viewpoint or orientation. But if child pornography can be banned for its unsavory content on the basis of an unproven assertion that it causes crime rather than because it is the commercial exploitation of a crime that has already been committed, how can adult pornography resist the similar charge that it "degrades" women and causes violence against them? And if "visual depictions" of "simulated acts" make this material illegal no matter how it is produced, what principle will protect "visual depictions" of war, rape, dismemberment, cruelty to animals, and murder in mainstream movies?

Consider for a moment the third part of the three-part defense against an allegation of child pornography, dealing with advertising, promoting, presenting, describing, or distributing the material "to convey the impression that it is or contains a visual depiction of a minor engaging in sexually explicit conduct." What does this mean? If a movie deals with the sexual conduct of a minor, is that part of its "presentation"? At the moment a new film version of *Lolita* is being edited for release. Even if the actress playing Lolita is in fact an adult, we all know what the story is. And, as far as advertising goes, there is a very troubling Supreme Court case on the record — *Ginzburg v. United States*, in 1966. In a 5–4 decision, the Court affirmed a lower court's decision that Ralph Ginzburg (the publisher of *Eros*, a slick expensive magazine; *Liaison*, a newsletter; and a book, *The Housewife's Handbook on Selective Promiscuity*) was guilty of publishing obscenity even though the materials were not obscene by the Court's own definition. Why? Because he advertised them as though they were. Ginzburg served a five-year sentence. We can only hope that case doesn't come back to haunt us today.

Child porn has become the contemporary substitute for "national security": the issue that justifies limiting the rights of all of us.

So far, there is still not much outcry against this new law. The *New York Times* didn't run a story about it until October 3, four days after the budget was signed, and then only on page 19. Like the Communications Decency Act (which was billed as an update of the law against obscene phone calls), this is being described by its supporters as just a simple updating of current statutes "to keep pace with technology."

On the contrary, media experts are saying that this law is an attempt to

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RICHARD LENIN = VLADIMIR KOSTELANETZ

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ALWAYS AVANT-GARDE

SECRET TWINS

concept by richard kostelanetz • designed by igor satanovsky

Business

Japan's Corporate Gangsters

by Michael J. Oakes

American business, we are often told, could learn a lot from Japanese business. Well, there's nothing like a bad example . . .

Japan's business leaders heaved a collective sigh of relief in late June, when the country's corporate shareholder meetings concluded without anyone asking difficult questions like, "Excuse me, Mr. Chairman, exactly how did one person in our company lose ¥200 billion [$1.8 billion] while trading copper?"

This year, a record 2,235 shareholder meetings were held on Thursday, June 27, at virtually the same time. According to *The Japan Times*, that's 88.3% of all companies planning to hold such meetings. It was, in fact, 96% of the companies publicly traded on the Tokyo exchange. The average meeting lasted 40 minutes. Executives read their scripts, asked for questions or comments, expected neither, and quickly dismissed the few commoners who attended.

The manner in which these meetings are scheduled and run is one more reason why it is so appealing to stereotype Japan as a country that pays little more than lip service to liberal democracy. That is indeed an oversimplification. But like most generalizations, it has a substantial element of truth.

Even in the United States, of course, shareholder meetings sometimes resemble ritual more than debate. But often, real issues *are* discussed, individual shareholders air their gripes, and executives and directors listen and respond. The meetings are frequently covered by the media, and are also used to announce changes in policy and strategy.

Not so in Japan, where shareholders take a back seat to bankers and bureaucrats.

Structural Differences

A lot of this has to do with the rules of the game. First, Japan's ratio of institutional to individual holders of stock is just about the opposite of America's. In Japan, banks, insurance companies, and other businesses own about 75% of corporate stock. One reason for this is that the Japanese government allows banks to hold equity positions in firms they lend to — a practice that is prohibited in the U.S. It's also partly a result of "cross shareholding," the practice of companies buying stock in related enterprises and in companies they sell to or buy from.

Second, Japanese shareholders generally have less authority than shareholders in other industrialized countries. Debt is a much higher percentage of total firm capital in Japan. That debt is almost all bank-related — a holdover from Japan's economic development days, when government policy heavily favored bank lending over equity markets. As a result, lines of power simply do not extend widely or deeply into the equity side. Debt financing helps cement the firms' critical economic and political relationships: with the banks, which distribute the funds; with the Bank of Japan, which feeds the banks; and with the Ministry of Finance, which controls the entire process.

Finally, owning stock simply isn't as appealing in Japan as it is elsewhere. Markets are less sophisticated and less friendly to individual investors than in the U.S. Dividends are typically less than 30% of net profits, lower than in the West. And until last year, the government required individual investors to purchase a minimum of 1,000 shares. (There were some exceptions: a selected list of stocks could be purchased in lots of 100 or more shares, and people could buy shares of NTT, the state telephone monopoly, in any quantity.) Deregulation has since reduced the minimum purchase by as much as 90%.

The stock market itself, rocked every other year or so by scandal, lacks the credibility of the New York and London markets. Brokers have yet to recover from the "make good" scandals of the early 1990s, when Nomura

and other security firms, acting on conveniently undocumented orders from the Finance Ministry, covered losses suffered by their best customers.

In Japan, corporate executives and board directors want shareholder money and legitimacy, but generally have little interest in shareholder input. That may be true in other countries as well. But only in Japan are they allowed to ignore the company's nominal owners so blatantly.

Inventive Gangsters

One widely reported excuse for Corporate Democracy In Under One Hour is the *sokaiya*, gangsters who buy a few shares in a company, then threaten to disrupt shareholder meetings unless they are bribed away. *Sokaiya*, in their present form, have been around for more than two decades. They emerged in the 1970s, sometimes originating as corporate tools. Executives found it convenient to pay *yakuza* (gangsters) annual fees to break the legs of the few citizens who threatened lawsuits over pollution or complained about industrial injuries. As Karel van Wolferen has reported, many of the gangsters and executives eventually developed sophisticated operations, with the gangsters forming research institutes, publishing economics journals, and receiving large contributions from corporate clients.

Sokaiya have become more troublesome in recent years because of the financial hit many *yakuza* organizations took during the fall in real estate prices and the ensuing long recession. With their other businesses suffering, they shifted their attention to blackmailing corporations. They also faced stiff competition from other gangsters. Today, firms often feel compelled to build a steady relationship with one *yakuza* organization in order to fend off extortion from others.

That helps explain why executives at Takashimaya, one of Japan's largest and oldest retail chains, reportedly have paid a *yakuza* boss ¥80 million yearly since 1991, and possibly earlier, plus extended a ¥700 million loan to a *yakuza*-linked real estate firm. The reason for the payments is obvious, according to Shoichi Kobayashi, a former editorial writer and professor at Aomori University. Takashimaya "badly needed [the gangster's] help to sort out sensitive problems involving the company. It is easy to think that the gangster, himself a *sokaiya*, did a good job as a trouble-shooter and succeeded in keeping hostile *sokaiya* away from the company's annual meetings."

Payoffs to *sokaiya* were officially prohibited in 1982, though they probably continue at full throttle. Scandals similar to the one engulfing Takashimaya now break out routinely at other major firms. Fuji Photo was hit in 1994, Kirin Brewery and Ito-Yokado in 1992; other big retail businesses — Sogo, Parco, Isetan — faced scandals in the late 1980s. The "make good" securities scandals revealed that some of Nomura's best customers were, in fact, criminal syndicates, and that these customers were near the front of the line to get reimbursed for ordinary market trading losses.

In the 14 years since such payoffs were banned, only 22 cases have been prosecuted. In all cases, the defendants were found guilty and sentenced to "jail terms of between three and eight months," according to *The Japan Times*. Even those short terms were all suspended. Faced with the threat of physical force — and with only slap-on-the-wrist penalties — executives clearly find it in their interest to come to an agreement with the gangs.

Executives paid gangsters to break the legs of the few citizens who threatened lawsuits over pollution or complained about industrial injuries.

The quick and simultaneous shareholder meetings make it difficult for any single group of *sokaiya* to cause harm at more than a few. It also makes it difficult for investors holding shares in several companies to attend more than, well, one firm's meeting.

Scripts and Scandals

The threat from *sokaiya* is real, but it's still only a convenient, surface-level excuse. The truth is that executives and directors fear unexpected events of any kind, including difficult questions from shareholders.

"Every item on the agenda" of the shareholder meetings, says Prof. Kobayashi, "including financial statements and management plans, is approved automatically with a handful of shareholders — some or all of them 'friendly' *sokaiya* — shouting, 'No objection.'"

This year in particular, disruption of meetings was a great concern. Each week, company executives throughout Tokyo and Osaka have been taken sans tie, a mark of public disgrace, from their homes or office buildings and driven away in the backs of Justice Ministry cars. Bad loans, bribery, falsified records, extortion — there have been few recent positive images of Japanese businessmen. (They are, of course, all men.) Indeed, the *yakuza* maintain their power in part by threatening to expose more such problems.

Meanwhile, more internationally visible scandals erupted at the Daiwa and Sumitomo banks. And at TBS television, managers allowed members of the religious cult Aum Shinrikyo to view a pre-broadcast video of an interview with an attorney critical of the Aum organization. The attorney, his wife, and his small son were later murdered. Aum members confessed to the crime, revealing their video session at TBS. TBS executives first denied this, then admitted it, then dramatically apologized for it. There has also been general public anger over massive losses incurred by five housing loan banks, the *jusen*. Earlier in the year, in fact, police had to surround the Ministry of Finance's Tokyo offices to keep angry protesters away.

As if the situation weren't already embarrassing enough, one of Japan's premier firms, Mitsubishi, found itself facing a protest from Rosemary Dempsey, vice president of America's National Organization of Women. In late June, she brought to the islands the U.S.-related "allegations" (frankly, no one in Japan wastes time doubting them) of sexual harassment. Ms. Dempsey, a large woman, made the usual apologies and dismissals very difficult. She didn't just arrive, she descended. With media cameras rolling and clicking, she towered over the Mitsubishi executives she met with; it wouldn't have helped had they been

stacked by twos. She bowed an awful, awkward, foreigner's bow and nearly knocked over a gaggle of men.

Later, together with an unlikely combination of Japanese women's rights activists and members of Jesse Jackson's Rainbow Coalition, she protested in front of the Tokyo hall where Mitsubishi shareholders met. But that meeting lasted only 23 minutes. There were no questions, comments, or statements from any of the over 300 shareholders who attended. *The Japan Times* noted that most "refused to accept badges and leaflets [from the protesters], nor did they make comments to the media after the meeting."

The threat of the *sokaiya*, the anger of ordinary citizens, the who-knows-what of the large American woman — all led 10,000 police officers to mobilize throughout the country. TV viewers watched shareholders enter meetings after passing through security checkpoints. Outside company buildings, police and security guards stood at attention, by the dozens, clubs ready.

Good grief! The Russians are *already* more comfortable with democracy than this.

Excused Abuses

It's not a cynical observation to note the parallels between these shareholder meetings and the way ministry bureaucrats script and direct the proceedings in Japan's parliament, the Diet. This type of behavior (and the controlling attitude that accompanies it) is endemic in Japan. Teachers follow goals and lesson plans established by bureaucrats in Tokyo. Students study the answers to the questions they are almost certain will be on the tests, without opportunity to discuss or question or debate. Construction firms go through the motions of bidding on projects, but the *dango* system of sharing information predetermines which firm will get what contracts. Cabinet meetings are puppet shows. (Cabinet members are lost without the scripts provided by the ministers they are supposed to oversee. Some are unable to utter a word until the papers are delivered to them.)

In *Democracy in Japan*, Ellis Krauss and Takeshi Ishida ask us to take a historical perspective on all this. Fifty years ago, this was an imperial land, with "millions of Japanese ready to sacrifice themselves for their belief in an emperor-system that legitimized an authoritarian military regime." From that starting point, they continue, the fact that "an overwhelming majority of Japanese people believe in democracy and take it for granted as the ideal system for Japan is a major accomplishment." Yes, there are plenty of weaknesses, but they're still learning.

That's true but misleading. It suggests that for any formerly authoritarian regime, any semblance of freedom is acceptable — that moving in the right direction, however slowly, excuses current abuses. This kind of thinking discourages setting definite goals, allowing analysts to shrug off the need for critical judgments.

Japan is a grown-up country, even

if it grew up awfully quickly. People here understand democracy, and understand what's critical to its success, better than many analysts realize. (This understanding is precisely why the Ministry of Education designs its systems to snuff out individuality, in what former bureaucrat and social critic Masao Miyamoto calls "psychological castration.") Certainly the executives at Sumitomo understand. The banking and trading firm has acknowledged massive losses in copper. Earlier claims that Yasuo Hamanaka was a rogue trader acting alone had all but been dismissed by the time of the summer shareholder meeting. Making their grasp of democracy quite clear, executives held their meeting in two rooms. One contained directors, executives, and mostly company employees; the other, individual shareholders and TV monitors. Presumably, the shareholders stoically recognized the difficulty of getting the TV monitors to answer questions.

Total meeting time: 38 minutes. ❑

Kauffman, "America (Fifty) First," *continued from page 24*

talk show on TV, which is perhaps why never is heard a discouraging word about ADM. (My wife and I enjoy playing a game when the PBS children's shows are on: we call it "find the white boy." When you do locate one, you can be sure he's a dope, and that a Pakistani girl is teaching him to tie his shoe.)

Newt Gingrich once told a fellow grad student, "I'm from nowhere," and so are most of the architects and PR men of empire. By contrast, Paul Engle, the Iowa poet whose line serves as my epigraph, said this of a fellow Iowa patriot and poet: "He wanted not an ivory tower but simply the water tower of his own village."

Patriotism can flower only through this love of your own village's water tower — and it needn't be in your hometown; it simply need be in a specific place that you love and can understand, to the extent that any of us can ever really understand a place. I love America, and place her first among nations, because I first love my family and my town and my street and my county. I can feel a sweet cousinly affection for Texans and Tennesseans and respect for the distinctive cultures they have crafted over the generations, but I would not dream of using the long arm of the central state to interfere in their lives. This fellow-feeling and mutual respect is the basis of the most solid American patriotism. America First — a healthy and narrow nationalism, the best face of the Buchananites — is the sum of Abilene First plus Knoxville First plus Batavia First, and so on down what ought to be an almost endless line of vivid and vigorous places.

With Newt Gingrich, on the other hand — a carpetbagger who has nothing of Georgia in him except a large campaign kitty and a little Atlanta pussy — I feel no kinship. He and the national Republican Party are trying to tap the rolling keg of America First sentiment, in ways that are both repulsive and wholly artificial. They flog an occasional wetback, in a pharisaical display of un-Christian charity. They snicker at Boutros Boutros-Ghali's unfortunate name, all the while supporting the U.N. as it suffocates the globe with bureaucratic homogeneity. They offer tepid criticism of multinational corporations but will not cut one shank of the corporate welfare cow. They loudly denounce the few pennies of foreign aid that find their way to Central Africa, but the billions for Israel go untouched, not to mention unmentioned.

Eventually, the Buchananites — if not Buchanan himself — will realize that the Republican Party no longer has room for critics of empire and defenders of specific American places. As Jack Kemp never tires of boasting, the party is thoroughly internationalist in orientation — or at least the people and corporations that own and operate the GOP are thoroughly internationalist. Buchanan would be better off as a Democrat in a populist Catholic tradition — a point that Norman Mailer made in a recent issue of *Esquire*. But then, what does it really matter? Mencken's old jibe that "going into politics is as fatal to a gentleman as going into a bordello is fatal to a virgin" is truer than ever, and besides, Buchanan looks to be a pyrotechnician — 15 minutes of enjoyable fireworks and then we all go home — when what we need is an arsonist. Figuratively speaking, of course.

There was a gem of a pop song in the late 1960s that defined the difference between Us and Them with stark clarity. Jimmy Webb wrote it; Glen Campbell sang it; the title was "Galveston," and unlike most antiwar songs, which are full of high-minded claptrap about peace and universal brotherhood — empty platitudes by and for cocaine zombies — "Galveston" imagined a boy whose government had sent him far from home, God knows why, to kill or be killed by strangers; and this boy's only desire was to walk once more on the beach of his hometown, with his girl.

As American nationalism grows in potency at century's end — and as we wonder, "is this force benign or is it malevolent?" — we can find the answer by asking a simple question: will this allow that 18-year-old boy in Galveston to walk the beach, freely, with his girl? We already know that the tendencies represented by Bill Clinton and George Bush and Bob Dole and Ted Kennedy would strip this boy of his liberty — take my money, my cigarettes, as the song goes — and in some cases take him far from home, steal him from Galveston and steal Galveston from him — indeed, efface Galveston, so that all that remains is a name on a map, and all that made Galveston Galveston is gone gone gone.

As for Pat Buchanan, who cares? The important people are the Buchanan brigades, and my hope is that they come to understand, if they don't already, that in order to affirm the dignity and defend the liberty of each person, and to preserve the cultural integrity of each place, America First means Washington Last. And for those in Manhattan who would butt into the affairs of Mississippi, or those in Utah who would tell San Franciscans how to live, it means Mind Your Own Damn Business. ❑

Dispatch

An American in Warsaw

by Stephen Browne

In post-Communist Poland, even Solidarity is having labor troubles.

My first year in Poland, I spent one day a week teaching conversational English to the staff of a Warsaw bank. Their offices had been undergoing remodeling for a year — a job that was supposed to have taken three months. The bank's director was slowly going mad, but there was no way she could make the workers move faster, and she couldn't fire them: as both she and they knew, she couldn't find anyone to replace them.

I asked her if she could have gotten a completion bond from the contractor. "What's that?" she asked. I explained the concept. "My God, what a marvelous idea!"

Similarly, after talking to people whose families' property had been confiscated by the Communists, I realized that entrepreneurs and foreign investors had to be wary of buying anything with a potential claimant — no simple matter, since any one piece of property may have been through several confiscations. I asked about title insurance. No one had heard of it, but they thought it sounded like a good idea too.

Solidarity itself has had some problems with remodeling. A few years ago, the union was having all the window casements in its offices replaced, and faced the same difficulties as the bank, only worse. The crew worked when they felt like it, drank on the job, and sometimes just sat down in front of an office TV and spent the day watching old movies. In one corner of the building, they knocked out an entire window casement, along with a good-sized chunk of the wall. This was a real crisis of conscience for Solidarity, which by that time was largely devoted to protecting redundant jobs in state-owned enterprises and now had to tell a bunch of lazy, drunken slobs to shape up or get fired — knowing that no matter which they did, the offices were not going to be finished anytime soon.

The shortage of qualified construction workers is evident in another Communist legacy: "inside-out slums." Right up to their front doors, apartment buildings look like disasters, with crumbling façades and neglected public areas. Some are almost as bad as American "projects." But step over the threshold and they are beautiful — carefully remodeled and decorated. Now, over half a decade after Communism, even the public areas look a great deal better. The city that was drab, gray, and depressing is filling with light and color.

Yet despite their new freedoms and relative prosperity, Poles sometimes find themselves reinventing the old system. The reconstruction of the school system, for example, is running into unanticipated problems, although here at least the government has made it possible to work things out on a local level. Poland has adopted a voucher system — a change Polish teachers, unlike their American colleagues, have welcomed. It is now fairly easy to start a "social school," rent a building, hire some teachers, and enroll some students. Fees are charged in addition to what the government kicks in.

Teachers have been tremendously excited about their new freedom to experiment, but have often ended up doing what they had done all along, only more so. They piled on more work and more subjects, cramming so much into the curriculum that the poor kids couldn't possibly absorb it all. Students reacted by doing what kids in Communist countries have always done: cheating.

They are astonishingly inept at this. I remember once asking a girl for her homework. Right under my nose, a friend passed her a paper, which she signed and attempted to hand in as her own. In another class, I saw a girl folding a long strip of paper and fitting it into her belt.

"What are you doing, Agata?" I gently inquired.

"I'm preparing for my biology exam."

After a few weeks of such brazen dishonesty, I told my students, "I can't believe you kids grew up under Communism and are no better at conspiracy than this. Your average American pot-smoker is a better conspirator." Subsequently, a very bright young girl explained the system to me: "It's not really against the rules. If we want to get to university, we have to concentrate on what we need to know to get in and cheat on what's not important to our goals."

Just as Polish schools are pervaded by institutionalized cheating, Polish society is pervaded by petty theft. Things simply cannot be left unattended — they'll just walk away. A friend who owned a used clothing store told me about catching grandmothers stuffing goods under baby's shirts. This is the not-so-surprising legacy of a society that taught that private property is evil.

One paradox of police states is that they tend to have lousy police. Perhaps because so much of the old dictatorship's energy was given to ferreting out thoughtcrime, post-Communist Poland lacks good foot cops who know how to do a field investigation, secure a crime scene, or handle drunks and domestic disturbances. The result has been a *de facto* privatization of police services. Many merchants have hired private security, and sections of downtown Warsaw that were once some of the most dangerous parts of town are now among the safer areas in the center of the city. Some of the protection agencies are essentially extortion gangs. But most are not; businesses here seem to be dealing with security problems much better than their Russian counterparts are.

State-sanctioned theft is another matter. Two years ago, I moved into an apartment on Plac Zawisy, a street whose farmers' market had the cheapest produce in Warsaw. This market had sprung up on the grounds of what had been a small park. At first it was just a ramshackle collection of wooden tables displaying fresh vegetables, barrels of pickles, sauerkraut, etc. Surrounding the tables were rows of *scienki* ("jaws"), big steel cases with folding fronts that open into sales stands. These clever machines (originally shipping containers from Polish Ocean Lines) can be locked up at night, and are used all over town to house small shops offering preserved foods, fish, cheese, bread — even clothing and shoes.

Here at these tables and steel boxes, men and women worked twelve-hour days in all weathers, struggling to overcome all the problems facing Polish entrepreneurs. Starting a business is easy enough, depending on where you locate. Those who can't afford *scienki* may begin with a tablecloth on the sidewalk. But getting beyond the family business stage is very difficult, with brutal "social insurance" taxes taking about 40% of earnings.

For two years I watched the market develop under my seventh-floor window. It was always busy, and on wet days the dirt grounds were churned into a muddy mess. But as trade grew, the ground was neatly paved with bricks, and work was begun on two rows of prefab buildings that would eventually become meat and poultry stores, dry goods shops, and even a Chinese restaurant.

Now the place looks worlds different. The farmers' tables are still there, but the *scienki* are gone — forced out after the permanent structures had been completed. The unhappy merchants set up banners protesting their eviction, to no avail. A few remain around the corner and at the Palace of Culture downtown, but the same fate probably awaits them.

It's said that one of the great department store chains in America was founded by an immigrant who started with a pushcart. After he grew rich and was able to buy political influence, he moved quickly to outlaw pushcarts. That's where his competition was coming from. The Poland of the last five years seems a microcosm of politics and the market, one where the ship of state is steered by *nouveaux riches* entrepreneurs whose slogan is not *laissez faire* but, as my father used to say, "Pull up the ladder. I'm on board." ❑

O'Toole, "Coming Soon to a City Near You," *continued from page 28*

but never mind.)

Unfortunately, Metro's plans, rules, and regulations will all be in place before many Portland-area residents wake up to the problems. To date, Metro's only opponents are developers, who are widely dismissed as a "special interest." Local newspapers print Metro fables as if they were fact and ignore other viewpoints. And most people are happy to vote for light rail boondoggles in the hope that they will reduce congestion, even though most voters will never ride light rail themselves.

Oak Grove, where I live, seems to have escaped Metro's grasp. Metro had tentatively designated our suburb as one of the centers whose population density would be quadrupled. After neighbors loudly protested, the county asked Metro not to designate Oak Grove as a center. Perhaps fearing that our protest would spread, Metro complied. (See "The Battle of Oak Grove," *Liberty*, September 1995.)

Oak Grove was lucky that the county tried to rezone it before Metro's plans were finished. Other neighborhoods will not be so fortunate. Their residents will wake up one day to find the bulldozers at their doors, driven by local officials with a mild apology that "Metro is making us do it."

For cities elsewhere in the nation, Portland is widely regarded as a testing ground for New Urban ideas. Planners tout Portland's light rail and urban growth boundaries as a great success, and few know enough to answer them. So it is not surprising that cities all over the country are building, planning, or considering light rail lines, transit-oriented developments, and other New Urban ideas. If you live in one of those cities, get ready either to protest loudly or to make a quick getaway. ❑

Report

Take Half an Aspirin and Call Me in Four Years

by Sandy Shaw

When FDA bureaucrats take on the First Amendment, who will win?

Durk Pearson's and my court battle with the Food and Drug Administration continues. For those who came in late: Durk and I filed suit against the FDA in the U.S. Court of Appeals for the Ninth Circuit in June of 1994, challenging on First Amendment grounds the FDA's ban on non-preapproved communication of truthful, non-misleading health information on labels and in advertisements for dietary supplements. There is considerable legal precedent for our position.

After we filed the case, the Ninth Circuit, surprisingly, decided that it didn't have jurisdiction and transferred the case to the U.S. District Court for the District of Columbia. In its transfer order the Ninth Circuit noted that our case "is far from frivolous." That was very encouraging, since the Ninth Circuit very rarely comments.

While the District Court judge was deciding how to handle our case, he made some bizarre decisions, such as forbidding attorneys from either side to contact the judge's office to find out if he had made a ruling. He also abruptly decided to drastically cut down the number of pages allowed in the pleadings. We continued to wait, fascinated and appalled by the process. The judge clearly didn't know how to deal with the complex issues of our suit. Then, suddenly, he bowed out of the case completely and allowed it to be reassigned to a different judge, Gladys Kessler (no relation, we hope, to FDA chief David Kessler). The new judge has now received the pleadings and we are waiting for her ruling.

One piece of good news: Judge Kessler allowed us to file an additional pleading, as we requested — the government had opposed it — citing the recently decided Supreme Court case *44 Liquormart v. Rhode Island*, which supported First Amendment constraints on government regulation of truthful, non-misleading commercial speech. *44 Liquormart* also overturned the 1986 Supreme Court decision in a case the FDA's attorneys have relied on, *Posadas de Puerto Rico Associates v. Tourism Co. of Puerto Rico*, which had declared that the government's greater power to ban gambling included the "lesser" power to ban advertising concerning gambling. In the *44 Liquormart* decision, the Supreme Court declared that advertising is speech protected by the First Amendment, not a "lesser power" at all.

No matter how the judge rules, the case will go forward to the U.S. Court of Appeals for the First Circuit. (If we win, the government will appeal; if they win, we will appeal.) A final decision may take as long as two more years, if the Supreme Court agrees to hear whatever appeal ensues.

During the time that our suit has been moving up, down, and sideways through the courts, the FDA has not been sitting still. They are waging a vigorous defense against our suit — one that reveals how little the government's attorneys understand the First Amendment. But the most interesting part of the FDA's response has been its frantic attempts to backpedal on the speech restrictions that brought this suit about in the first place. Among other things, the FDA is trying to speed up its approvals for health claims for dietary supplements (for example, the new claim that oat bran fiber helps prevent heart disease). It has also announced that it will soon hold hearings on how to define "significant scientific agreement," which is supposed to be its standard for approving health "claims." Prior to our suit, it had insisted that they shouldn't have to define the term, but should judge each case on an *ad hoc* basis. Our suit challenged this as a violation of the First Amendment and as arbitrary and capricious under the Administrative Procedures Act. Of course, however the FDA defines "significant scientific agreement," it will continue to be arbitrary and thus vulnerable to further court challenges.

This has been so much terrific (though costly) fun that we have decided to do it again. A new, large, and vulnerable FDA target has appeared in our gunsights. Here is the story:

On April 10, 1992, a Citizen's Petition was filed with the FDA by the Aspirin Foundation of America, Inc.

The petition asked that the FDA permit a new indication for aspirin on professional labeling — that is, information about drugs that the FDA allows to be communicated on labels and in advertisements aimed at physicians. The requested indication was this: "To reduce the risk of morbidity and mortality associated with acute heart attack, a dosage of 160 to 162.5 mg. of aspirin (half a regular aspirin tablet) should be taken as soon as a heart attack is suspected and then daily for at least 30 days."

On December 14, 1992, a second Citizen's Petition was filed in support of the first petition. This one was filed by a group of leading cardiologists, including Charles H. Hennekens and Carl Pepine, editor of the *Journal of Myocardial Ischemia*. The cardiologists stated that "routine use of at least 162 mg. of aspirin therapy within 24 hours of an AMI (acute myocardial infarction, or heart attack) could save about 30,000 lives a year." They went on to note that they had reviewed the record concerning aspirin and acute MI "in order to enable the Food and Drug Administration to act *expeditiously* on this Citizen Petition" (emphasis added).

Four years and about 120,000 unnecessary heart attack deaths later, the FDA has decided to respond to the petitions. The FDA has, in the Federal Register, asked for public comments on its proposal to allow a new indication in professional labeling for aspirin. The FDA fully agrees with the cardiologists about the benefits of low-dose aspirin for AMI. Heart attack victims who take half an aspirin promptly (during the first 24 hours after the attack) die 23% less often than those who do not take aspirin. We have taken the opportunity to file public comments noting our approval of the new indication, but asking (nay, demanding) that the FDA approve it for general aspirin labeling, not just for professional labeling. We have objected on First Amendment grounds to restricting the communication of truthful information to a government-selected, privileged group — in this case, physicians. Court precedent strongly supports our position. If the FDA fails to comply with our request, we will have a strong basis for suing them.

Free speech seems to be on a roll in the courts. In addition, the availability of health information from a wide variety of sources, including the proliferation of biomedical databases, has begun to alter the public perception of the FDA as the source of the most reliable health information. We are delighted to be playing a part in this liberation. We invite those who would like to join us in this battle to send donations to Pearson and Shaw FDA Litigation Fund, c/o Emord & Assoc., P.C., 1050 Seventeenth St., N.W., Suite 600, Washington, DC 20036.

BANZAI! ❑

Taylor, "Child Pornography and Free Speech," *continued from page 39*

return First Amendment law to a standard that began to be disputed in 1933, when District Court Judge John Woolsey was persuaded that James Joyce's *Ulysses* was not obscene (*U.S. v. One Book Called "Ulysses"*). That standard was finally abandoned in 1957. It was from an 1868 British case, *Regina v. Hicklin*, which said that the test of obscenity is not the effect on the average person but "whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication such as this may fall"; i.e., the effect on the most susceptible minds — in this case, those of "pedophiles."

It's hard to imagine what will happen next. Will some movie or video company deliberately invite prosecution under a law that is so full of pitfalls? The law applies all the way down the line of distribution, with hefty jail sentences involved. Will the *New York Times* refuse ads for love stories involving teenagers? Will prosecutors, on the other hand, be leery of invoking this law against borderline cases, lest it be declared unconstitutional? Might the courts be influenced by the public concern that seems to exist about child pornography and, despite our constitutional history, let the law, or parts of it, stand?

And oh, that slippery slope. The Child Pornography Prevention Act is aimed at incitement. Remember the words of Oliver Wendell Holmes: "Every idea is an incitement. It offers itself for belief and if believed it is acted upon unless some other belief outweighs it or some failure of energy stifles the movement at its birth." Once incitement is banned, under any circumstances, there goes not just pornography, but literature, art, and political speech.

Child porn has become the contemporary substitute for "national security": the issue that justifies limiting the rights of all of us. This small, sleazy industry is a strange package in which to wrap such a major threat to constitutional freedom. But that's the way threats come, invoked against racists and revolutionaries and religious sects we may not like. Crossroads for constitutional freedoms often — perhaps usually — involve defendants we wouldn't want to meet at a dinner party.

Why didn't any senator other than Feingold speak out? Did they just not know what was in the bill? Or were they, even those who were retiring, afraid of the soundbites that would result? Catherine MacKinnon is already denouncing free-speech feminists such as myself as "pimps for the pornographers" because we say that the adult hardcore porn industry is protected by the First Amendment. What do you suppose we'll be called now?

But like it or not, we are in the idea business — that is, the incitement business. We cannot afford to stay silent for fear of being tarred with an unpleasant brush ❑

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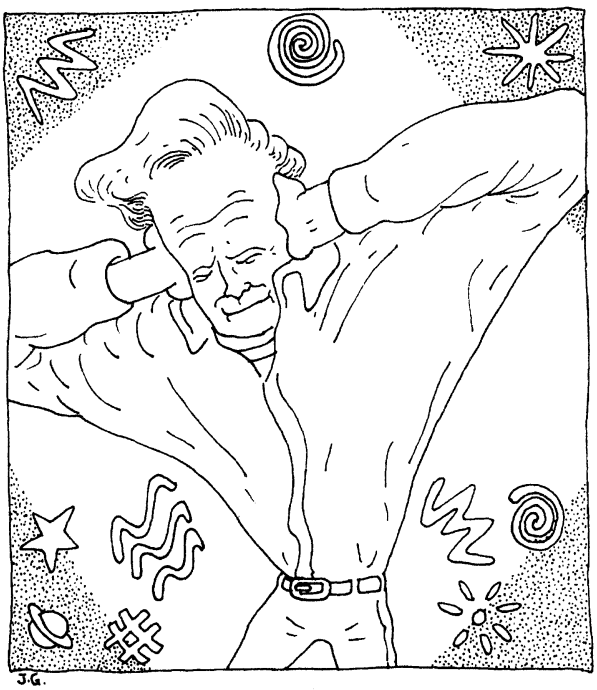
Essay

The Man *vs.* the Stereo

by Robert Griffin

One man's fight for peace and quiet.



Last year, I clipped a *Newsweek* essay entitled "Sleepless in El Paso" (July 17, 1995). The article, by Leo Miletich, recounts the author's ongoing effort to endure the noise coming from neighboring apartments — slamming doors, music that vibrated walls and rattled windows, televisions so loud that he could keep his own set's sound off when it was tuned to the same channel — along with his inability to do anything about it.

I recently had my own bout with noise pollution. Two people in their early twenties (and I must admit I think their age matters) moved into the apartment beneath mine. Almost immediately, my life was transformed; I found myself battered for hours on end by their music.

Seeking consolation, I pulled out Miletich's essay. Suddenly, it hit me that there was something wrong with his approach to the problem, something that guaranteed he would never find peace. Miletich is a nice, decent guy at a time when, in the words of his landlord's son, "People don't give a s---." He simply isn't playing the game that's on the table. He tries "explaining things in a friendly manner" to his tormentors; he moralizes ("courtesy and consideration . . . What ever happened to that?"); he analyzes ("I've tried seeing things in a wider perspective"); when all else fails, he starts wearing earplugs to cope with the din. He tries everything that guarantees futility. It apparently never occurs to him to try an approach that might bring him peace and quiet: *fighting back with all he's got* or *getting the hell out of there!* Miletich has shared a bedroom wall with people who have been disrupting his sleep for almost *three years*. GET OUT OF THERE, LEO! I'll bet anything that there's an apartment just as good as yours out there, only quieter. Why don't you *move*?

And if you stay, stop *trying* to get something done. Get results.

Take a tip from me. A month ago, the stereo downstairs was blasting, I was vibrating, and down the stairs I went to knock on my inconsiderate neighbors' door. They answered — friendly enough, with benign smiles and detached looks on their faces. With as much calm as I could muster, I briefly, politely, and matter-of-factly asked them to turn their stereo down. I avoided accusing them of ill intent or any lack of rectitude. I made no threats.

They said they'd "try" to keep it down. I suppressed the impulse to ask what they meant by "try." I wasn't there to get hooked into any conversation or debate; like Miletich, I'd done that before and it hadn't worked. So I left, with the music still on, as loud as it was when I arrived.

And, not surprisingly, it *stayed* on. So I started stomping on the floor. Miletich tried something like that, too — in his case, pounding on the wall when "the decibels reach[ed] impossible limits." I wouldn't characterize my neighbors' decibels as impossible. "Unacceptable" is more like it. I'm not letting "impossible" be my threshold of response these days.

Miletich got the same response I did: they turned *up* the volume.

It was at this point that I broke from the Miletich method. Miletich backed down in response to the escalation; he quit banging when his neighbor turned the volume up. I, on the other hand, kept right on stomping, harder and faster than before. The result: a duel that lasted ten or 15 minutes.

I quit first. They won the battle. But the war had just begun.

The next day I came home from work to find a note pinned to my door — a page of tightly-packed handwriting telling me what an awful

person I was, banging on the floor like that. I was oppressing them. Their music wasn't loud at all. They were going to tell the landlord on me. I ought to move into a house because I obviously couldn't live around other people. The note was totally sincere; its self-righteous indignation was absolutely genuine. My noisy neighbors really believed that this dispute was about their right to play their music the way they wanted to.

I quickly began trying to "understand" them — and just as quickly stopped. I've spent my life trying to empathize with other people. I've been trained to do it. I think I'm good at it. And I've come to realize that there are times when I simply need to turn that skill off. Oscar Wilde had a point when he said that the secret to life is dealing with surface realities. Put in enough time and effort analyzing the inner workings of somebody else and you'll lose your focus. When somebody's beating you over the head, understanding is the last thing you need.

Nor would I write them back, to point out the holes in their argument or justify myself. For too long, I had assumed that there was something I could say that would make a tormentor change his perspective, or like me better, or something. Seldom has anything I said worked well enough to be worth the effort. I am particularly pessimistic about reasoning with young people, who have years of practice ignoring, discounting, and laying blame on people like me.

I've spent my life trying to empathize with other people. I've come to realize that there are times when I simply need to turn that skill off.

I stayed away from moral pitches too. You know: "*I* should move? What about *your* responsibility to be considerate of those who share this apartment complex with you?" "Think about what it's like to work all day and come home to three or four hours of music I don't like when I just want some peace and quiet." "I make sure not to bother you; why can't you do the same for me?" People like my neighbors are expert at finding ways to use anything — *anything* — coming at them as material with which to demonize the other person and put themselves on the moral high ground.

Nor did I make a moral issue out of my own plight. I didn't waste time thinking that these were selfish, mean people out to make my life miserable. I knew where that led: I'd put all my energy into whining, seeing myself as a helpless victim, and waiting for these bad people to stop doing these terrible things to me or for somebody to save me — which could take forever. In the full scheme of things, my neighbors were probably good people, or at least as good as I am. There probably aren't any villains in this drama. But that didn't really matter. I would not dwell on whether I was right or wrong. I would go forward, not waffle or stew.

Nor would I go to the landlord. This hadn't done any good in the past, and I wouldn't count on him now. He doesn't live here; he doesn't have to put up with the noise. If the pair downstairs complained to him and he sided with them, I'd take him on as well.

No, I wouldn't bank on any support from the outside at all. Miletich had facetiously but revealingly suggested that presidential candidates should promise to "[g]uarantee everyone in America a good night's sleep on a regular basis." My response is that people like Leo and me shouldn't count on being on anybody's caseload. If it's going to get done, whatever it is, we're going to have to do it ourselves.

There would be no discussion, no analysis, no moralizing, no self-pity. They wanted to play their music loudly. I wanted them to stop. One of us would prevail, and I intended it to be me.

I would pair an aversive consequence — stomping — with each and every blast from below. Period. The next time they played the stereo loud, I stomped. They increased the volume. I kept stomping. The music stayed, even louder than before.

But after a few days, the music got softer, my stomping less frequent. And for the last ten days — nothing.

Silence. ❑

Short Story

Richard and Poorer

by Greg Jenkins

The artist was a cat, and this was the one aspect of the story that struck me as crucial. I don't mean to suggest he was addicted to cutting-edge jazz or to malicious gossip (although he may well have relished both, for all I know) — I mean to say he was an actual cat. A house cat, a pussy cat, a kitty cat: whiskers, claws, a permanent fur coat, and a decided air of mystery. His name was Richard, he was a painter, he was the latest rage in the art world, and so help me God he was a brown tabby.

The very concept was unsettling to me.

I'd been camped for what seemed like three hours, but was probably only ten minutes, in the posh, chilly, slightly spooky office of Richard's personal attorney and business manager, Ms. Monique Le Monde. I'm a journalist, a newspaper guy — have been for a quarter century. I was trying my best to get the lowdown on this Richard craze, but Ms. Le Monde, who'd okayed my request for an interview weeks before, was evidently having second thoughts now. Some third and fourth thoughts, too. So far, for every question I'd hit her with, she'd belted me back with a couple of her own. Answers were proving tough to come by on either side. I'll tell you what I think happened. I think she took one disappointed look at my pale, cleanly shaven face, my J.C. Penney sport coat and my buffed if battered brown loafers and figured: Uh oh, here he is, Mr. Bourgeois himself; I better clam up and protect my star from what could be a hatchet job.

True, I probably didn't help my cause much with my line of inquiry.

"Ms. Le Monde," I said, "Richard is a *cat*. Doesn't that fact reduce this to a cockamamie farce?"

Monique Le Monde, seated behind her glass desk, was a very poised young lady. Calm. Businesslike. Intelligent. She radiated a coolness that I could feel physically — or maybe it was just the air conditioner working overtime. She was about 30 years old, with coarse, wavy black hair, sculpted cheekbones, and big brown eyes: probably the coldest brown eyes that'd ever taken my measure. She was wearing a purplish, chiffon tunic over a pink and purple printed skirt, and a swollen mass of multicolored beads that hung heavily, between and over her breasts, down to where I reckoned her navel would be. Her left sleeve extended frothily to her wrist; her right sleeve, oddly, was nonexistent. She was dark-complexioned, and it occurred to me that perhaps she was black, or African-American, or both — which is the preferred usage?

"Mr. Cross," she said casually, "are you prejudiced?"

I yanked my eyes up away from her beads and located her cold brown gaze. "Me? Certainly not. Why would—"

"Not even against cats?"

"Certainly not. I have a cat myself. What kind of question is that?"

"You 'have' a cat yourself." She savored the words, as if she — or I — had just said something delicious. "You *own* one?"

"Yes . . ."

"Mr. Cross, in case you haven't noticed, we live in an age of multiculturalism. Values and viewpoints that were once suppressed by the dominant ideology are enjoying a newfound freedom and respect. And some of the old ideas — for example, the notion that one can legitimately 'own' another living creature — are being called into question."

"I suppose." Scribbling something on my yellow legal pad, I wondered how the police would react if someone tipped them off that I was a longtime pet owner. "I guess I'm just having a problem reconciling myself to a cat that paints."

"*Many* cats paint!" she erupted. "*Many* cats! It's just that Richard does it so much better than the others. He's a *genius* — as the critics in London, Rome, Milan, Paris, Berlin, Munich, and Dusseldorf have openly attested."

A genius, huh? Well, I'm no art critic, but I've been to a few museums in my day, and I've formed a few opinions. Let me give you my candidate for genius: Vincent Van Gogh. You look at any of his paintings, you can't help but yield to the scalding passion, the penetrating vision, the brutal honesty. Take his final self-portrait. Forget the bulldog stare — check out that vibrating, ice-blue background, with all the little energy-lines writhing like baby rattlesnakes. Whether you accept it or not, that's how backgrounds really are. Always. Or take that other painting, *Starry Night*. Some people thought Van Gogh was Van Gone when he made the sky so full of smeary, whirling, humming activity. But you go outside some cloudless night, especially these days, and have a long, careful gander at the sky, and you'll see that he got it exactly right. Brimming with portents.

But I let these sentiments pass.

"Many cats?" I said. "Until I heard about Richard, I didn't know *any* cats painted."

Grimacing distastefully, Ms. Le Monde opened her desk drawer and began searching for something. As I mentioned, her desk was constructed of glass, transparent glass, so I was able to follow her slender, probing hands as they ranged

impatiently among papers, pens, rubber bands, two staplers, some loose change, a pair of Porsche sunglasses, a Snickers bar, a box of Kleenex, a pack of Juicy Fruit gum, one plastic ruler, and untold bottles of pharmaceuticals — all of which appeared to be floating in thin air. At last she found a glossy magazine, withdrew it, and tossed it in my direction. *Cat Art Review*, the thing was entitled, and when I thumbed through it, I came across several photos, sure enough, of various cats captured in the act of painting. Up on their hind legs, faces concentrating, gooey paws in purposeful motion.

"Richard is not only an artist," she informed me, "but the leader of a movement. Felinism. Take that magazine with you when you leave."

Hey, I can recognize a hint as well as the next guy, but I wasn't quite ready to hit the door yet. There was a real monstrosity of a painting on the wall behind her — squiggles, blobs, chaotic splurges of color — and I saw that the artist had indicated his identity by placing a single paw-print in the lower right corner of the canvas.

"Could that be one of his?" I asked, angling my head. It *looked* like something a cat would paint.

She nodded and, with a great rustle of beads, stood up and admired the work, her features warming and softening as she did.

"This is an early Richard," she beamed. "His protest against the Gulf War. It's called *Guernicat*."

"Pretty abstract," I said, squinting.

"Yes, well, he owes some debt to the New York School — Pollock, de Kooning, Kline, Motherwell — but then doesn't everyone? Lately, he's been drifting away from painting altogether, toward paper cutouts, *à la* the older Matisse."

"Paper cutouts? He can handle scissors?"

"He uses his claws, of course," she replied, ushering me to the door. "They're as sharp as stilettos."

"I'd like to see him. I don't suppose you could arrange a meeting?"

Ms. Le Monde smiled at me wanly, remotely. "I'm afraid Richard doesn't see many people. There's a *chance* he may put in an appearance tomorrow, at the opening of his new show. If you'd like to attend. . ."

She handed me an elegant little flyer, lettered in gold, and pushed me out into the hallway.

For two decades I'd had a regular column in the paper: "Up Your Alley," by Chris Cross. It was all human interest stuff. I wrote about everything and nothing. I remember once I did a piece on an inventor who'd patented an electric fork. Another time I profiled a great-grandmother who liked to bring in extra cash by working as a striptease dancer at local nursing homes. (Mrs. Cavendish billed herself as the Gray Fox, and was celebrated for the remarkable slowness of her undulations, a style that some attributed to sensuality and others to arthritis.) I described the heartbreak of a garage mechanic named Buster who, for no particular reason, taught himself to speak and read Persian, Kurdish, Arabic, and Yakut, then unaccountably forgot how to communicate in English. (I had a hell of a time with the interview.) It was pretty harmless fare, by and large, light and easy on my readers, light and easy on me. Like so many word soufflés.

Then one day, in a button-down shirt, affirmative action arrived at the paper, and my column and I got bumped aside to make room for some up-and-comer whose claim on the system, they said, was more pressing than mine. The Chief told me I'd be switched to the crime beat if it suited me, and, if it didn't, I'd be switched to the unemployment office. (I always did find his uncanny powers of persuasion difficult to resist.) White collar crime intrigued me with its craft and deception, and I hoped I'd get to cover some, but the only crime that ever stomped my way was the rough variety: blue collar. Or no collar at all. Murder, rape, robbery, bludgeoning. Time and again I noted the kind of splatter on the sidewalk that would make me think, later on, of Richard's paintings. After a while, the virus-like stresses that come with being a secondhand, voyeuristic party to violence began to infect me, and I started to act, oh, I don't know — weird.

What do I mean by weird? I'd rather not get into it, if it's all the same to you. Well, all right, if you insist. One morning I came in wearing Rambo-style combat fatigues, explaining that since I considered myself to be caught up in a shapeless, nameless, endless war, I might as well look the part. The Chief cited our dress code, and ordered me to change. Another time, during lunch, I stripped off every stitch of my clothing — right there in our stunned office — while ranting that we all needed to get back to a state of naked innocence, the "innocence of newborn babes." Once again, the Chief cited the dress code. On a third occasion, I stepped outside a beckoning window, 22 floors up, and onto the narrow ledge that encircled the building. I had no desire to jump, and made no threat to. I simply wanted to partake of the city: to breathe its effluvia, absorb its vibrations, measure its tumult. Van Gogh should've been out there with me; Vincent would've understood.

Afterward, having decided that I was a "victim," the Chief called me in for a conciliatory chat. He gave me a raise and also gave me my column back, which I now dubbed "Up Your Alley Again."

Could be, I suppose, that Ms. Le Monde had lately gotten wind of my erratic career, of my controversial ups and downs. Maybe that was why she took such visible satisfaction now in launching me out her oaken doorway. I don't know.

With as much insincerity as I could muster, I bid her good day, went home to my cracker-box apartment, popped open a can of Red Dog beer and ate a giant handful of barbecued pork rinds. I'd dealt with my share of offbeat subjects in the past, and the spectacle of an artistic cat would seem, on the surface, to fit right with everything else. But for some reason it didn't. For some reason it confounded me, flustered me, annoyed me. Was a house cat, however gifted, truly capable of creating art? Or might I be researching a story on white

Range Finders #6

by Don Mager

Yesterday all of us woke up depressed
in no mood to go to an 8 o'clock class
going through Dickinson or Stevens or
whatever she had on her menu that day

so we sat in a cafeteria
talking politics while our rubbery
eggs got harder and colder by the minute,
at least, later that's what we told her.

What we failed to say was that politics
is all about power and since poetry
offers so little anymore to anyone,
we were doing it by not doing it — her way.

collar crime, here, after all? I kicked my own lazy cat, Ivan, off the couch, stretched out there myself (my head on the warm spot), and poked my nose into *Cat Art Review*.

Right away I came across an article that traced the short but triumphant history of cat art. Turns out that in the early days, back around 1980, the field drew plenty of doubters. Someone with a sinful amount of idle time on hand had discovered that certain felines, given encouragement and the right materials, would apply paint to canvas. Ah, but could the process fairly be termed "painting"? Some observers argued that the cats were merely releasing nervous energy, the same weird energy that periodically causes the most lethargic of them to scurry frantically about, banging sideways into walls. Others suspected that the animals were engaging in an "instinctive vertical marking behavior," roused by the similarity in odor between acrylic paints and cats' urine: no cat will paint with oils. Eventually, however, the consensus emerged — and here I could feel my hackles beginning to lift — that what the cats were doing was *aesthetically motivated*. They *were* painting, in other words, and they were painting in the same spirit that humans do.

I killed off the can of Red Dog. Who were the authors of this consensus? I wondered. Had they ever seen the work of Van Gogh?

Now and then, a cat would be declared talented. Indeed, reputations budded, bloomed, aged, and withered — and quickly, too, because of the compressed life span of the artists. There was Tiger, a Spontaneous Reductionist who took giddy, kittenish delight in destroying his own work; Misty, a Formal Expressionist whose oeuvre included a macabre study called *Interring the Terrier;* and Ginger, a Neo-Synthesist, renowned for her delicate wallpaper scratchings. Foremost among this elite circle, of course, was King Richard, who currently held the pundits of the art world in the padded palm of his sticky right paw.

Speaking of Richard, I flipped ahead a few pages, and there he was, caught in a splash of candid, color photos taken during his recent conquest of Europe. Always in his trademark claret beret, he could be seen relaxing at a ski resort in the Alps, scampering just ahead of the charging bulls in Pamplona, cavorting on the beach along the French Riviera. Man, I thought, this was one fat cat. But now who was this other cat, a smug and fluffy Himalayan, always at Richard's side in every scene? Skimming the accompanying text, I learned that the companion cat was Richard's, yes, "companion cat." A love interest named . . . David. Well, why not? I asked myself. Artists have their ways. The gossipy *Review* went on to disclose just how volatile Richard's love life was.

About this time, Ivan landed square on my unprotected belly. It took me a minute or so to recover from the shock, during which time I reflected on how much I liked the little fella. He was a Russian Blue, and who would've guessed that a Barry Goldwater conservative like me would one day consort with a Russkie? Ivan was the only substantial item my wife left behind when she divorced me, and on that basis alone I rather treasured him.

Suddenly I had an impulse. I spread some newspapers on the floor, got some housepaint, and tacked a white pillowcase to the wall. Next, I grabbed Ivan, who seemed displeased and balky from the outset, and plopped him down in the midst of this makeshift studio. To give him the idea, I dipped my hand into the full, dark brown bucket and daubed messily at the pillowcase, all the while grinning like an idiot and urging: "See? See?" Ivan saw, but he was not impressed, or not favorably. He sniffed the bucket, recoiled three or four steps and peered up at me with unqualified disdain. I had never been so grateful that he couldn't speak. He then turned and strode away from me, his slate-blue tail straight up in the air, flipping me the bird, as brown droplets fell from my fingertips onto the newspaper.

Now this, I mused, *this* is a cat.

Next morning, with only a trace of brown paint still lingering beneath my nails, I made my way to the Farthing Museum. A massive, well-heeled throng was already percolating through the staid building: through the vestibule and the reception area, the loggia and the café, the lounge and even the library. It was also — men and women, boys and girls — shuffling, buzzing, and gesturing steadily through the main gallery, where presently I labored ahead, now accepting a sharp elbow, now returning a blunt shoulder. "'Scuse me," I said. "Pardon me. If you'd . . . If I could . . . Thank you." This is incredible, I thought, and tried to imagine what sort of act I'd have to commit to attract a gathering half as large, especially a respectful gathering. Dying certainly wouldn't do it.

The gallery was a good-sized affair, bathed from above in an incandescent light, with Richard's artworks grouped into paintings, etchings, and his new cutouts. As was the case in Ms. Le Monde's office, I could get no sense from any of these productions. Early Richard, late Richard — it was all too abstract for my taste, even the cutouts, which looked like the dendrites of some dysfunctional brain cell. When someone jostled me into a wall, I found that it was covered by a cotton pile carpet. The floor was bare.

Seeing no sign of Richard himself, I settled in front of a smallish painting, done all in shades of rose. It was entitled *Untitled*. Inches to my left, a tweedy knot of bespectacled visitors had focused its attention on the same work.

"Structure, space, emotion, light — all in one bold, superheated statement," one of them offered with reverence. "It's the definition of lyricism."

"Obviously a political allegory as well," another put in. "And yet disarmingly personal."

"Marriage of cosmic opposites," someone else ventured. "Formally satisfying, yet teeming with a profound psychospiritual resonance."

"An interplay of archetypal dualities," the first one agreed. "Order and dynamism, centering and dispersion, fragmentation and unification."

"I see implications here," the second one said gravely. "Heavy implications."

"Nothing less than time, sex, God, and death," the third one insisted, his voice quavering.

I was about to submit my own critique, which wouldn't've been quite as generous, when I heard a familiar woman's voice call out behind me. "Excuse me, everyone," it sang. "If I could have your attention, please. . ."

Turning, I saw Monique Le Monde, still frosty around the edges, and even more sartorially jolting than before in chandelier drop earrings, draped shoulder sweater, and gold miniskirt. I wanted to ask her where she acquired her wardrobe — and did she dress this way for court?

"I know that many of you came here today hoping to meet Richard personally," she said. "I'm sorry to announce he won't

be here—" At the general groan of frustration she held up a glittery hand. "I'm told he's indisposed. You may be assured that he sends his sincere apologies, and his fondest wishes that you'll enjoy the show."

"Indisposed," one of the tweedy experts beside me grumbled. "We all know what *that* means. Another tiff with his boyfriend."

"With *David*," I blurted. "Those two need to sort some things out." This remark, which was made much more loudly than I'd intended, brought looks of firm agreement from all around.

Smarting with the others at Ms. Le Monde's bulletin, I stood where I was and mulled this whole curious and damnable business over. Richard's nonappearance had left a crater at the heart of my story. Yes, I'd seen his works, marveled at the crowds, peeked into his background — but the artist himself remained a phantom to me, a mystery. Then again, I supposed, maybe his very shadowiness could provide me with my writer's angle. I could play it up, have some fun with it. Such legendary recluses as Greta Garbo, Howard Hughes, and Bobby Fischer had been described and dissected from a distance; why couldn't I do the same with Richard? I almost regretted that I could say nothing, in my piece, that would add to his towering reputation, which I took as the result more of aggressive marketing and public gullibility than of steamroller talent.

He was a cat, for God's sake.

Just then a strange tremor passed through the assembly, a sudden murmuring followed by total silence, and I craned my neck to see what had caused it. A white-haired man in a black chauffeur's outfit had taken up a position on the far side of the room. Everyone but me seemed to know who he was. His hands at his sides, he was solemn and dignified, and, with no noticeable effort, had seized our complete attention.

"I should make clear," he said in a tired but forceful voice, "that he has done this to himself. With his own claws. Purposely."

And with this peculiar introduction, in came Richard — by himself. No companion. His strut was deliberate, self-satisfied, and regal. His signature beret was missing, and so too was most of his right ear. At the sight of this mutilation, people gasped and shuddered, holding onto each other in horrified disbelief. The mangled stump was still bleeding freely, but Richard seemed blissfully unconcerned, now pausing for a moment, tail aloft, now continuing on, gazing up bright-eyed at the staggering hundreds around him and purring maniacally.

"Dear heaven!" Ms. Le Monde shrieked, and snatched her client up, clutching him against her cashmere bosom. The two of them left in a blur.

Well, you can bet your bank account that the gallery at this point was nearly boiling over with commotion, but I scarcely noticed. My heart pounding, I turned to face the rosy painting again, stepping right up to it. I studied it earnestly, trying with all my will to see into it. To see if anything worthwhile was hidden in its pattern. ❑

Reviews

***Up From Conservatism: Why the Right is Wrong for America*, by Michael Lind. The Free Press, 1996, 295 pp., $23.00.**

Up from Narcissism

Clark Stooksbury

Michael Lind and I have several things in common. We are about the same age, we both overcame a youthful infatuation with the Republican-oriented right, and we are both involved in the opinion journalism business. But the similarities end there. For example, Lind was also able to free himself from a close friendship with William F. Buckley, a task I never faced. More importantly, we both drifted away from the right, but I did not drift to his adopted world view of "national liberalism" and claim that it was what I wanted all along.

In the right, Michael Lind has found a target of generous proportions. From the banal bleatings of Rush Limbaugh to the pious prattling of Bill Bennett, mainstream conservatism is wedded to the Republican Party, which in turn is wedded to Corporate America. These gasbags even lined up behind Bob Dole, repeatedly praising him as a "man of character" for denouncing entertainment companies that helped fund his previous campaigns.

Unfortunately, Lind is too self-absorbed to criticize the opposition effectively. An example is his exposé of Pat Robertson's book, *The New World Order*. Try as I might, I can't get excited or outraged over the fact that Robertson used anti-Semitic sources for one of his forays into dementia. For Lind, the most important fact in this episode is that he, Michael Lind, discovered and brought attention to it:

> I had never paid much attention to either Robertson or the religious right when I picked up a copy of *The New World Order* in 1991. I expected to be amused by the promised explanation of world events like the Gulf War (during which I held a minor position in the State Department). Instead, I was shocked to discover that Robertson, whom I had assumed was a conventional evangelical like Jerry Falwell, had accused President Bush (for whom I had voted, and for whose administration I had briefly worked) and the Council on Foreign Relations (which I had joined after being nominated by William F. Buckley, Jr.) of being part of a Judeo-Masonic-Satanic conspiracy. When Robertson, instead of fading away like the other TV evangelists, became a power broker in the 1992 election, I remembered his crazy book and immediately tried to sound the alarm. (99)

Lind continues in this vein for a couple of paragraphs before revealing that "after seeing Buckley on TV with Robertson, I severed my ties with him and the conservative movement once and for all" (100). Only a pillar of moral courage could make a sacrifice like that.

The author is not shy about sharing the details of his political odyssey. He informs the reader that "in the first election I can remember, that of 1968, I rooted for Hubert Humphrey and jeered Richard Nixon" (63). He was six at the time. Later we learn that he "continued to visit Bill Buckley once or twice a year, discussing music and literature more than politics" (66).

The Confederate Theory of History

Central to Lind's mythology is his belief that the modern Republican right grows from the postbellum South. He treats this theory in two chapters, "Whistling Dixie" and "The Confederate Theory of the Constitution." The first makes some obvious points about the Southern preference for lower taxes and fewer government services, as well as the Republicans' "Southern Strategy" of appealing to white Southern voters, pioneered by Barry Goldwater and used successfully by Richard Nixon in 1972. But his theory founders at other points. Unburdened by evidence, he asserts that the tax-cutting frenzy of the late 1970s can be explained by a "centuries-old regional political culture that has encouraged Southerners to take a slapdash approach to government finances" (132). He also repeatedly refers to the "South and West" when the South alone is his supposed topic.

One need not cite so distinguished an expert witness as James Madison to undermine Michael Lind's argument — he does that on his own.

"The Confederate Theory of the Constitution" offers slightly more substance. Lind believes that modern Republicans are attempting to revive a long-discredited states' rights constitutional theory. His only real evidence for this is Clarence Thomas' dissent in the recent *U.S. Term Limits v. Thornton* case.

I have not read either the Court's opinion or Thomas' dissent, but would probably agree with Lind and the Court that the states cannot add new qualifications for federal offices. But Lind says far more than this. He claims that *The Federalist Papers* argued for an "undifferentiated American 'people,' which in matters like ratifying the federal Constitution, is divided on state lines *merely as a matter of convenience*" (213, my emphasis). This bizarre theory can make sense only if you ignore *Federalist* #39, which is nothing if not a meditation on the dual (national and federal) nature of the Constitution. Some of it seems specifically written to refute Lind's fantasy:

> It appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing distinct and independent states to which they respectively belong. It is to be the assent and ratification of the several states, derived from the supreme authority in each state — the authority of the people themselves. The act, therefore, establishing the Constitution will not be a *national* but a *federal* act. (emphasis in original)

Of course, one need not cite so distinguished an expert witness as James Madison to undermine Lind's case — he does that on his own, as with his eccentric claim that conservatives are supporters of the "malapportionment" of the U.S. Senate. Lind is probably correct in asserting that the founders did not foresee the great disparity in population from the largest to the smallest state, but the Senate was designed to represent the interests of states *as states*, not an undifferentiated mass of individuals.

In any event, Lind never confronts the tepidness of the Republican commitment to states' rights. Can anyone imagine Pickett and his men charging at Gettysburg over block grants or the Contract with America?

Although Lind generally holds states' rights in contempt, he does recognize them in one area: he firmly believes that the Second Amendment simply gives states the right to maintain National Guard units and keep weapons in state-controlled arsenals. If you are fool enough to suppose that this amendment might recognize an individual right to possess weapons, Lind informs you that "evidence as to the intent of the Founders is so abundant that there is little room for disagreement about its meaning" (221). He is sufficiently confident of this that he cites no authority on the Second Amendment other than Gary Wills in *The New York Review of Books*, who more or less concludes that the Second Amendment was a ruse by James Madison to mollify the anti-Federalists, a law with no meaning or effect.

With his complete disdain for arguments supporting a right to own guns, it is not surprising that Lind is an enthusiastic supporter of recent FBI/ATF terrorism against fringe gun owners. He is horrified by the congressional investigations of the Waco and Ruby Ridge atrocities — horrified that they would even take place — and freely draws conclusions (e.g., that the shooting of Vicki Weaver was accidental) that contradict the Justice Department's internal investigation of the case.

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Lind is particularly appalled that even the conservative journal *First Things* would print an article criticizing the attack on the Branch Davidians. He points out that only a few years ago, *First Things* editor Richard John Neuhaus broke with the Rockford Institute for, among other reasons, allowing its publication *Chronicles* to engage in "thinly veiled anti-Semitism." Lind is apparently unaware that the article that sparked the anti-Semitism charge was a piece by Bill Kauffman praising the "spectacularly anti-Semitic" (as David Frum has described him) Gore Vidal. Vidal, you see, provided a cover blurb for Lind's book. Of course, it is doubtful that Vidal, who is strongly critical of such Lind deities as Lincoln and Truman, read this book closely.

Lind's view of Waco and Ruby Ridge is as tiresome as it is offensive. In the last year or so, the mainstream media have been embarrassed into being at least mildly critical of the government's behavior in those and similar episodes, but Lind will have none of it. As far as he's concerned, those "cultists" got what was coming to them when they built their "compounds" and stockpiled their guns.

Lind is a clever polemicist who is at his best when emitting venom, as with his observation that one way to bolster "family values" is to ostracize "men who have divorced their first wives — such as Ronald Reagan, Bob Dole, Newt Gingrich and Rush Limbaugh" (172). On a more substantive level, he presents a compelling case that conservative mania over welfare and illegitimacy is vastly overblown because of falling fertility rates. He also provides an able critique of the Beltway right's tendency toward groupthink. If he had chosen to develop these criticisms of the right, Lind might have produced a serious work. Unfortunately, his book's few virtues are obscured by its flaws.

Up From Conservatism also would have benefited from better editing and fact-checking. I have two theories about why it did not. The first relates to Lind's rising status in the political journalism world. This is his second nonfiction book in as many years, he has recently published a novel, and he will soon publish an epic poem. He has graduated from *The New Republic*, where he was briefly a senior editor, to *The New Yorker*. His "overclass" theory, from his previous book, inspired a *Newsweek* cover story. It is possible that he was simply able to throw his weight around and get a major house to publish his unsubstantiated rantings.

The second is a conspiracy theory worthy of the paranoid right that Lind is so eager to have the feds destroy. The book's publisher, the Free Press, has gained a reputation as the conservative publisher of choice, featuring the work of Charles Murray, Dinesh D'Souza, and Ralph Reed. Perhaps a cabal from the foundation-subsidized right decided to publish this book to discredit their political enemies. ❑

***The Myth of Democratic Failure: Why Political Institutions Are Efficient*, by Donald A. Wittman. University of Chicago Press, 1995, x + 229 pp., $29.95 hc, $16.95 sc.**

We Many, We Happy Many

Leland B. Yeager

In recent decades, Public Choice economists have been applying economic analysis to political institutions, arguing that people in government are not fundamentally different from people in private life. Both respond to opportunities and incentives. But different incentives apply, and different opportunities are available. The ordinary voter will seldom find it worthwhile to become well-informed on a wide range of political issues, since his efforts have little chance of affecting an election or influencing a policy. He has better uses for his time and energy in the private market, which gives him a better chance to satisfy his own preferences, even quirky ones. Similarly, he has only slight opportunities and incentives to monitor the performance of his supposed servants in government. Special-interest groups have better opportunities to steer government policies in their own favorite directions.

For these and other reasons — only some of them noticed in Donald Wittman's *The Myth of Democratic Failure* — democratic governments do not respond to what citizens would desire if they were well-informed. Modern democratic governments have a bias toward counterproductive hyperactivity.

Wittman, a professor of economics at the University of California at Santa Cruz, sweepingly rejects an extensive literature making such points. In an earlier article ("Why Democracies Produce Efficient Results," *Journal of Political Economy* 97, December 1989), Wittman claimed that "democratic markets work as well as economic markets." On the first page of *Myth*, he weakens this claim to "both political and economic markets work well." In article and book alike, Wittman claims that the democratic process is "efficient" but scarcely bothers to describe what his standard of comparison might be. (He does invoke, but only ritualistically, the criteria of Pareto optimality* and total wealth maximization.) But relative to *what* is democracy "efficient"? To other forms of government? To a society where most aspects of life are outside the political arena? Wittman does not say.

Wittman argues his case feebly. He scarcely goes beyond asserting that the positions he attacks are incorrect or have been "exaggerated." ("I have already argued that the degree of opportunism by politicians has been greatly exaggerated," p. 33.) Since some exaggerations occur on almost any side of any issue, such limp claims are useless.

Furthermore, Wittman relies heavily on a weak analogy between economic markets and democratic politics: "this book develops an invisible-hand theory of efficient democratic markets" (3). Gordon Tullock, Richard Posner, and others have argued that spending to curry government favors will tend to dissipate the rents sought. Wittman replies that rules will develop to minimize the social cost. Campaign contributions are not dead losses; they help provide valuable information. Besides, he continues, something like "rent-seeking" — Anne Krueger's term for attempts to reap unearned profit through government favors — goes on in the business sector also. Pet stores push sales of bird feeders, redistributing income from humans to birds. If rent-seeking isn't a serious problem in business, it probably isn't a problem in politics either. Wittman provides many more examples of trying merely to talk away points made by Public Choice analysts.

Political entrepreneurs, like business entrepreneurs, can gain from discovering and exploiting unknown demands, providing related information, and clearing up confusion, he argues. So doing, they help narrow the gap between the "rational ignorance" of most voters and the greater knowledge of special interests.

As for principal-agent problems (voters' difficulties monitoring their supposed political servants), they are mitigated by such institutions as government structure, political parties, and candidate reputation. Besides, if the principal neither can the academic researcher. Competition for office reduces politicians' potential for opportunism and for shirking. The party is the analogue in politics to the franchise in the business: party labels — like accumulated reputations, interest-group endorsements, and political advertising — provide good substitutes for specific knowledge about particular candidates. Voters discount information from sources known to be biased.

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As for the allegation that "diffuse taxpayers" are insensitive to spending that benefits concentrated interests, well, uninformed people may exaggerate the extent and harm of porkbarrel projects. Even if some voters do make incorrect choices, the "law of large numbers" is likely to yield the correct

* According to Vilfredo Pareto, resources are "optimally" allocated when it is impossible to make anyone better off without making someone else worse off.

majority choice anyway. Furthermore, political institutions — notably, legislatures much smaller than the constituencies represented — reduce transaction costs and facilitate efficient policy deals.

Wittman briefly acknowledges problems, but disposes of them all by claiming that efforts to gain a majority

Academics feel pressure to publish and be noticed. Latching onto a fad is one way. Delivering shock value is another.

push a government toward achieving efficient outcomes. Local zoning, for example, is likely to be efficient.

Here are three more examples of Wittman's style of argument.

(1) Do voters shift some of the burden of current government spending onto future generations through debt-financed deficits? Not to worry. After three short sentences arbitrarily assuming that taxes fall on land, Wittman draws a sweeping conclusion: "The burden of the debt falls on the present generation, and they will therefore choose the optimal discount rate, just as they choose the optimal policy in other areas" (159).

(2) Do short-term incentives faced by politicians lead to destructive economic policies? Set your mind at ease. "[E]fficient economic markets constrain the behavior of democratic markets. If vote-maximizing politicians try to monkey with the economy, it backfires — the economy becomes less efficient, and workers and capitalists vote them out of office. So politicians are restrained from such maneuvers in the first place" (176).

(3) Could socialist planners strike the right balance between consumer goods and investment? Sure. "Vote-maximizing politicians would again be constrained in their choices by requirements of an efficient economy. Making different choices would ultimately yield fewer votes" (176). ("Ultimately," Wittman may be right, at least if freedom and democracy survive under socialism; but why should the individual politician care what happens "ultimately"?)

Argument Failure

To support his positions, Wittman provides little more than airy references to the existence of elections, parties, ideologies, rivalries, campaigning, congressional hearings, and so forth. He does cite many books and articles that supposedly support his position, but he cites them sweepingly, without detailed discussion. He spends more space on the supposed methodological and other flaws of studies that reach contrary conclusions. One whole chapter criticizes psychological studies casting doubt on how dependably people behave "rationally" as economists understand the term.

Wittman pays little or no attention to major strands of Public Choice literature. Although he does paw away at the concept of voter ignorance, he seems unable fully to grasp why individual voters (and nonvoters) are rationally content with a superficial understanding of political issues. Similarly, he fails to understand the fuzzing of issues in a two-party system (the Hotelling effect), and the associated drift over time in what positions are considered respectably mainstream; the jumbling together of diverse issues in often incoherent packages; the chasm between the personal qualities of an effective campaigner and those of a sound statesman; various rather mechanical inaccuracies of the political process (including several paradoxes of voting and what Robert Dahl labeled "minorities rule"); the fragmentation of decision-making power and responsibility among levels and branches of government and among individual politicians, bureaucrats, and judges; the analogous fragmentation of responsibility over time; the associated reasons why politicians and bureaucrats have short time horizons; the forestalling of market solutions to problems by governmental preemption; the way that government activism, far from just remedying externalities in the private sector, creates major externalities in government decision-making itself; the lesser scope for prices to function in government than in markets; and the contrast between government's tendency to rely on coercing people and the private sector's enlisting people's voluntary cooperation. Wittman doesn't draw the implications of politicians and bureaucrats constituting special interests in themselves.

One wonders what world Wittman has been living in. Hasn't he noticed examples of government irresponsibility and failure in policy on crime, education, welfare, regulation, litigation, money, and budgeting? Can voters tell who is responsible for a stumbling economy, especially given the time lag between a policy's enactment and its long-term effects? Hasn't Wittman noticed voters' tendency to blame or credit whatever administration is in power for the current stage of the business cycle? Hasn't he noticed the wretched quality of popular debates on economic policy? Doesn't he recognize that the quality of political discussion is so low because politicians must appeal to voters as they actually are, with their limited attention spans in their actual circumstances?

Although Wittman neglects most such counterevidence, his treatment of what he does notice suggests how he would deal with the rest of it. It is all too easy, he says, to point to such standard

Modern democratic governments have a bias toward counterproductive hyperactivity.

examples of supposed government inefficiency as rent control, tariffs, and farm subsidies. But some observers complain about too much foreign aid or too much support for right-wing dictators; others complain about too little. "So, while just about everyone has her [sic] theory of government failure, at least half must be wrong" (182). "[M]any examples of political-market failure are mutually contradictory and methodologically unsound" (181).

Wittman's arguments are not just feeble; they are sometimes inconsistent. "[O]pportunism by politicians is mitigated when they are paid above-market salaries and then threatened with losing office if they shirk. The fact that candidates engage in very costly elec-

tion campaigns is consistent with the hypothesis that holding office pays above-market salaries" (27). What, then, has become of politicians' much-trumpeted competition for office? Don't the costly campaigns dissipate wealth? And how does Wittman's judgment about politicians' inflated salaries square with his equally blithe judgment (on page 106) that bureaucrats' wages are kept at the competitive level?

Ironically, Wittman's book, like the precursor article, was published at the University of Chicago, a citadel of positivism in economic theory and of insistence that theories be falsifiable. (I interpret this, perhaps charitably, as insistence that theories have actual content, as opposed to being formulated with built-in immunity to any adverse evidence.) Wittman makes self-congratulatory remarks about sound and unsound methodologies, but devotes himself mainly to the latter. His two concluding chapters, totaling only 13 pages, bear the titles "The Testing of Theory" and "Epilogue: The Burden of Proof." (Page two had already placed "the burden of proof . . . on those who argue that democratic political markets are inefficient.") The reader expects Wittman at least to say what he would recognize as weighty evidence or argument against his thesis and say how it stands up to the test.

He never does. Yet he ends his book claiming to have "carried over to models of political-market failure" the suspicion that economists direct against the dubious assumptions typically underpinning market failure. "I have argued that voters make informed judgments and that democratic markets are competitive" (192). "Economists do not dwell on business error or pathological consumer behavior"; instead they "analyze the normal and look for efficiency explanations for abnormal market behavior. Similarly, political scientists should not dwell on the mistakes made by political markets" (193n). But Wittman does not claim that he has actually shown that democracy is efficient. He merely insinuates that the burden of proof rests with those who refuse to accord the presumption of efficiency to economic markets and political markets alike. The fuzziness of his thesis renders it even less testable than it might have been if more sharply formulated.

A Puzzle

Why would something as inadequate and perverse as this book be written and published under prestigious academic auspices? This is a phenomenon crying out for explanation. Tackling the puzzle is important, for the book's mere existence and academic trappings will carry some weight. Along with like-minded academics, politicians and bureaucrats relish support from what "studies have shown."

In engaging in such speculation, I must confess to some embarrassment. It is a commonplace remark that one should not ask about people's motives. Yet sometimes such inquiry is necessary. A detective in a murder case must conjecture about motives while formulating rival hypotheses and trying to rule out all but one of them. The intellectual puzzle of a curious book requires a roughly similar procedure.

My first hypothesis must be that Wittman is driven by passion for truth. Conceivably, he is right: the now famil-

iar Public Choice theories of bureaucracy and democratic politics are radically deficient, and in the ways he diagnoses. Democratic processes do indeed closely resemble competitive processes in markets for goods and services. It is I who am wrong, blinded to the merits of Wittman's brilliant revisionism.

But other hypotheses suggest themselves. The thought crossed my mind that Wittman's book might be a sustained spoof, like physicist Alan Sokal's article on "postmodern gravity" in *Social Text*, or if not a spoof, at least a move in an academic game. Wittman does acknowledge (on page ix) that he has been playing a "game," that latecomers to an intellectual controversy enjoy an advantage, and that he has "had a lot of fun."

Or perhaps Wittman is trying, as an exercise, to make the best case for democratic government he can devise. "Democratic decisions should be treated as innocent until proven guilty," he says, "and they deserve a lawyer arguing their side of the case" (193). With ample talent already making the prosecution's case, perhaps Wittman chose to write the legal brief for the defense. Letting someone else recognize how weak even that best case is — provoking the reader toward a judgment of his own — might be an effective way to reinforce Public Choice–type skepticism about activist democratic government.

One variant of the hypothesis about an intellectual exercise is that Wittman saw an opportunity to fill a vacant niche in the academic landscape. From that hitherto unoccupied "intellectual foxhole" (as Charles Peirce said), he might sally forth to battle those who hold other positions. Evidently the marketplace of ideas had left room for an academically credentialed rehabilitation of what R.W. Bradford has called "the new civic religion" — pop wisdom about the virtue and efficacy of voting and about the mandates conferred by elections. I do not know about Wittman, but as a general proposition, holding a distinctive intellectual position can draw invitations to attend scholarly conferences and contribute chapters to collective works. Serving as a foil for other positions is not necessarily disreputable: as John Stuart Mill said in *On Liberty*, truth may sometimes strengthen its appeal by struggle against error, even contrived error.

The hypothesis about niche-filling meshes with one about the state of academic economics (at least as diagnosed by several eminent participants). Academics feel pressure to publish and be noticed. Latching onto a fad is one way. Delivering shock value — being an iconoclast, challenging established beliefs — is another way, which can even add to the "fun" of the "game." Occasionally the two approaches can even blend into a kind of routine originality: extend a fad so as to challenge yet another widely accepted belief. I have observed plenty of faddism, iconoclasm, and their combination in my own field of macroeconomics. Certain strands of Chicago and UCLA economics cultivate the fad of arguing that whatever institution or practice has long endured thereby demonstrates a certain efficiency, whether or not its rationale has hitherto been spelled out. Such iconoclastic faddism (or chic iconoclasm) purports to rationalize forms of protection and rent-shifting long condemned by mainstream economists. Wittman's work could be another example, whether intentionally or not I do not know.

The thought crossed my mind that Wittman's book might be a sustained spoof.

Following academic practice in one or several of these ways need not indicate insincerity or other personal immorality. Leon Festinger's principle of cognitive dissonance may be at work. If one feels uncomfortable as a gamesman saying things one does not really believe, one can remove or forestall the dissonance by coming sincerely to believe those things.

I do not know which, if any, of these hypotheses is correct. Pending further evidence, we should perhaps opt for a charitable one. Meanwhile, Wittman's judgments remain puzzlingly perverse. If they should succeed in making a great splash, that would reflect adversely on academic social science and on popular discourse infected by it. ❑

***No Harm*, by T. Patrick Burke. Paragon House, 1994, 249 + x pp., $39.95.**

Mostly Harmless

Jan Narveson

Patrick Burke is a professor of religion, not of philosophy or economics — not the sort of person one would expect to write a secular defense of libertarianism. But he has. In *No Harm*, Burke tells us, mostly, what readers of this journal will already know — but says it very well. "The fact is, unpalatable though it may be to many, that economic freedom is of one piece with freedom of thought and expression, freedom of association, academic freedom, freedom of conscience and freedom of religion. It is deeply inconsistent to cherish some of these and repudiate the others" (34). He follows this up with an instructive example: the right of freedom of association has been interpreted by a California court in such a way that private clubs hitherto reserved to males must be opened to females (and vice versa) — an inversion of free association. Had the Lions' Club's property rights been respected, there could have been no such ruling; what went on inside the club would have been a matter for the owners, not the government, to decide. One could go further, and argue that freedom of expression is an aspect of our ownership of our speech-making organs. Burke doesn't take things to that level, though. This is an outstanding piece of exposition, but it is not a philosophical defense of libertarian fundamentals.

Burke explains the basic ideas of mutual benefit, the market, and economic value, nicely illustrating his points with relevant cases from the courts and elsewhere. Happily, his prose is largely free of academic jargon. The principle of "no harm" has been anticipated by the great founders of liberalism — Hobbes, Locke, Kant, and John Stuart Mill — as well as more modern writers, such as David Gauthier and, I modestly add, myself. But most readers, especially those untrained in philosophy, will find Burke's exposition more accessible than ours, and that is all to the good.

The basic idea of freedom is that people may be forcibly prevented only from actually harming others, i.e., making them worse off as a result of one's own actions. The notion of causation in action gets a whole chapter, and needs it. And, on the whole, Burke does a good job with it. For example, in one important set of passages (125–6), Burke examines and rejects Joel Feinberg's views about aiding and benefiting. Feinberg's idea is that if someone has been harmed, others must do more than avoid making him still worse off; they must actively attempt to restore him to his "normal" condition. Here Burke is in the right and Feinberg is in the wrong. It is a pleasure that he is able to resist being taken in by even the more acute philosophers of what currently passes for liberalism.

There's a good discussion of why monopoly is bound to be evanescent in a free market, while the inherent monopoly that is government has proven anything but evanescent. Burke shares the common view that there are things only governments can do: "there should be an authority which has an exclusive monopoly on the use of physical force in society in order to protect the individual against harm caused by others in the society, and in order to protect the society against harm caused by other societies" (163). Actually, it can be argued plausibly that the former monopoly is a mistake. (See, for example, Bruce Benson's remarkable book, *The Enterprise of Law.*) The second purpose, on the other hand, is hard to get around. As Burke says, "the only competitor for a government is another government, which means war" (163). Of course, if all places accepted liberty, this argument would evaporate: in order to make sense, it must presuppose that other governments already exist. So it cannot fundamentally justify the state, though it can provide a practical argument for one in the desperate and familiar circumstance in which other governments are about to attack.

In any case, Burke is no sleepy-eyed conservative ready to accept state power. A monopoly on the use of force is, he notes, "extraordinarily dangerous. There is no power which can be so easily abused." It is "a Frankenstein monster, which human beings create, but which threatens at all times to devour its creators" (163). He also suggests that democracy is "the most effective means of ensuring the protection of human rights against government" (163). Later he suggests that the no harm principle doesn't entail any particular form of government, which is true in one sense — it arguably entails that there should be no government at all. Burke does not embrace this conclusion: "I have no doubt that representative democracy is the best and wisest form of government where it is capable of existing" (234). But he should have every doubt about that. Representative government is probably inevitable in modern circumstances, and it is probably the "best" form of government, though that is not much of an honor. But otherwise intelligent people should just stop saying that it is "wise." Democracy actually increases the chances that power will be abused. Power in the hands of a mob, after all, can't be expected to be better than power in the hands of a few people, and putting the mob in separate polling booths doesn't really make much difference. The best systemic protector of our rights is a clear bill of them (including especially the right of property) — *and* a real commitment to maintain them, by both ordinary people and courts. But how to achieve that

happy state of affairs? That is the great, continuing, and probably insoluble problem. Does democracy help in the meantime? Not much, if at all: the abuses of liberty committed in the "advanced" democracies are instructive in this regard.

The Unbearable Lightness of Being Right

Libertarian philosophers have a problem: our ideas are so simple and so elegant that there isn't much to do with them. It's boring. Our enemies, on the other hand, get to dredge up elaborate parades of flummery and hocus-pocus. What's more, there would be little, perhaps nothing, for governments to do if our principles were adopted — probably the single main reason why our ideas are so fiercely resisted by academics and by establishment writers in general. If libertarianism wins, we academics may be out of a job.

The best systemic protector of our rights is a clear bill of them.

Reading contemporary mainstream philosophers is, in its way, fun — if depressing — because there is no limit to the number of arbitrary principles the upcoming academic philosopher can generate, hairs he can split, and footnotes he can write as he looks for a new trench to defend against all comers. By contrast, the idea of liberty is obvious and familiar, and there is no particular reason to think it will ever change. There is, to be sure, dispute among libertarians about the *foundations* of our ideology, and some of these disputes make a real difference to practice, a notorious case in point being abortion (which, by the way, is conspicuously not addressed in this book). But once we confine ourselves to relations among adults, it's pretty clear sailing, and books like Burke's inevitably have an air of belaboring the obvious or saying the same old things all over again. Still, the way things are said does matter, and Burke's book is admirably readable and clear, with the added virtue of being on track most of the time. In short, you won't go wrong reading this. Indeed, it may be the best introduction to libertarianism available.

No book is perfect, of course (including my own). Discussing how "we" can be "competitive" against the Japanese, Burke conjectures that "it may take a cartel to compete against a cartel." This is a mistake, and stems from underanalysis. Competing against a cartel is actually easier than competing against ordinary businesses — provided, of course, that competition is actually permitted. (And the Japanese economic "miracle" has been vastly inflated. The Japanese people are financially far worse off than Americans, a fact masked by the smoke of the exchange rates.)

One topic Burke discusses very commendably is discrimination. He points out that discrimination, as such, does not in any straightforward sense *harm* its "victims." Many actual cases of harm have been motivated by discrimination, to be sure; but since those are wrong anyway, the fact that they are discriminatory is beside the point.

Burke does believe that there is something "inhumane" about, say, paying twice as much to a pretty secretary as a plain one of equal competence. But Burke is weaker than he need be when he goes on to say, "From the viewpoint of a supporter of free markets, the proper remedy for such discrimination is not the violent hand of the law, but the voice of persuasion and education" (219). He should have added that it is the velvet-gloved mail fist of the market that is the real "educator" here. He who indulges in discriminatory practices of this kind is behaving irrationally, and if there are any rational competitors around, the discriminatory one will pay. The plain secretary will be snapped up by the people down the street, who will pay her only a bit more than you did for twice as much work; multiply that by a few hundred and you have a disparity of costs that is going to put the nondiscriminating competitor at a significant advantage. And so on. These are lessons that the market teaches very effectively, and not even all that slowly — once the legal props that have always been the real source of irrational discrimination are struck down.

On the important matter of punishment theory, Burke subscribes to a reasonably familiar version of retribution. "If those who have caused no harm ought not to be harmed, then those who harm them ought themselves to suffer harm" (207). This idea, though plausible, needs elaboration. No new ground is broken here, and the old ground is not very adequately covered.

Beyond Equality, Back to the Basics

Discussing the popular idea of "social harm," Burke repeats a familiar platitude about equality: "There is what may be called moral equality, the equality of human beings as human beings, also known as equality before God. It is this which provides the moral basis for the Principle of No Harm, which applies equally to all human beings" (221). Well . . . we should distinguish between a "basis," which this is not, and a caption, which it is. The no harm principle identifies a sense of "moral equality." But the idea that it is "based on" this runs into a problem: no clear interpretation of "moral equality" exists that provides a more fundamental and yet reasonably precise general principle from which the no harm principle may be deduced. Burke may disagree. If so, let him prove his case!

Meanwhile, though, he resists any temptation to suggest that government should try to "promote" equality of more substantive kinds. Any such efforts violate the no harm principle, Burke observes, which is far more important and fundamental.

We do no harm to others by taking what they don't yet have.

At the end of the book, Burke returns to the subject of government, and taxation in particular. He sketches the Lockean argument: those who benefit from government must contribute to it, and the consent of the majority is necessary. But "necessary" does not entail "sufficient." How, then, is majority consent made out to be all that is needed to justify a government or a tax? "Why is it not necessary that *all* who suffer from the laws and taxes

must give their consent?" (238).

Burke's answer is, first, that we voluntarily consent to be citizens, a view he concedes is somewhat problematic. (I myself think it is absurd.) Still, if the majority idea can be defended, we really wouldn't need to establish that citizenship is voluntary. Can it? Well, Burke says that "the purpose of it [government, or a tax] is to protect everyone equally from harm. It is true that everyone will be harmed by having to pay the tax. But the only purpose of the tax, in the Lockean view, is to ward off from everybody a greater harm by supporting the justice and defense system, which is the sole justifiable reason for having a government" (239). As I argued in my own treatment of these matters (*The Libertarian Idea*, Temple University Press, 1988, pp. 217–21), this is a public goods argument: everybody gets more than his money's worth from the tax for defense, and the tax can be collected only by involuntary means; therefore, it is rational for all to support it, even if some claim they don't. But this argument has an extremely vulnerable premise. The law does not protect us all equally. It attacks many citizens (all of them, in some respects, and a great many of them quite robustly); its defense of those it does defend is inefficient, crude, shoddy, and unreliable; and in any case it doesn't confine itself to these goals. To suggest that we are getting our money's worth from government today is to succumb to brainwashing.

If we say, with Burke, that *only* those taxes are justified that do in fact "support the system of defense and justice," then we must also address the question of just what is meant by "the system" of those things. For the most part, the "system of defense and justice" neither achieves nor even tries to achieve these ends, and it is very unclear that any monopoly system ever could. This makes the argument extremely hypothetical and thin. A majority would indeed establish the legitimacy of any government that actually *would* defend all who are wrongly attacked, and punish the attackers to just the right extent. But for that matter, no majority, or any vote at all, is needed to establish the legitimacy of such a system. If we build enough into "the system," its defensibility becomes self-evident. It could be established and maintained by an absolute dictator and would be fully as legitimate as a democratic system. Therefore, as a bolster for actual existing government, this argument is completely useless.

On another fundamental matter, though, Burke is essentially correct: "The right to private property is an application of the Principle of No Harm." His argument is threefold. First, of course, we are assuming the general right of liberty, the no harm principle, which is equivalent to ownership of one's self. Second, when someone either starts to use some hitherto unused natural object or creates something altogether new, the general right to do what he wants covers his right to do *that*, and thus grounds any further actions he engages in regarding that thing, short, of course, of activities that harm others. Third, things are initially unowned.

The first two theses are pretty uncontroversial, at least among us sophisticated folk. Regarding the third point, it is admirable that Burke, a professor of religion, should see so clearly through Locke's oft-quoted notion that "God gave the world to mankind" (an idea that, Burke notes, seems to be based on a "literal reading of Genesis"). This, he charmingly says, "seems somewhat far-fetched, that the squirrels on my front lawns and the flounder in the Atlantic belong to mankind in general" (242). But he doesn't quite get to the bottom of the matter. Mightn't God nevertheless have done these things? It isn't that he mightn't — though the tendency to assume that God is a socialist is curiously widespread. The answer has to be that there is no room in social philosophy for appeals to gods, since those to whom we propose to apply our results include persons with a vast variety of religious beliefs and disbeliefs, none of which have any standing in the public court of reason. Thus, if we are to have a publicly acceptable political philosophy, we must leave God out of it. And once we do that, it becomes obvious that the rest of mankind, collectively, has no special claim on natural resources. Those who assert otherwise are uttering pious left-wing prattle. What is solid is that here are people,

there are the things, and people can use them. Period. So, what next? Liberty's answer is: we may do as we like, among any nonharmful uses.

Many theorists, still enamored by Locke's weaker ideas, argue that in using things, we *deprive* others of something, invoking the "enough and as good remaining" condition, which they attribute (with some, but not total, plausibility) to Locke. This, Burke admirably observes, "also is a mistake. Suppose that there is only one fish left in the ocean: is there then an obligation to leave it there for others to catch?" (242). His answer is no. This courageous answer will bring down howls of protest from every contemporary political thinker. They are wrong, and Burke is right. We do no harm to others by taking what they don't yet have.

What Burke doesn't add is that these cases are only zero-sum games if we disregard history. Either I get that last fish or you do or someone else does — period. But once we take into account the fact of time, of historical placement, the picture changes. If you got there *first*, the situation was not at that time zero-sum, for the rest of us didn't even know the fish was there. If the first person to come along gets it, the outcome yields a utility for someone that is not matched by any disutility for anyone else at that point. So, looked at over time, the first-come principle is efficient: it secures gains for some without equivalent losses for others; no zero-sum situation arises. Moreover, as David Schmidtz has pointed out, we second-comers are far better off for those who preceded us. They didn't have to wait a few thousand millennia to make sure that a majority of all humanity — past, present, and future — would approve of what they chose to do with their acquisitions, and that's a terrific thing for us.

Burke's book concludes on an ironic note. "The temptation to use the ferocious penalties of the law against those who have done no harm, in order to achieve ends deemed noble, seems to be endemic to even the most high-minded idealists." A few centuries ago, this took the form of drawing and quartering, or perhaps severe torture, but now we have progressed: now we "only" send people to jail for 20 years or so for possessing a couple of ounces of cocaine, "threaten to put employers out of business who create jobs at 'only' $4 an hour . . . fine those who offer rides in their car for a fee without special governmental permission," and so on (248–9). The things the government might do to us aren't, usually, as awful as they were in the Middle Ages, but the probability that it will do them is enormously higher.

I hope that this book will find its way into the right hands: readers able to shake off the current panoply of political inhibitions and statist rhetoric, and spend a couple hundred pages dealing with plain common sense, very lucidly expressed — and pointing to conclusions much more radical than any of those promoted by middlebrow contemporary philosophers. Even if Burke does not get entirely to the bottom of things, he gets close enough to satisfy. And rarely, if ever, has all this been said so straightforwardly and so clearly. ❑

***Capitalism: A Treatise of Economics*, George G. Reisman. Jameson Books, 1996, 1,051 pp.**

The Big Book of Economics

Mark Skousen

Gary North has a "fat book" theory of economics: producing a revolution requires a fat book. According to North, all great economists have written massive tomes of biblical proportions. He cites Adam Smith's *Wealth of Nations* (two volumes, 1,097 pages), Karl Marx's *Capital* (three volumes, 2,846 pages), and Joseph A. Schumpeter's *History of Economic Analysis* (1,260 pages) as evidence.*

Now comes the latest test of North's labor theory of value: George G. Reisman's monstrous tome, *Capitalism: A Treatise of Economics*, a work exceeding a thousand pages, not including its 54-page index. Considering that each page of Reisman's oversized work is approximately equivalent to two pages of a normal-sized book, *Capitalism* is really a 2,000-page treatise!

North would be pleased.

Not too many of us academics are up to wading through several thousand pages of economic posturing, given our disposition to spend all our free time on the Internet. But knowing that the author has spent the past 15 years of his life putting the finishing touches on this voluminous book, I thought I'd give it a shot. Many of us have wondered what happened to Reisman since 1979, when his last book, *The Government Against the Economy*, was published. Now we know.

A Tour de Force

Reisman has written a profound work, full of insight, wisdom, and vision. It is a rare book that prompts me to underline or make marginal notes on nearly every page. But there I was, engrossed in Reisman's reasoning.

At times he is preaching to the choir, as when he attacks environmental regulation, wage-price controls, deficit spending, Keynesianism, and other

* Not surprisingly, North himself has written several weighty works of wisdom. His *Tools of Dominion* (1,287 pages) is actually the third volume in a serial commentary on the book of Exodus. It is self-published. ("I have no illusions about it becoming a bestseller," North admits.)

forms of government intervention; but most of the time, he is elucidating and enlightening on a grand scale. He shows, for example, how the service industries, far from being separate from manufacturing, are integrally related to the goods markets. He demonstrates how estate taxes are not death taxes, but taxes on capital, capital that is consumed by government and never replaced. He offers a new approach to the central economic problem — not simply to allocate goods among scarce resources, but to raise the productivity of labor. Reisman insists that the economic problem is not the scarcity of natural resources, but of labor.

Reisman's book is full of new insights. He is the first free-market economist to thoroughly critique Keynesian income analysis. His defense of insider trading and the stock market is decidedly fresh and clear. And he offers the most detailed critique of GDP I have yet seen. The list of Reisman's contributions is awe-inspiring, and there is much to be gained by digesting his judgments.

Points of Controversy

Still, there are many places I put question marks instead of exclamation points. In particular, Reisman's determined and sometimes tedious defense of classical economics does not sit well with me. He states that his objective is to integrate the sound ideas of classical and Austrian economics. He rightly criticizes Adam Smith and David Ricardo for errors such as their exploitation theory and labor theory of value, but spends an inordinate amount of time justifying the classical economists' cost-of-production theories. Reisman reminds me of Christians who attempt to justify or explain away St. Paul's attacks on women and wealth or his defense of the divine right of kings. They go to great lengths, but in the end, their arguments remain unconvincing, even desperate.

Reisman prints on empty pages, "This page intentionally left blank." Come now, George, your prospectus does not have to be approved by the SEC.

The middle chapters are confusing and heavy reading. Here Reisman tries to defend classical price theory by insisting that prices of manufactured goods are "fundamentally" determined by the cost of production. As he structures his tortuous argument — indulging in what economists have come to call the Ricardian vice — Reisman becomes in many ways the consummate classical economist. Like Smith and Ricardo, his arguments are often obtuse and winding, but in the end he comes out in favor of sound, *laissez-faire* policies! I prefer the Austrian approach, which seems both more sensible and a lot simpler. Has Reisman never shaved with Occam's razor?

Reisman's exposition of and clarity on these thorny price theory questions would have been enhanced if he had had his manuscript reviewed by a wide variety of economists, or perhaps even if he had just lectured at a few campuses before publishing his work, and gotten some feedback from students. It appears that Reisman relishes his Objectivist heritage of thinking in isolation. One has to wonder why he includes a copyright notice on every page of the book, or why he prints on empty pages, "This page intentionally left blank." Come now, George, your prospectus does not have to be approved by the SEC.

Reisman's idiosyncratic behavior also comes through in his choice of mentors. He mostly cites his old teacher, Ludwig von Mises, and the novelist-philosopher Ayn Rand, both of whom wrote fat books (*Human Action* and *Atlas Shrugged*, respectively). He dislikes Friedrich Hayek, Milton Friedman, and Murray Rothbard. This last enemy seems peculiar, since Reisman's policy recommendations are virtually identical to Rothbard's (e.g., a 100% gold standard, abolition of the welfare state and public education, an isolationist foreign policy) and his writing is reminiscent of Rothbard's dogmatic and polemical style ("utterly confused and mistaken," "absurd," "the grossest compounding of confusions," etc.).

Despite these problems, I learned much from Reisman's magnum opus and recommend it highly to all who seek to expand their grasp of economics. Indeed, this treatise could serve

well as supplemental reading in a variety of economics courses.

Those who don't have the time or inclination to read Reisman's vast tome can fall back on William F. Buckley's "two word" technique of summarizing the meaning of a book: just read the first and last words. For example, the first and last words of Karl Marx's *Capital* are "The . . . worker," and of John Maynard Keynes's *General Theory*, "This . . . evil." In Reisman's *Capitalism*, the first and last words are "Economics . . . live." Works, doesn't it? ❑

***Crimes of Culture: Three Decades of Citizen's Arrests*, by Richard Kostelanetz. Autonomedia, 1995, 256 pp., $12.95.**

Beyond the Culture Wars

Jesse Walker

Writers, and other artists, play politics like anyone else, conspiring, forming interest groups, competing for spots at the public trough. The so-called culture wars are a contest for the commanding heights of America's cultural bureaucracy, the pyramid of academic and grantmaking institutions whose apex contains the National Endowment for the Arts and the National Endowment for the Humanities.

Even before such agencies were born, literary politics existed. But it was a different kind of politics. In "Locating America's 'Literary Establishments,'" one of the most interesting essays in *Crimes of Culture*, Richard Kostelanetz argues that American literary politics "differs from European in lacking a single self-perpetuating establishment, customarily located in the capital city and closely linked to the major publishing houses and reviewing media. . . . The realities of pluralism and mobility hardly prevent, however, various kinds of exclusive organization and collusion. Even assertedly independent Americans invariably look for reasons, or excuses, to band together. As a result, this country has witnessed the rise of not one cultural establishment but a proliferation of them, one hardly in touch with most of the others, each with its own set of chiefs, assistant chiefs, molls, henchmen, and lackeys." These "literary lobbies" are formed to promote the fortunes of the initial pool of talent; with time, "such qualities as artistic biases and critical standards are, to varying degrees, compromised by aspirations for continuing personal and collective success." The remainder of the essay is given over to developing this model of how these affinity groups form, function, and dissipate, with special focus on the Southern Agrarians and the "Jewish-American writers" (a group defined, Kostelanetz points out, by more than mere Jewishness).

Another essay, "The Leverages of Collaboration," describes the interlocking interests (as of 1974) between *The New York Review of Books* and Random House, and how this played itself out in *NYRB*'s selection of books to (a) review, and (b) review favorably. A third, "Critical Writing for American Magazines," deals with the political structure of America's literary magazines and the travails of an independent critic trying to make a living publishing therein. What these three essays have in common is that they describe politics that goes on, for the most part, outside the state. Add government money and influence to the stew, and the problems multiply. Whichever would-be establishment manages to get its hands on government funds or favors acquires a significant advantage over its rivals. And a bureaucracy offers opportunities aplenty to people more adept at administration than art.

Thus, not surprisingly, most of this book is concerned with "public" institutions: the NEA, the NEH, the New York State Council of the Arts, the university system. An important theme is that such bureaucracies are, in Kostelanetz's word, scams (defined here as "something that costs more than it is worth"). Another is that meritocracy and credentialism are innately opposed — and that institutions dedicated to promoting merit tend to degenerate into institutions dedicated to cultivating and reproducing mediocrity. Put these ideas together, and you get a perspective that is simultaneously populist (in that it believes culture is healthiest when creative action is widely diffused among the people) and elitist (in that it is sharply critical of anything derivative or otherwise mediocre).

You may occasionally disagree with the author's judgments of particular artists or works of art — I did — but it's hard to fault his opinions of the political environment within which they work. Only one essay in *Crimes of Culture* rings false: "The NEA: What Is Going On/Down There?," which accuses the endowment of anti-Semitism on the slim grounds that it approved "only one grant to a subject with Jewish content" in one year. That not only proves too little, but proves too much: by such reasoning, a genuinely anti-Semitic NEA could avoid the charge by funding a certain quota of Jewish-themed pieces per year, a position I find unpalatable. A more likely explanation for the pattern Kostelanetz found is that the grantmakers were prejudiced, not against Jews, but in favor of other topics. (I doubt

Institutions dedicated to promoting merit tend to degenerate into institutions dedicated to cultivating and reproducing mediocrity.

many pieces with Hindu themes receive NEA money either, but I don't think that's any evidence of anti-Indian bigotry.) Otherwise, this book is a model of both investigative journalism and critical analysis.

The great Irish novelist-essayist-playwright-civil servant-drunk Flann O'Brien once complained of his nation's painters, "Earnestness, honesty, good purpose — these are not enough. *You must learn to draw.* If, after many a summer, you find you cannot draw, then . . . then . . . be a writer. And there is not a terrible lot wrong with earning one's living behind the counter of a drapery shop." One gets the disturbing feeling, reading Kostelanetz, that many of our failed painters and writers (and dancers and filmmakers and musicians and sculptors) have found work, not in drapery shops, but in the American cultural establishment. They do not sell curtains, but meet behind them, carefully steering taxpayers' hard-earned money to themselves and their friends, regardless of the merit of the grantees' work. ❑

Booknotes

The Sex-Book Reviewer — Michael Perkins' ***The Good Parts*** (Masquerade, 1994, 430 pp., $12.95) establishes, in my mind at least, that Perkins (b. 1942) ranks among the great book reviewers of our time. This judgment won't appear anywhere else for two reasons. First, Perkins has since the late 1960s written about sex books, mostly for Al Goldstein's audacious weekly tabloid *Screw*. This is his first collection of *Screw* reviews; his only previous book of criticism is *The Secret Record: Modern Erotic Literature* (1976). Second, Perkins is a libertarian — if not in name, certainly in his sympathies. In the second respect, consider that he refuses to distinguishes between "'good' erotica and 'bad' pornography." That self-consciously P.C. distinction comes from the California magazine *Yellow Silk*, whose opportunism is deflated in this book's concluding essay. Perkins refuses to find some sorts of sex more acceptable than others, in life or in print.

Perkins reads widely and well, both closely and wholly, often quoting at length, with a good sense of persuasive literary evidence. His prose is clean and jargon-free. Temperamentally independent, he doesn't pander to his publisher or his audience. Like any real reviewer (and unlike those beholden to the commercial flacks), he covers books from small presses as well as large; he even respects books that are self-published and books appearing in limited editions (such as John Updike's otherwise underacknowledged paean to *Cunts*).

Some of the best pieces here deal with Gay Talese's *Thy Neighbor's Wife*, Thomas Szasz's *Sex by Prescription*, a feminist biography of Henry Miller, and a Brooklyn used-book dealer specializing in pornography. The most important review unveils the confusions and deceits of the anti-porn crusader Andrea Dworkin. For stylistic excellence alone, it belongs in the anthology of literary demolition that I've been proposing for 30 years.

—Richard Kostelanetz

Who is Nestor Makhno? — Nestor Makhno, the anarchist general, is a forgotten figure of the Russian Revolution. A Ukrainian anarcho-communist, Makhno spent years fighting both Red and White armies before finally fleeing the victorious Bolsheviks. His story is a fascinating chapter of Soviet history, leading one to expect ***The Struggle Against the State and Other Essays*** (AK Press, 1996, $9.95, 114 pp.), a collection of Makhno's writing, to be a fascinating book. But it isn't.

A volume about a relatively obscure figure ought to contain a lot of biographical and historical background — something to put the body of the book into context. But *The Struggle Against the State* has no introduction, only a "bibliographical afterword"; readers unfamiliar with Makhno will find more useful information on the back cover than inside. This is all the more surprising since the editor/translator, Alexandre Skirda, is Makhno's biographer. Makhno's essays themselves recount some key events, of course, but the reader has no easy way to tell honest reflection from mere apologetics. (You will not, for example, find any discussions of Makhno's bursts of personal authoritarianism. What kind of libertarian would shoot — *shoot* — a soldier for expressing anti-Semitism? Just how anarchist were Makhno's liberated territories in practice? You'll find no answers here, though Nestor does find room to reminisce that he was "devoid of revolutionary vanity.")

Nor are Makhno's essays particularly interesting in their own right, apart from their historical significance. Typically, he writes with all the wit and style of a Maoist sloganeer:

> May the calamity of Bolshevik communism never take root in the soil of Spain!
>
> Long live the union of the workers, peasants and working intellectuals of the whole of Spain!
>
> Long live the Spanish revolution as it strides towards a new world of increasingly liberating gains, under the banner of anarchism!

Yes; and Forward!

Those already familiar with Makhno's career may find this collection useful, but the casual reader is advised to look elsewhere: to any of Paul Avrich's books about Russian anarchism, or Voline's *The Unknown Revolution*, or Peter Arshinov's first-hand *History of the Makhnovist Movement*.

—Jesse Walker

Reds — In ***The American Communist Movement: Storming Heaven Itself*** (Twayne, 1992, 210 pp., $9.95), Harvey Kehr and John Earl Haynes trace the turbulent history of American Communism, following the party from its origin in the aftermath of the Russian Revolution to its heyday in the Depression years, to its gradual decline after World War II, to its worst ideological crisis in the 1990s. This small book is a thoughtful and non-polemical treatment of a controversial subject, providing a critical history of an important, misguided movement. Combining careful scholarship with easy readability, it will be of great value to students and general readers.

The number of books on American Communism is vast, and one can easily

get lost. This book is a good place to start. Its comprehensive bibliographic essay will guide the reader to the next stop. —Joseph C. Kunz, Jr.

Ten Animals I Slam in a Net — More than 30 years ago, before I had published any poetry, I heard a liberating line attributed to the French poet Pierre Albert-Birot (1876–1967): "If anything can be said in prose, then poetry should be saved for saying nothing." To put it differently, if the purpose of prose is communication from writer to reader (e.g., this review), then poetry at its truest should be about the creation of structures indigenous to language — no more, no less. What made this adage particularly liberating to me was the fact that I was already publishing prose — standard sentences that were meant to communicate. Thus, poetry would necessarily be something else, in my case visual language closer to graphic design. What also made the adage beneficial was requiring me to eschew the vulgar sentiments nowadays endemic to poetry-writing and, especially, poetry-declamation.

Accepting this bias, you can understand why, among books of poetry I've read recently, I found "S. Wordrow's" ***I Love Me, Vol. 1*** (Algonquin, 1996, 424 pp., $15.95), subtitled a "Palindrome Encyclopedia," to be the richest. Its theme is the surprises possible with English words rigorously arrayed. So devoted is its author to the principle of palindrome that he concocts not only a palindromic title but a palindromic pseudonym (his actual name is Michael Donner), in addition to inserting passing examples wherever possible. At the bottom of the page, for instance, are these credits:

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Some of the alphabetically organized entries are familiar ("Able was I . . . Elba"); others are three-letter baggage codes for airports (e.g., CHC for Christchurch, New Zealand; CDC for Cedar City, Utah). Liking numerals as much as letters, Donner includes the zip codes whose five numbers read identically in both directions. He knows the shortest syntactically credible palindrome — we sew. Many examples are credited to previous compilers, including the legendary Dmitri Borgman (whose mid-1960s books were a poetic inspiration to me). Others appear to be wholly new. Among my favorites:

> A goy did yoga.
>
> Kay, a red nude, peeped under a yak.
>
> Ed, I saw Harpo Marx ram Oprah W. aside.

What makes these poetry to me is, first, the creation of pleasures unique to language and, then, the level of invention and surprise within a strict constraint. They are also *perfect* poems in that every word — no, every letter — resides where it and only it can be. Another measure of palindromes' status as poetry is that they, unlike prose, cannot be translated into other languages. Perhaps I should repeat the word *constraint*, because what I detest most in art, verbal or visual, is formlessness.

Here, as in other encyclopedias, good examples invariably inspire strong commentary. Appreciating "Eye-peep: peepeye," Donner writes that this "REVERSAL PAIR BY BORGMAN . . . still commands our attention for being a unique case of a reversal of COMPOUND PALINDROMES. Thus, though a PALINDROME by nature cannot be a reversal (of anything but itself), we do encounter in this pair alone a sort of 'PALINDROMIC reversal twins.'" Of such commentary, like many of the palindromes themselves, I feel a fellow craftsman's awe — I couldn't have thought of that if I tried. (This feeling, which is esthetic, is different from the sense engendered by much kitsch: "Why didn't I think of that first?")

I read *I Love Me, Vol. 1* on and off for a month, because entries so rich were exhausting. Before long I began to appreciate such precious details as the inventive running heads and the internal gags. I also became more attentive to palindromes inadvertently encountered in my daily life. So intimidating was my experience of this book that I wrote no new poetry for the duration. If I had been hoping for inspiration to further work, I was wrong; it was a dampener, precisely because it is as complete as an encyclopedia should be.

—Richard Kostelanetz

The Population-Control Bomb — Stanford biologist Paul Ehrlich has spent three decades trying to convince the world's governments to curb population growth. His latest tome, ***The Stork and the Plow: The Equity Answer to the Human Dilemma*** (Grosset/G.P. Putnam's Sons, 1995, 364 pp., $30.00) is a gaseous, wretched, and thoroughly misanthropic book. Here, once more, Ehrlich urges humanity to "keep the plow ahead of the stork," to encourage the reduction of fertility rates to a level that matches agricultural output.

Ehrlich and his co-authors, Anne Ehrlich and Gretchen Daily, call for a massive reduction in the world's population; the U.S., they hypothesize, may need to shed 36 million people. "Step one" of this program is a massive educational program around the slogan "Patriotic Americans Stop at Two" — meaning, of course, two children. If this proves insufficient, Ehrlich *et al.* recommend enormous tax penalties for "overproducers," to be levied regardless of ability to pay. Although the authors do not say what they would do with those unable to pay the "child tax" who have more children than allowed, their fawning chapter about China's "advances" in population control suggests some reasonable guesses.

The authors acknowledge that some intransigents will resist the program. In the chapter "Government in the Bedroom," they explain that "Libertarians, who ardently espouse maximizing personal freedom and minimum government mostly do not seem to have figured out that a level of government regulation appropriate for a nation of three or four million farmers and merchants simply won't work for a nation

of more than 260 million mostly urbanized, industrialized and ethnically diverse citizens. . . . One cannot say honestly that governments have no place in the bedroom or that citizens have completely free choices — or perhaps even that they should."

Makes you want to join a militia, just in case. —Nicholas A. Damask II

An Economist's Surprise — Joseph Stiglitz is a prominent economist who chairs Bill Clinton's Council of Economic Advisers and who recently defended an increase in the minimum wage. So when I picked up his new book, ***Whither Socialism?*** (MIT Press, 1994, 338 pp., $15.00), I expected a fairly strong defense of government ownership and planning, along with a resounding criticism of modern capitalism. But I was pleasantly surprised. Stiglitz presents a sophisticated argument that modern neoclassical economics — the dominant economic theory of recent years — was too optimistic about the possibilities of a workable socialist system and thus contributed to the adoption of socialism and ultimately to its failure.

Whither Socialism? is an expansion of the Wicksell Lectures presented in Stockholm in 1990. In these lectures, Stiglitz attempted to shed some light on the influence of economics in the long-standing debate about the choice of alternative economic systems. My guess is that most of the readers of *Liberty* would sympathize with his general conclusions. For instance:

- "I see the critical failing in the standard neoclassical model to be its assumptions concerning information" (x).
- "Perhaps the most important failure of market socialism was its underestimate of the significance of incentives" (66).
- "[T]he market socialism model . . . failed to address the central questions of how production and decision-making should be organized" (159).
- "The economic advantages of privatization are derived from the inability of the government to make certain commitments, in particular, the commitment to competition and the commitment not to subsidize" (179).

Stiglitz faults the model of perfect competition for assuming perfect information and ignoring incentives, institutions, and transaction costs. Because they accepted this model, market socialists, such as Oskar Lange, thought that they could easily replicate the market model through central planning. Stiglitz is correct in that the market socialism project was a dismal failure and, indeed, the neoclassical paradigm promoted this misunderstanding. It is a pleasant surprise to read a book by a prominent theoretician who provides insights into and devastating criticisms of socialism and of the contribution that economics made to that misguided project.

Nevertheless, there are some unpleasant surprises, too. Stiglitz apparently has only recently discovered how inadequate the standard neoclassical model is. However, Austrian economists have for years been critiquing the neoclassical paradigm for precisely the same reasons. Austrians have long argued that the assumption of perfect information is misleading and that markets are a dynamic discovery process that provide an effective way of generating valuable information.

Stiglitz gives little attention to the Austrians, citing Hayek in only a few places, and even then not mentioning his famous essay, "The Use of Knowledge in Society." He generally ignores other economists who have contributed substantially to our understanding of the role of information and the importance of institutions and property rights, such as George Stigler, Harold Demsetz, Armen Alchian, and Steven Cheung. The institutional/transaction cost approach of Douglass North is not acknowledged, and there is no reference to any of the valuable insights of the Public Choice school.

Furthermore, Stiglitz does not seem to fully integrate with his policy prescriptions his belief in the importance of information, competition, and decentralization. For instance, he suggests that "the incentive problems that arise in large enterprises and the solutions would seem to differ little between those that are privately or publicly owned" (68). And "the nature of those

principal-agent problems may differ little depending on whether ownership is public or private" (174). Thus, despite his criticism of the neoclassical model for ignoring incentives and competition, Stiglitz still fails to understand the important connection between private property rights and incentives.

Is *Whither Socialism?* worth reading? Economists and others who appreciate markets and private property rights as powerful mechanisms for social coordination will gain little from reading Stiglitz. However, if one wants an interesting survey of neoclassical economics, how it has gone astray, and how some neoclassical theoreticians (in Stiglitz's mind, primarily himself) have revised the model for a more accurate description of the world, the book can be valuable. It traces the intellectual history of an important paradigm and allows us to follow the ruminations of a prominent theorist. —P.J. Hill

Fantasia on a Theme by Emerson — I was recently asked to review Christopher Newfield's ***The Emerson Effect: Individualism and Submission in America*** (University of Chicago Press, 1996, $45.00 hc, $16.95 sc, 287 pp.). Unfortunately, the book is written in the insufferable academic jargon of the modern lit-crit crowd. As Huck might have said, the statements was tough, but not interesting.

Like many of his compatriots in the MLA's fast lane, Newfield is uncritically inspired by Freudian mumbo-jumbo, which enables him to interpret things as he wishes. Thus, relating a dream of Emerson's in which a public debate on marriage is drenched by an unspecified fluid shooting from a "spout," Newfield interprets: "Emerson awakens with the fear that he too has been pissed on."

"Pissed on." Innocents will wonder why a spout's emission is necessarily "piss." After all, even if it isn't water (the most obvious choice), there are any number of alternative fluids, pleasant or unpleasant: apple juice, rosewater, tea, etc. But it must be piss, of course, because a spout, like a cigar or a skyscraper, is a penis, and penises emit urine, among other things. Reading Newfield's *echt*-Freudian fantasies, I was reminded of Jim's elaborate interpretations in *Huckleberry Finn*. Newfield would be so much more amusing if he would drop out, sit down, and squeeze out something in Twain's style . . .

> Tom Sawyer came home from his college up north and told us about a book he was reading, that told Ralph Waldo Emerson's dreams. We was out on the porch when he read us one dream. By us I mean me and Tom and Roy Harper, and also Chris, cousin to Jim.
>
> Now, after he heard about the dream, Chris couldn't sit content with things. He set about 'terpreting, and after shushing us good and solid, he declared he had the secret of Professor Emerson's dream. "De spout," he said, "is a man's thing what he uses to go inside a woman." Me and Tom and Roy Harper turned red and set to prancing around, but Chris declared we was boys with filthy minds and shet us up by saying he warn't going to finish the 'terpretation if we kept up our foolishness. "But de stuff dat comes out, it ain't for a woman. Iss jest yellow pee" — but this set us all to whooping and hollering over the ground again. When we settled down still laughing inside fit to bust, Jack plowed ahead and declared he would finish his 'terpretation no matter what. "And dis yellow pee, it's sprayed all over de congregation to show dat de devil ain't no respecter of de Lawd. Now, what set Mr. Emerson all in a sweat was de idea dat de devil's pee had drenched him and mebbe gave his mind up to bad works. But in de end he clutched

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himself in places and found he was dry, and set down de dream as nothin'. Dis a mistake. De devil, he a sly one, and he hain't goin' to creep inside a man's dreams 'less he find a chink in de armor. Mars Emerson, he musta been thinkin' on marriage and thinkin' bad thoughts."

Here Tom interrupted. "But Chris, haven't you forgotten something? Mr. Emerson said that the meeting that got hosed down was speaking against marriage. So whoever shut them down was doing good, don't you see?"

This upset Chris a good deal, but he didn't show it. Instead he set out to "adjust the 'terpretation," and bye and bye he declared that he had found a way out. "I was wrong, and de man wit de hose ain't no devil. He Mr. Emerson's pap, who done washed away de people's evil wit his yellow pee. De pee is what dey deserve dat speaks for de devil and 'gin husbin and wife." And you never in your life seen such a satisfied nigger as that Chris when he had finished. I do believe he thought he had outsmarted Tom Sawyer.

—Nathan Crow

Filmnote

Sayles Fails — A disappointing movie sometimes seems worse than an actually bad one. ***Lone Star*** is such a film — a small-town epic set on the Texas/Coahuila border, a murder mystery and a love story, tying rather too neatly together the strands of lives white and brown, rich and poor. Writer-director-editor John Sayles wants to tell a story about history, about how the world we live in today was shaped by choices people made long ago; about the hidden stories of particular places, stories you have to know to decipher why people behave as they do, but which no one — not even the people you're trying to understand — knows in full. He wants to tell a story about complexity, and conflict, and power. It is a wonderful idea for a motion picture. But that motion picture is not *Lone Star*.

Too many movies include scenes in which one character tells another something both actually already know, simply to let the audience in on the information; the result is dialogue that sounds stagy and inauthentic. *Lone Star* has this problem in spades, a flaw exacerbated by Sayles' decision to people his picture with stock characters ready to expound on anything at any moment. A reporter, without being asked, suddenly describes a decades-old corrupt real estate deal. Parents stiltedly debate how Texas history should be taught in the public schools. A bartender gives a sudden soliloquy on the Mexification of his town. There is *some* subtle exposition in the film, most of it involving romantic and familial ties. But even here, Sayles seems incapable of letting things be. Time and again, scenes seemed to go on ten seconds too long; having established 2+2 to great effect, Sayles feels compelled to add a superfluous (and often jarring) line to drive home the =4.

The result is a clumsy mess, a giant could-have-been. —Jesse Walker

Notes on Contributors

Paul Armentano is publications director at the National Organization for the Reform of Marijuana Laws.

Chester Alan Arthur is *Liberty*'s political correspondent.

Chris Baker is editorial intern at *Liberty* and a recovering Objectivist.

"Baloo" is the alter ego of cartoonist *Rex F. May*.

Ben W. Bolch is Robert McCallum Professor of Economics at Rhodes College.

R.W. Bradford is editor of *Liberty*.

Stephen Browne recently moved from Poland to Bulgaria.

Stephen Cox is Professor of Literature at UC–San Diego and author of the biographical introduction to Isabel Paterson's *The God of the Machine* (Transaction).

Nathan Crow is an associate editor of *Liberty*.

Nicholas A. Damask II is Adjunct Professor of Political Science at Northern Kentucky University.

James Gill is *Liberty*'s staff artist.

Mina Greb manages *Liberty*'s office.

Robert Griffin is Associate Professor of Education at the University of Vermont.

P.J. Hill is a senior associate at the Political Economy Research Center.

Greg Jenkins is a Pennsylvania storywriter.

Bill Kauffman is author of *Every Man a King* (Soho), *Country Towns of New York* (Country Roads), and *America First!* (Prometheus).

Richard Kostelanetz has written many books, most recently *Crimes of Culture* (Autonomedia) and *Radio Writings* (Leggiere).

Joseph C. Kunz, Jr. is a writer on Long Island.

Harold Lyons is Professor of Chemistry, Emeritus at Rhodes College.

Don Mager is a poet in North Carolina.

Wendy McElroy is author of *Sexual Correctness* (McFarland).

Jamie McEwan is a contributing editor of *Canoe and Kayak* magazine.

Jan Narveson's most recent book is *For and Against the State* (Rowman and Littlefield), co-edited with Jack Sanders.

Michael J. Oakes is an American living in Japan.

Randal O'Toole is editor of *Different Drummer*.

Sheldon Richman is author of *Separating School & State* (Future of Freedom).

Igor Satanovsky is a Russian-American poet, translator and visual artist, as well as co-editor of *Koja* magazine.

Todd Seavey is a writer in New York City.

Sandy Shaw is co-author of *Life Extension* (Warner).

Mark Skousen is a Professor of Economics at Rollins College and editor of *Forecasts & Strategies*.

Clark Stooksbury is assistant publisher of *Liberty*.

Joan Kennedy Taylor is vice president of Feminists for Free Expression and author of *Reclaiming the Mainstream* (Prometheus).

Jesse Walker is an associate editor of *Liberty*.

Leland B. Yeager is Ludwig von Mises Distinguished Professor of Economics at Auburn University.

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