

# Liberty

## The Myth of Corporate Power

January 2001

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### Election 2000: Beyond the Pundits' Drivel

*by R. W. Bradford, Stephen Cox, Jane S. Shaw & others*

### Just Who Has the Right to Keep and Bear Arms?

*by William E. Merritt*

### Ayn Rand's Strange Economics

*by Mark Skousen*

### Battling the EPA

*by Clay J. Landry & J. Grewell Bishop*

**Also:** *Michael Edelstein* exposes the bogosity of self-esteem, *Tracey Rosenberg* explores Harry Potter and the difficulty of translation, *K.R. Mudgeon* recalls the days when reporters drank bourbon and told the truth, plus other articles, reviews & humor.



*"Liberty is a Glorious Feast." — Robert Burns*

# The Conservative Shame on Immigration

by Jacob G. Hornberger



The moral decline of the conservative movement was recently reflected in a syndicated column entitled "Goofy may be a Libertarian" by Don Feder, one of the conservative movement's leading lights. Feder's critique, which in part took the Libertarian Party to task for its position favoring open immigration, displayed not only the hypocrisy of conservatives but poor analysis as well.

Unlike the Republican Party platform, the Libertarian Party platform has always taken a consistent and uncompromising approach to the principles of individual freedom, private property, free markets, and limited government. Here's what the Libertarian Party's platform says in part about immigration ([www.lp.org](http://www.lp.org)):

"We welcome all refugees to our country and condemn the efforts of U.S. officials to create a new 'Berlin Wall' which would keep them captive. We condemn the U.S. government's policy of barring those refugees from our country and preventing Americans from assisting their passage to help them escape tyranny or improve their economic prospects.... We therefore

call for the elimination of all restrictions on immigration, the abolition of the Immigration and Naturalization Service and the Border Patrol, and a declaration of full amnesty for all people who have entered the country illegally. We oppose government welfare and resettlement payments to non-citizens just as we oppose government welfare payments to all other persons."

Here's what Feder said in his article: "If 50 million Mexicans chose to move to California and Texas, resulting in chaos and the obliteration of national identity, why should that concern Libertarians?"

Feder's analysis is typically conservative and Republican-esque: faulty, fallacious, and hypocritical.

Let us first never forget how the power to control immigration has been abused. Recall the infamous "voyage of the damned," when on the eve of World War II the Franklin Roosevelt administration prohibited Jewish refugees from Nazi Germany on the *St. Louis* from disembarking at Miami Harbor. The justification: immigration controls. In fact, Feder, who has noted the "deafening silence that greeted the Holocaust," surely has reflected on why millions of Jews didn't try to escape their Nazi fate. Why try to escape when there's no country that will accept you because of immigration controls?

Today, the moral degeneracy and hypocrisy of the conservative movement is evidenced by the forcible repatriation of Cuban refugees into communist tyranny. Calling themselves "compassionate conservatives," who love

Hispanics during every election cycle, Republicans have for several years supported the repatriation of Cuban refugees into Cuban communist tyranny. And this after sending 60,000 American men to their deaths in Southeast Asia supposedly to fight communism.

For decades, conservatives have jailed Mexicans and other Latin Americans who have crossed our southern border in search of work, trying to sustain or improve their lives and the lives of their families through labor. At the same time, conservatives have continued trying to get the Bible — perhaps even "Love thy neighbor as thyself" — into public schools.

Historically, Mexican immigrants have had the qualities that conservatives claim to hold dear: family values, work ethic, and religion. They have enriched both our culture and our economy with their labor, music, and literature. While maintaining natural cultural and family ties with friends and relatives in Mexico, Mexican-Americans have historically reflected a deep reverence for their adopted country. Perhaps Feder is unaware that 300,000 Mexican-Americans served our country during World War II and that more of them served in combat divisions than any other ethnic group. Or that 17 of them earned the Medal of Honor, 5 posthumously.

Feder's fear of "chaos" and the obliteration of "national identity" is, well, goofy. Was there chaos or loss of "national identity" when the United States acquired the northern half of Mexico in 1848? Or when there

were no immigration barriers between Mexico and the United States for the succeeding 75 years, meaning that Mexicans could freely travel to the United States, live here, own businesses, and never become American citizens?

And to which "national identity" is Feder referring? New York City? Charleston? New Orleans? San Antonio? San Francisco? Salt Lake City? The fact is that the United States has never had a "national identity." Ours has always been a culture of liberty, which has been one of our nation's greatest strengths.

Feder also declared, "If these new Americans (then constituting a majority in the states where they settle) wanted to secede and unite the territory with Mexico, presumably libertarians would not stand in their way." Of course libertarians would not stand in their way because, unlike conservatives, libertarians don't force people to associate with those with whom they don't wish to associate.

For decades, conservatives such as Don Feder pleaded for the dismantling of the Berlin Wall. Yet, today, that's exactly what conservatives want to build along our southern border. The American people should reject the morally bankrupt conservative paradigm of government walls and instead embrace libertarian efforts to re-ignite the beacon in the Statue of Liberty.

*Mr. Hornberger is president of The Future of Freedom Foundation ([www.fff.org](http://www.fff.org)) and co-editor of **The Case for Free Trade and Open Immigration**.*

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# Letters

## The Browne Campaign

Let me enter my Browne vote prediction on eve of the election: 425,000. Despite the Party's growth, I don't see how he can do better than last time. It has been a strange campaign, one that — approached from the viewpoint of the ordinary voter — revealed little notice of Harry's efforts. The op-ed in *The Wall Street Journal* was the only substantial coverage I saw; other articles buried him somewhere down with Hagelin, after Nader and Buchanan. Even as a Party member, I received no fundraising mailings from Browne nor an invitation to a fundraiser he held in Philadelphia.

Even should he receive 700,000 votes, I believe it is time to change the Party's strategy. I hope that *Liberty* will lead the way by sponsoring some sort of Party soul-searching, asking various leaders and observers to write articles about ways to make the Party's campaigns more productive.

Ken Sturzenacker had some good suggestions for making news. I could see Russell Means or Dick Boddie, maybe even Mary Ruwart, doing those kinds of things, but not Browne. However, those activities are best done in state and local situations. To achieve this, the National Party needs to be de-emphasized in favor of state and local parties. I also agree with you that the Party needs to take some issue — probably the War on Drugs — as its centerpiece. While unpopular, this will resonate with a substantial, if still minor, number of people. What it leads to is "balance of power." And "balance of power" is what will lead, eventually, to libertarian victories (by victory, I mean of libertarian ideas, not necessarily Libertarian Party candidates). One can see the benefits of "balance of power" emerging in the Nader race — should he lead to Gore being defeated in key "battleground" states, the Democrats will be willing to make all

sorts of accommodations to the Green Party so that it doesn't happen again.

The Party is still too valuable to give up on. But we keep doing what we've been doing for nearly 30 years and, frankly, too little progress has been made. It is time to try something new, and *Liberty* can and should provide the forum for those new strategies.

Dave Walter  
West Chester, Pa.

*Editor's Note:* Walter was LP chairman from 1989 to 1991.

## Politics Is Simple

A political campaign is a simple thing. First, you avoid alienating your core vote and count on their support. Second, you ignore your opponents' core vote, conceding that they are nearly impossible to persuade in any meaningful numbers. Third, with respect to everyone else, you have two, and only two, objectives: 1) name recognition, and 2) favorability.

In 1996, I saw Harry Browne at two events. I heard him on the radio several times. I saw numerous lawn signs. I saw him on TV once (in addition to the LP Convention coverage). I heard several radio ads.

In 2000, I could have seen him in person once, but opted not to go. I have not heard him on the radio. I haven't seen one single sign in anyone's yard. I haven't seen him on TV. I haven't heard one single radio ad. I haven't seen one single TV ad. I haven't seen one single billboard.

Harry is an unknown and continues to be an unknown. It should not be surprising that TV media, like *Meet the Press*, which are under direct free market influences, refuse to have Harry on their shows. TV must have viewers for ratings! That is the free market at work!!! Harry professes to believe in the free market, so why is his staff whining about the conclusions of the

free market? (That's my observation from a few LibertyWire e-mails about media that I have received from the campaign.)

The Browne campaign failed to accomplish its first objective: name recognition. It appears to me that the Browne campaign was counting on "free media" to accomplish its goals for name recognition, but having failed in its objectives for name recognition, the Browne campaign failed to get that "earned media." It's not "free media," it's "earned media!" Why is the Browne campaign refusing to accept personal responsibility for their failure and attempting to shift the blame onto the media?

Speaking of failing to accept personal responsibility and shifting blame, I have also noticed a trend in the LibertyWire e-mails to name the "guilty." First it was Bumper Hornberger. Then it was lack of funds (apparently, selfish contributors). Then it was people who perpetuate rumors. Then it was the Arizona Libertarian party, the courts in Arizona, and L. Neil Smith. Then it was media that refused to host Harry. With respect to Bumper, contributions, rumors, and Arizona, it appears that the Browne campaign has alienated a significant portion of their core vote. With respect to media, the Browne campaign failed to achieve worthwhile name recognition. With respect to the outcome of the election, the Browne campaign failed to achieve any favorability. I don't know where this blame shifting will end, but I do believe that reasonable people will place the blame squarely on the shoulders of those who should bear it: Harry Browne, his campaign manager, and his campaign consultants.

Doug MacDonald  
Livonia, Mich.

## Economic Miscalculations

David Ramsay Steele claims that ("The Strange Life of Murray Rothbard, December), in "economics, Murray Rothbard's "entire philosophical approach . . . is misguided." Yet Rothbard (see *Man, Economy and State*), like Menger and Mises before him, starts with the self-evident axiom that men exist and act and then deduces some basic economic principles. Exactly why is this approach misguided? And where exactly are the

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errors in the deductive process or in the principles derived? Steele asserts that a "science can make great progress without its conceptual foundations being correct . . ." a slam, apparently, at the Austrian methodological approach. But does Steele have some bias against conceptual foundations that *are*, in fact, correct? I assume that they would lead to "great progress," also, as they clearly have . . . witness the success of the Austrians in the socialist calculation debate. Indeed, since it is not intuitively obvious how "absurd" foundations in economics could *ever* lead to correct principles or policies, where is Steele's argument that it can and does? No, instead of any argument, we are told simply that the "absurd foundations can lead to truth" approach has worked — in mathematics — and that if young Austrians want to contribute "anything enduring to economics" they had better get with the positivist program. Look, we have heard all of this before. The fact remains that Austrians through the years have made plenty of enduring contributions and until Steele (or anyone) can explain why one methodology can fit metaphysically different sciences such as economics and math, no one should take such advice or criticism seriously.

D. T. Armentano  
Vero Beach, Fla.

*Steele replies:* "Look, we have heard all this before." Jehovah's Witnesses have heard the geological arguments about the age of the earth before. Just hearing doesn't cut any ice. Nor does name-calling — I'm not a "positivist."

It's a myth disseminated by the Misesians that eminent Austrians, such as Menger, Wieser, Boehm-Bawerk, Wicksell, Hayek, Lachmann, or Machlup, shared Mises's aprioristic approach. They did not. Therefore, most of the Austrian contributions to economics were produced by applying methodologies other than the peculiarly

Misesian or praxeological approach.

But even if all these Austrians had been philosophical Misesians, this would hardly prove what Armentano wants it to prove. Even Mises accepted that there had been some pre-Austrian contributions to economics, such as Ricardo's theory of comparative advantage, and there is no dispute that Ricardo was not a Misesian. By Mises' own admission, then, important contributions to economics have been made by proponents of different and contra-

dictory philosophies of economic methodology.

This should not surprise us; the same thing applies in other sciences. The fundamental philosophies of Einstein and Bohr are quite at odds, but no one disputes that both Einstein and Bohr made outstanding contributions. The approaches of Darwin and Mendel are very different, but modern biology is dominated by a synthesis of these two thinkers.

But why stop there? Let me ask

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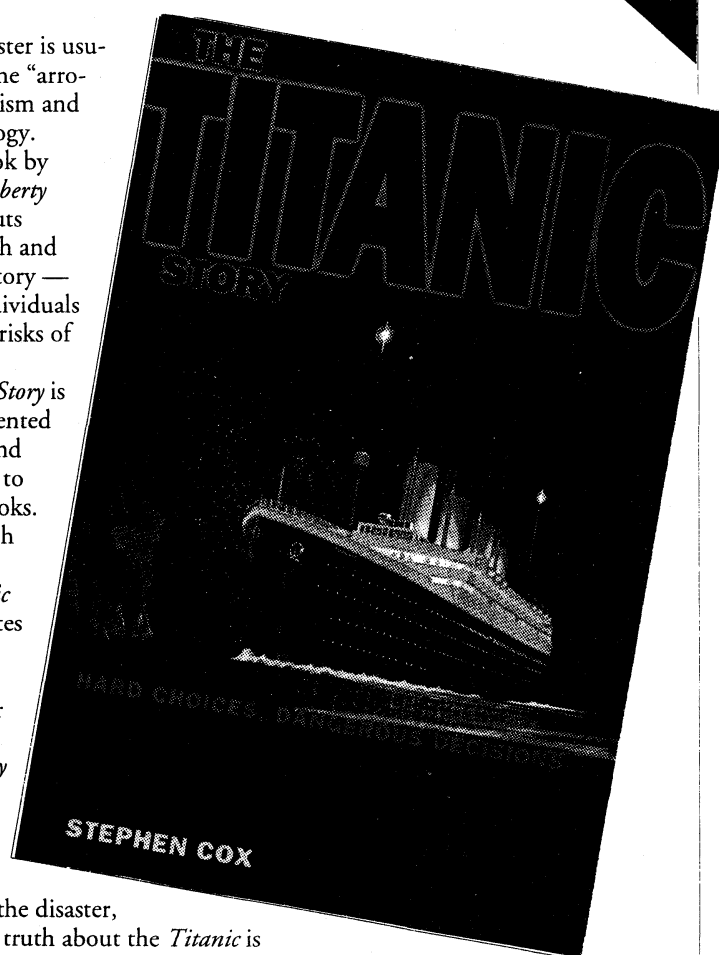
—R. W. Bradford

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Professor Armentano: do you allow it to be possible that any important contributions to economic theory might just conceivably have been made by John Bates Clark, Philip Henry Wicksteed, Alfred Marshall, Irving Fisher, Frank Knight, Milton Friedman, Ronald Coase, Armen Alchian, George Stigler, Harold Demsetz, or Gary Becker? All of these thinkers are adherents of philosophical and methodological positions dismissed by Mises and Rothbard as wrong-headed.

Is Professor Armentano even prepared to sign on to the claim that in, say, the last 50 years, more contributions to economic theory have come from Misesians than from non-Misesians? And by the way, does Professor Armentano agree that the young Murray Rothbard refuted the whole of statistical theory in 1942?

My point in my review of Raimondo's book was that philosophical foundations for a science are usually extensively developed long after the science has shown what it can do. Often, the philosophy of a science will be changed without much effect upon the practice of that science, and a mistake in the (metaphorical) "foundations" will lead to a correction that leaves the science itself little altered. It's a mistake to dismiss an entire discipline out of hand because one finds a flaw in the "foundations." Naturally, I do want people to criticize and improve the conceptual foundations of the sciences.

I don't deny that the Austrians might still be able to develop a distinctive contribution, and offer valuable criticisms, to mainstream economics. But I maintain that they would do best to retreat from the over-reaching Mises-Rothbard doctrine, which rules out any use of mathematics and insists that empirical investigation can never lead to new theory.

I do not reject the attempt to develop a pure logic of choice from axioms, but when we move from the logic

of choice to its application — to saying something about concrete reality — we get statements that are fallible and have to be tested empirically. There's no need to rule out additional economic hypotheses which are not derived from the axioms, but are simply conjectures, nor is there any good reason to exclude the use of mathematics.

Professor Armentano says "it is not intuitively obvious how 'absurd' foundations in economics could EVER lead to correct principles or policies." It's elementary logic that any true conclusion can be deduced from false premises (in fact, from an infinite number of sets of false premises). The principles of laissez faire policy were first expounded by the Physiocrats, who knew nothing of opportunity cost or marginal utility and held that only farm work is productive.

Professor Armentano's only argument for the Misesian position is the achievements ("plenty of enduring contributions") of Austrian economics, and his only example of such an achievement is the socialist calculation argument. This argument was formulated independently of Mises by Nikolaas Pierson, Enrico Barone, Boris Brutzkus, and Max Weber — all, of course, non-praxeologists.

On pp. 95–103 of *From Marx to Mises* (Chicago: Open Court, 1992), I present an evaluation of Misesian methodology in more space than I can employ here. In that work, I argue that Mises's economic calculation argument poses a serious challenge to socialist thinking and has not been successfully refuted. More narrowly, I argue that the economic calculation argument does not amount to a proof that socialism cannot work, that it is not an application of pure praxeology since it draws upon empirical assumptions, and that Mises's habit of stating the argument as if it claimed to be a rigorous proof has led to misunderstandings and reduced the argument's persuasiveness.

### Nuts to the Bible

Bart Kosko and his detractors are both right. When interpreting the Bible take all the things with which you agree, or are using to make a point, literally. And when you come across pas-

sages of the Bible that offend you or confound you simply argue that it really doesn't mean what it says because of context or intent.  $2+2=4$  regardless of context or intent.

Christian Hendricks  
Metairie, La.

### Religious Libertarians?

I'm continually dismayed by the number of libertarians, including some of those whose letters appear on these pages, who testify to their belief in the supernatural — especially those who reference biblical factoids. Are there really that many libertarians who, while otherwise considering themselves somewhat disciplined in rational thinking about political matters, still cling to ideologies steeped in nonsensical, primitive superstition? Bummer!

J. Sanders  
Lakewood, Ohio

### Rehashing the Obvious

In "Tenth Amendment: up in smoke" (December 2000), Richard E. Pearl Sr. writes: "Federal law states that there is no medical use for marijuana and any use of it is illegal under federal statute."

Yes, I know, and the earth is the center of the universe and does not rotate around the sun.

Richard Marchese  
Fairfield, N.J.

### Never Too Much Freedom

It scares me to hear Bradley Monton suggest that there can be too much freedom (December 2000). Monton is an individual who ultimately wants freedom, but he is sending a bad message to your readers. Improperly built freedom can create the opportunity for coercion. This isn't where the state comes in. This is where we find a way to use the profit motive to build a stronger freedom. I don't want to surrender anything to the state, whether it's land use, contract and law enforcement, national defense, or anything else. Our founding fathers rightly got rid of the rule of kings. It is our turn to get rid of the flawed democracy they created.

Democracy and freedom cannot co-exist.

Sean Wallace  
Thornton, Colo.

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# Liberty

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# The Election

*A dime's worth of difference* — I like to spend election evening with libertarians. It's not that I don't enjoy the company of people who don't share my political beliefs. It's just that most non-libertarians who care enough about politics to sit down and watch an evening of election returns do so because they think the outcome of the election is terribly important. Generally, their party's victory sends them into a state of almost orgasmic joy, and their party's loss leaves them depressed and hostile.

To hear my Republican friends tell it, the election of Gore would mean that the United States would plunge into an abyss from which it might never be able to emerge. The internal combustion engine would be banished, taxes would rise climactically, Social Security would go bankrupt, regulations would strangle all enterprise, children would graduate from public schools with neither knowledge nor morality of any kind, and, worst of all, Bill Clinton will be vindicated. To hear my Democrat friends tell it, the election of Bush would mean poisoned streams, African-Americans dragged to death by Republican pickup trucks, homosexuals banished to Madagascar, and Social Security recipients starved to death.

The reason I don't like to be among my non-libertarian friends on election eve is that I really don't like to be around friends when they are so obviously under the control of idiotic delusions.

In the 1960s, critics of the left-liberal dominance of both major parties were given to making observations along the lines of "there's not a dime's worth of difference between the two parties." Today, leftist critics of the moderate conservative dominance of both parties echo the same sentiment.

That observation was true when made by George Wallace 30 years ago and it's true when made by Ralph Nader today. Sure, there are minor differences, then as now, though it's difficult today to remember the ways in which Nixon differed from Kennedy, aside from Kennedy's inclination to cut taxes and flex America's military muscles. It's easier to see differences between Bush and Gore: Bush would end the death tax and cut taxes more deeply than Gore; Gore promised to apply an abortion litmus test in appointing justices to the Supreme Court, while Bush would not, and so on. But these are minor differences, not fundamental ones. The rea-

son we can see them more easily than the differences between Kennedy and Nixon is that Kennedy and Nixon squared off 40 years ago.

The tendency of the American political process to push its presidential candidates toward the center aggravates radicals of all stripes, from socialists like Ralph Nader to nationalist bullies like Pat Buchanan to libertarians like Harry Browne. It is also the genius of the American political system. It provides stability and an institutional framework in which change is slow and deliberate. This stability and Americans' dislike of radical change have enabled the American political system to survive everything from a horrible civil war to a great depression to the hysteria that produced prohibition to eight years of Bill Clinton's mendacity and power-lust.

But the less than a dime's worth of difference between the two candidates makes all the difference in the world,

though not because of policy differences between the candidates or because of variations in their quality as leaders. The difference between the candidates may be small, but they are real, and they are indicators of how the country is changing.

Changes occur only at the margin of public policy and are almost inevitably small. But small changes at the margin are *not* insignificant. Indeed, small, marginal changes are the way that change in America

happens; the few times when major changes have occurred — usually in wars or other major crises — have generally been foolish and have been followed by reactions that undid much of the damage.

There are two differences between Bush and Gore that could eventually prove to have major significance. Bush's proposal to enable Americans to control the investment of a small part of their Social Security money would be the first crack in the consensus in favor of this massive, Ponzi-financed welfare program. If Bush could enact his proposal to end death taxes, it would mark the first time in years when the class card failed to carry a trick. The fact that Bush was not wounded immediately and fatally in retaliation for his suggestion about Social Security and the fact that both houses of Congress passed a measure to end death taxes last year show the direction in which the country is moving. A landslide victory for Bush would have accelerated this trend.



But the trend is already evident and will likely continue, despite the virtual tie in the 2000 election.

So while my Republican and Democrat friends who see the loss of an election as a disaster are absolutely wrong — there's never a need to move to Canada — elections *are* important, though their importance is far from obvious and far from immediate.

That being said, I'm still going to continue to spend election night with my libertarian friends, the wisest of whom are the least alarmed and the most amused by the behavior of the voters and the paranoia of those afflicted in ideology.

— R. W. Bradford

**Chasing a new demographic** — Having grown up in the Chicago suburbs, I find that my political heritage involves voting scandals: local news reporters trying to track down a certain voter only to discover that he apparently lives in a tree in Grant Park, that sort of thing. Perhaps that's why I wasn't shocked to hear that the late Mel Carnahan won his election. Surely even dead voters are going to support a candidate who understands their needs?

— Tracey S. Rosenberg

**Lies, damn lies, and pollsters** — Last night I think I watched a remake of the Marx brothers' classic "A Night at the Election." But I'm not sure. In the frenzied run-up to the slapstick event, I consumed a few too many presidential polls. It is now the morning after, between the Count and the Recount, and I'm paying a price for my overindulgence. I look over the back fence and I don't see Vern. I see a married white Catholic male between 65 and 70 with an annual income between eighty and ninety thousand.

Before seeking out a twelve-step program for the politically obsessed, I'd like to suggest that pollsters consider a new demographic category: Givers and Takers. In a nutshell, a Giver is one who gives more money to the government than he gets back, while a Taker is one who gets more money from the government than he gives.

The definition needs refining, of course. How to handle tax credits? What about non-monetary and deferred benefits? How would deductions be accounted for? Would an underpaid government social worker be a Taker because of the source of his paycheck? Seems like it. Could a tax-paying pawnbroker be a Giver? Well, sure.

Once all that is ironed out, categorize a large population, then find out how they vote. My hypothesis is that this new

demographic category, finely tuned, would predict voting behavior better than age, gender, religion, ethnicity, income level, or marital status.

If this guess is right and the label catches on, we might one day hear the Democratic Party proudly advertise itself as the Party of Takers.

Theoretically, there might be people who give and take equally. Would they be swing voters? If the definition is chiseled just so, we might even find that there is a small group of people who neither take anything from the government nor give anything to it. A thorough analysis of this group using just the right sophisticated statistical models and supercomputers might reveal that a good chunk of them vote Libertarian.

— Scott Chambers

**This gravy train doesn't stop in the suburbs** — One of the little-noted issues in the presidential election is the growing split between major cities and their suburbs. In most states, central city residents voted strongly for Gore and other Democrats; suburban residents voted heavily for Bush and other Republicans.

Former NPR reporter Scott Thomas first noted this trend in his 1998 book, *The United States of Suburbia: How the Suburbs Took Control of America and What They Plan to Do with It*. Vice President Gore's war on sprawl, declared just after this book came out, was, in effect, a war on the suburbs, and probably exacerbated the city-suburb split in the 2000 election.

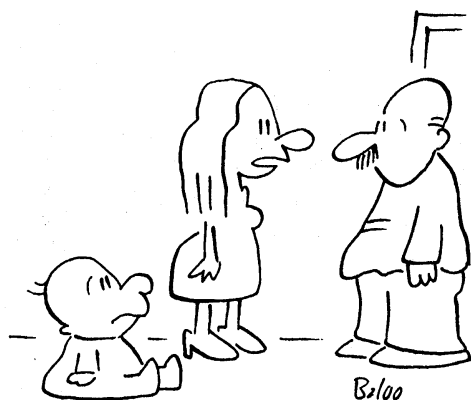
Suburbanites outnumber central city residents by nearly two to one, and Scott argues that the suburbs have taken control. But the 2000 election shows that he was premature; the cities still count.

For good reason. Each year, the federal government gives state and local governments about \$22 billion in housing grants, \$5 billion in economic development grants, and \$4 billion in mass transit grants. The overwhelming share of these and other federal funds go to the cities, not the suburbs, and powerful city leaders do their best to motivate voters so the money keeps flowing in.

Not surprisingly, many of the projects funded with these grants end up doing more harm than good. It seems likely that one reason why the suburbs are such attractive places to live is that they have not received nearly as much federal funding as the cities. Suburbanites should be wary that taking control, as Thomas predicts, doesn't mean new federal programs that will destroy their communities as well.

— Randall O'Toole

**Electoral reform** — For many years, until shortly before the latest election, I accepted the standard argument for abolishing the Electoral College and choosing the president by nationwide popular vote. Lately, however, I have seen value in a system that encourages the parties to choose candidates and favor policies expected to have geographically widespread appeal rather than, perhaps, overriding appeal to large but concentrated groups of voters. Moreover, the current system makes geographically widespread fraud unrewarding. Fraud is likely to be concentrated in a few big and closely contested states, where the relative ease of investigating it contributes to preventing it in the first place. Finally, in the case of a close election, consider the horrors of

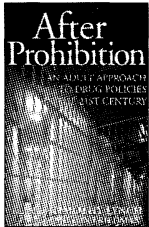
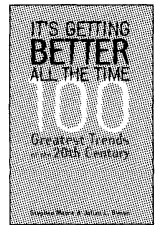


"These are his formative years, dear — why don't you shave off that silly mustache?"

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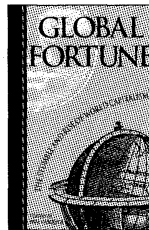
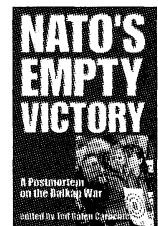


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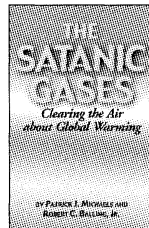


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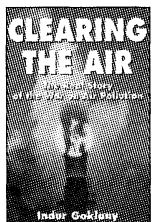


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a nationwide recount and of court challenges to supposed irregularities throughout the country. It is less harrowing to confine recounts and challenges to a few states where the result is most seriously in doubt.

Let us not, therefore, adopt the obvious constitutional amendment in knee-jerk fashion. Let us have ample public discussion of the arguments and of alternative electoral reforms. Let us even consider how to put an element of choice by lot into the process, and also into the choice of members of Congress. Among other advantages, an aleatory element would help reduce the power of special-interest money in politics.

Until we do change the system, let us abide by its rules, according to which the winner is not necessarily the candidate with the most popular votes. To second-guess the rules after the election would be like declaring the winner of a baseball game to be the team not that had scored the most runs but that had made the most hits. In the political game, as in baseball, the players play by the rules already in effect. If the rules had been different, their strategy (and perhaps even the choice of candidates) would have been different too. The same is true even of some ordinary voters. Living in Alabama, a state safe for Bush, I felt free to vote for Harry Browne. Under a rule of nationwide popular vote, I would have voted for Bush.

— Leland B. Yeager

**Election mayhem** — As I write, Nov. 9, the Florida vote is being counted again. We are down to two counties, Manatee and Seminole, and Bush and Gore are separated by 225 votes. That is fewer than the number of electors in the Electoral College. It is fewer than the number of employees in my office.

I don't want to hear ever again that a vote doesn't count. More than 100 million votes were cast, and we are down to a couple of condos in Orlando and a few housing tracts in Bradenton. One box of ballots discovered in some Baptist church could elect the president of the United States.

At the moment, oldsters in Palm Beach are clamoring for the right to vote for Gore because they mistakenly voted for Pat Buchanan. They looked on the left-hand side of their ballot, saw that Gore-Lieberman was the second choice, and punched the second hole. But the second hole was for the first choice on the other page: Buchanan-Foster. The little arrow from Gore-Lieberman quite clearly points to the *third* hole, but they squinted through their trifocals and didn't see it.

These people are morons — or else they are backed by the Gore campaign. Probably both. Who knows how they voted? Imagine what their votes would be worth now. Would a federal judge let them vote again? I doubt it, though you never know. Some judge kept the polls open late in St. Louis, and the voters elected a dead man to the U.S. Senate.

Whatever happens, there will be calls to eliminate the Electoral College. I like the Electoral College. It makes elections interesting. It recognizes the sovereignty of the states, in a vestigial sort of way. I like that, too. It localizes problems. Having a recount in Florida is a hair-curler, but imagine recounting every vote in the entire country.

Besides, a constitutional amendment to abolish the Electoral College needs three-fourths of the states, and this one will never get it. Can you imagine Alaska voting for it? New Hampshire? Delaware? Arkansas? Never happen.

The Electoral College meets in December. If Bush has won Florida, he will be entitled to 271 votes. He had better be damn careful who his electors are, because if one of them changes his mind, Bush won't be president.

How much is that vote worth?

These thoughts are immoral. Wicked. I should put them out of my mind. This is America.

Yesterday, the day after the election, Al Gore was the great statesman. He would have the recount and accept Florida's verdict. Today it is revealed that he is suspicious because the governor of Florida is George W. Bush's brother. If Bush wins, the story says, Gore will file suit.

This is not America. We are living in Pakistan.

— Bruce Ramsey

**Honor among politicians** — During the campaign, Al Gore bragged that he hadn't spent much of his life trying to get wealthy, as if spending a life leeching off the taxpayer qualifies one to be president. But a lifetime in politics did prepare Gore to be more gracious in apparent defeat than Bush was in apparent victory.

On the day after the election, when Florida's recount was underway, Gore expressed faith in the Constitution and pledged to go along with the results. Bush, meanwhile, announced that since he had apparently won, "if confirmed" by the recount he would try to bring the nation together. What he should have said was that he was waiting for the numbers along with everyone else and would abide by the results, whatever they were.

Later, when Bush was interviewed about Gore's premature concession phone call and follow-up phone call, he acted as though Gore was trying to get out of some agreement that they had made. Someone should have reminded Bush that it doesn't matter who concedes; what matters is who wins the election.

— Randal O'Toole

**Hillary goes after College** — Does it surprise anyone that the first action of Senator-elect Hillary Rodham Clinton was to propose changing the Constitution to eliminate another key element of federalism and move us further toward a centralized, national, plebiscitary democracy?

— David Boaz

**CONFUSED voters** — The day after the presidential election, when the Democrats realized that they were in serious trouble down in Florida, they immediately began screaming for new elections. Their focus was Palm Beach County, where, they claimed, hundreds of voters had been seen rushing from the polls, and weeping as they rushed, because they had been "misled" into voting for the wrong candidate.

The problem, if there was one, resulted when a (Democratic) voting official, moved by pity for the elderly, created a ballot with LARGE PRINT. Because it had such LARGE PRINT, this ballot had to present the candidates' names in two columns, one on the left and one on the right of the familiar row of punchable circles. An arrow led from each candidate's name to a matching circle. Voters had only to select the preferred candidate's NAME, follow the ARROW to the matching circle, and PUNCH that CIRCLE.

According to spokesmen for the Democratic campaign, the result was disaster. Would-be Gore voters, confronted by

the CONFUSED organization of the ballot, ignored the arrows and punched whatever circles appealed to them, many of them circles consecrated to the devilish Pat Buchanan instead of the saintly Al Gore. Then, somehow realizing that they had made a mistake, but making no attempt to remedy that mistake by getting another ballot, the pitifully MISLED voters rushed from the building crying their eyes out and demanding legal redress. Their complaint was heard on high, and a cloud of Democratic lawyers flocked down from Olympus to succor them. That was the Democrats' story (without the Olympus part).

The whole episode is so ridiculous and phony that no one but a maniac could take it seriously. Or so you might think. The fact that it has been taken seriously in many quarters reveals the maniacal nature of the assumptions on which the Democratic Party now makes its appeal.

There are, to be exact, two assumptions. The first is that the Democratic Party deserves to win, no matter what. The second assumption is less straightforward, but it does represent an interesting progression in modern liberal ideas.

The original idea of the modern liberals was, "If you are poor, you deserve some help."

Their next idea was, "If you are stupid, you deserve even more help."

Their third idea was, "If you are stupid, it doesn't matter; you deserve to be treated as if you were smart."

And now we have reached the climax: "If you are stupid, so stupid that you can't even punch the right hole in a goddamned ballot, you deserve to rule the nation." — Stephen Cox

**B is "B"** — Fully five percent of those casting votes in Palm Beach County, Florida, either

failed to realize that they were to vote for only one presidential candidate or they voted for a candidate that they allegedly did not want. The reason? They couldn't figure out the ballot, which had been recently revised to make it easier for the elderly to use. A good many of these individuals, at the urging of Albert Gore's campaign staff, want the election to be held again. Others, cognizant of state law, which requires that complaints about ballot design be made prior to an election, suggest that the ballot should be changed in time for the next election.

I'm for democracy as much as the next person. But I'm not very happy about the fact that we allow morons and demented people to vote.

We already disqualify a great many citizens on the ground that they are too young to vote intelligently and wisely. Curiously, we've never disqualified anyone for being too old to vote intelligently and wisely, despite the fact that the typical 17-year-old is smarter and even wiser than the typical 85-year-old. The reason, I suspect, is that when our republic was young and its basic laws were enacted, the per-

ils of life were such that very few people survived into old age.

Of course, we could use a simple test to see whether a person has his wits about him. I note that as recently as 1964, over a third of the states required their citizens to be literate in order to vote. This practice was ended by the Voting Rights Act of 1965, which was designed to prevent southern states from keeping African-Americans (or Negroes, as they preferred to be called in those ancient days) off the voting rolls. This was a dubious rationale: 70 percent of the voters required to pass literacy tests were located outside the south, and a great many were in bastions of liberalism (e.g., Massachusetts, New York, California).

I suggest that Congress repeal the anti-literacy test provision of the Voting Rights Act so that states can enact simple measures to insure that the demented and moronic do not determine the fate of the republic. Nothing too intellectually taxing, of course. Perhaps only two questions, along the lines of these:

- 1) Which of the following is the letter "B"? A B C D E
- 2) What does two times four equal? 1 2 4 6 7 8 10 24 42

Ballots that fail to answer both questions correctly should be disqualified. This would immediately jettison the genu-

inely incompetent, who in Palm Beach County, at least, constitute a significant part of our population. There would be no shame: those eliminated would not even know they were eliminated; their ballots (with random marks and holes punched) would simply not be counted. — R. W. Bradford

**Meditate this!** — Given the narrow margin in Florida, Gore must be kicking himself that he didn't pander to the meditation lobby. If only he'd gotten

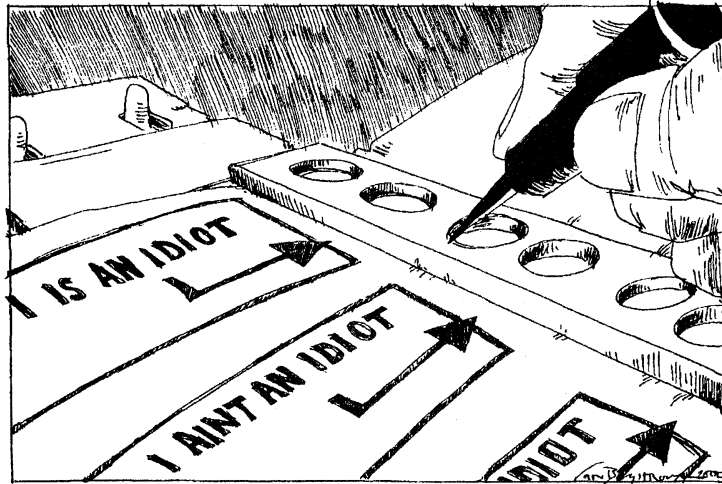
some of the votes that went to the Natural Law Party, Gore would have won Florida. Think how things might be different if Gore had promised 100,000 new federally-funded meditation teachers. Bush would probably have countered with block grants to the states for pay for 150,000 new meditation teachers.

— Dave Kopel

**The ultimate disability** — Missouri voters struck a blow against the last respectable prejudice by electing the late Mel Carnahan. The only remaining question is whether the Republican Senate will risk a lawsuit under the Americans with Disabilities Act by refusing to seat the pulse-challenged legislator.

— Clark Stooksbury

**People who live in glass hausen . . .** — The wound-salting aspect of the election has been the reaction of nations which barely rise to my definition of civilization. I especially object to the German press calling the election a "macabre spectacle" (unlike democracy in the Weimar republic, I guess) and the Hindu assertions that "the U.S. should switch directly to a popular vote like the great democracy of



India," as the *Asian Age* said. Sorry, no sale. When I want to wait 20 years for a business license, I'll move to the subcontinent, thank you very much. That's bad enough, but when Sen. Arlen Specter offers a Constitutional amendment to abolish the Electoral College, one of the last vestiges of the Old Republic, a start-up in Siddhartha-land suddenly sounds like a promising career move. But then, Specter owes his own position to a prior sop to mobocracy: the direct election of senators.

— Brien Bartels

**News anchors vamp 'til ready** — On the afternoon of Election Day, when Dan Rather says "now for some historical perspective" and starts talking about McKinley and Bryan . . . go get yourself another cup of coffee, feed the cat, whatever. It's going to be a long enough day as it is.

— Tracey S. Rosenberg

**Suggestions from across the pond** — The elite media are highly exasperated at the failure of Americans to live up to the high expectations of our European betters. NPR reports that Europeans are aghast at our undecided election and that they regard the Electoral College as an absurd anachronism: why don't we just let the popular vote determine the outcome? But of course no European country has that system. Indeed the parliamentary system is a variant on the Electoral College: local voters choose members of parliament, who then choose the prime minister. It would be entirely possible in such a system for one party to get more votes nationally but fail to get a majority of parliament. Meanwhile, the *New York Times* reports on its "Arts and Ideas" page that Europeans just don't understand why Americans don't show more gushing respect for our leftist intellectuals, such as James Tobin (who has a brilliant idea to tax all financial transactions), Bruce Ackerman (who has a brilliant idea to give every 18-year-old a lot of money), and Jeremy Rifkin (who has a brilliant idea to fight "hypercapitalism"). Memo to the elite media: our ancestors didn't like the statist European systems; that's why they left, and why the United States today — for all its faults — is richer, freer, more diverse, and more dynamic than Europe. Journalists who prefer Europe are free to go live there.

— David Boaz

**None for me, thanks** — A principal problem with electoral ballots in this country is the omission of a crucial choice: "none of the above." A few years ago in Puerto Rico, the new pro-statehood governor initiated a referendum on

the island's status. On the ballot he put only three choices: statehood, independence (which few want), and "associated free state," which was an obscure position. Missing from this ballot was the current Puerto Rican option of a Commonwealth. The mayor of San Juan, Ms. Silia Calderón, initiated a campaign to add to the ballot "none of the above," which implicitly kept the status quo. As the governor's audacity was disaffecting, "none" won, perhaps setting a precedent that we should consider adopting on the mainland.

Incidentally, in the recent Puerto Rican gubernatorial election, "none of the above" defeated the incumbent.

— Richard Kostelanetz

**Never mind the candidates, the voters are the frightening ones** — Watching the election buildup over the past few months, I noticed two things that make me concerned about the viability of representative government. First, half the voters intended to vote Democrat.

I realize that readers may expect me to say "and second, the other half intended to vote Republican." But given the choices, I can see why people would vote Republican. I can't see why people who work for a living or believe in our constitutional system could consider voting Democrat. Second, did you read or listen to any interviews with voters? Wow. The misconceptions and logical fallacies that people cite in explaining how they intend to vote are mind-boggling. It makes you appreciate why the Founders had such grave reservations about the prospects for a democratic system.

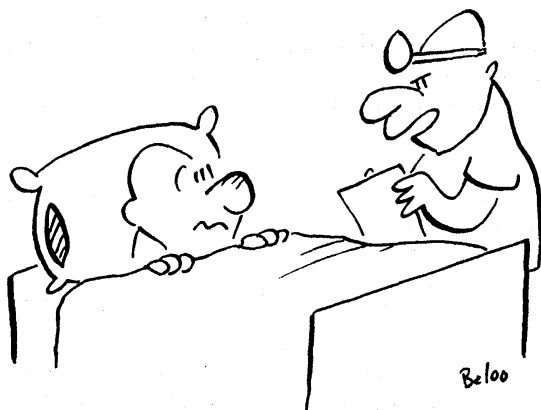
— David Boaz

**Historic nonsense** — Virtually every TV pundit and news reporter described this year's election as "historic." Virtually all were wrong, at least insofar as "historic" means "important in history." In fact, the virtual tie is the opposite of historic. It is a historical trivium. Two candidates with virtually identical views got virtually identical numbers of votes. That candidates with identical views might finish with a similar number of votes is pretty obvious. The fact that they got virtually identical numbers of votes is a pretty obvious possibility.

The last election in which the two candidates held virtually identical views had almost the same result: in 1960, John Kennedy beat Richard Nixon by an official margin of 119,450 votes, or about .17 percent. The election itself was actually closer: there was substantial evidence that Kennedy was the beneficiary of tens of thousands — and probably hundreds of thousands — of fraudulent votes. His exceedingly close and fraudulent victory was allowed to stand only because Nixon instructed his party not to challenge or even investigate the fraud.

The 1960 race had other similarities to the 2000 race. Both occurred in a time of prosperity. Both came at the end of the second term of personally popular presidents who had lost control of both houses of Congress during their terms in office. Both parties that held the presidency nominated their vice presidents, who were both widely perceived as cold, shifty, and unattractive.

But the most striking parallel is the way candidates moved to the center or even toward the customary position of the opposite party. In 1960, Kennedy proposed to cut taxes and increase military spending and general foreign policy



"I gave you the medicine, and you didn't get well — are you trying to make me look bad?"

aggressiveness, thus echoing ordinary Republican views, while Nixon, acting the centrist, defended the status quo and asked voters to support him because of his experience. In 2000, Bush proposed making the income tax system even more regressive, increasing federal government control of public schools, and making prescription drugs a welfare right for senior citizens, while Gore defended the status quo and asked voters to support him because of his experience. In 1960, at a time when most Americans identified themselves as liberals, Nixon moved toward the liberal position — so much so, it turns out, that his party repudiated him and moved sharply in the opposite direction in choosing its next nominee. In 2000, at a time when most Americans identify themselves as conservatives, Gore called for smaller government, tax cuts, and a balanced budget.

In the end, both the 1960 and 2000 race ended in virtual ties, with the national popular vote differing by about one-fifth of 1 percent and five states decided by differences of less than 1 percent.

The closeness of this year's election is no more historic than the fact that if one were to flip 100 million coins at one particular moment, 200,000 more would come up heads than tails.

I do not mean to suggest that the virtual identity of the agendas of the candidates in each election means that either outcome was insignificant. The parties have different special interests and different constituencies who pressure their leaders to respond in different ways to the events they face. But the fact that American public opinion has moved away from support for activist government is far more important than the differences between the Bush and Gore agendas.

Interesting? Perhaps. But this is not the stuff of "history." A few decades from now, the closeness of the 2000 election and the post-election antics of Bush and Gore will be forgotten — just as forgotten as the details of the 1876 stolen election or the 1888 electoral college victory of the candidate who lost the popular vote were before those details were trotted out by pundits look for something to say about this election.

— R. W. Bradford

**Every vote counts** — My home state of Oregon was all mail-in voting this year, but since Oregon only has seven electoral votes and Florida has 25, I decided to mail in my vote to Florida. Now I know why my vote got messed up! Can't the government get anything right? — Joe Dabulskis

**What country do you live in, Mrs. Clinton?** — One of the most dismal results of this year's dismal election was Hillary Clinton's victory in her senatorial campaign. It was altogether fitting that her first act as Senator-elect was a politically motivated attack on the Constitution.

Recognizing that her party's ability to seize the presidency was endangered by the existence of the Electoral College and its accompanying checks and balances on the will of such deluded multitudes as the liberal voters of New York, Hillary promptly proposed the abolition of the Electoral College. Her reason? "We are a different country than we were 200 years ago."

An odd sentence — but inspiring, in its way. It would be wonderful if Mrs. Clinton and her friends were actually liv-

ing in some "different" country. I could continue living in the country that was founded 200 years ago, and she could continue infesting that "different" place. Unfortunately, however, when I last consulted the map I noticed that the country that "we" both "are" is still the same place, the same old USA.

I won't waste any more time on Mrs. Clinton's weird tricks of grammar. It is, after all, the thought that counts. Her thought, apparently, is that we should toss out every part of the Constitution that has managed to endure for at least 200 years. So much for the Bill of Rights. So much for the presidency itself, although she doesn't mention throwing that out, since she wants it to stay in her family. It must be added that (to use one of her favorite clichés) she doesn't just talk the

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*It would be wonderful if Mrs. Clinton and her friends were actually living in some "different" country. I could continue living in the country that was founded 200 years ago, and she could continue infesting that "different" place.*

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talk; she also walks the walk. Her record shows that she prefers to function without any of the traditional constraints to be found in musty old documents.

Of course, contempt for the past as such is not confined to would-be tyrants like Mrs. C. It is the inspiration of every rap "musician," every graffiti "artist," every peddler of new "religions," every moron for whom the achievements of the centuries are as nothing when compared with the itches of the present.

People who are not preoccupied with scratching itches may be interested to learn that the Framers of the Constitution, who were a few million times smarter than the wife of the current president, regarded the Electoral College system as the very *least* controversial or intellectually assailable part of the document. Here is Alexander Hamilton, writing in *The Federalist*, No. 68:

The mode of appointment of the chief magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit, that the election of the president is pretty well guarded.

Guarded from what? Guarded from direct popular voting and all its attendant perils. "Nothing was more to be desired," Hamilton says, "than that every practicable obstacle should be opposed to cabal, intrigue and corruption." No wonder Hillary's so upset about the Electoral College. It's intended as a guard against *her*.

— Stephen Cox

**Can I interest you in a time-share, Mr. President?** — A Welsh friend of mine, mildly bemused by the drawn-out American election, suggests a time-share presidency. As Bush prefers to go to bed early, he should be president from, say, morning to mid-afternoon, which leaves time for a round of golf and a T-bone steak

before he hits the sack. Gore can then handle the schmooze-and-booze of evening soirées and fundraising cocktail parties. Western Europe starts its day around 2 a.m. Washington D.C. time, so Gore would be in charge of all European negotiations, thus ensuring that we'll have at least one president who has a *clue* where Them Durn Furriners live. Lieberman and Cheney would have to work out their own time-share schedule, but at least someone would always be available to cast a tie-breaking vote in the Senate, regardless of the religious holiday. The first and second families will simply have to fight it out to decide who gets to throw the switch at the White House Menorah-and-Manger lighting ceremony.

— Tracey S. Rosenberg

**The new republic** — Voting trends continued downward, despite millions of dollars being spent to “get out the vote.” Organized constituencies — labor and minorities — were well-represented at the polls, the average American less so. None of this is surprising: a government that seeks to do everything encourages rational people to decide that their votes are less relevant. One votes for people who operate in the murky world of politics; holding them accountable is difficult. Moreover, the costs of regulation are imposed without any legislative accountability. We have a system of “regulation without representation.” Increasingly, America is becoming the nation of special interests, of mob factionalism.

— Fred Smith

### **The helping professions help themselves**

— A *Washington Post* article on Ralph Nader supporters just before the election shed some light on the base of support for left-wing policies. The Nader voters interviewed in the piece had the following occupations: hospital administrator, office manager, elementary school teacher, mental health worker, middle school teacher, and human resources worker. With the possible exception of the office manager, all of them work in what they would call “the helping professions,” and all are almost certainly paid out of tax dollars. They have an obvious class interest in expanding government. A survey of Gore supporters wouldn't be quite so dramatic, but it would tend in the same direction. Working Americans are being taxed to support a class of people who vote, organize, and agitate for more government, more spending, and more taxes. It goes a long way toward answering the question, “Why would anybody vote for Democrats?” A tax cut therefore serves several purposes: it reduces coercion, it strengthens the economy, and it reduces the number of people the taxpayers pay to organize against our interests. But tax cuts are hard to imple-

ment in a world where a large portion of the electorate are net tax consumers.

— David Boaz

**Rx** — You probably have your own favorite examples of indecencies committed in the presidential campaign. My favorite example is a certain statement by Julian Bond, one of our country's licensed purveyors of moral leadership. On Oct. 30, Bond was interviewed on the Hannity and Colmes TV show about the famous NAACP ad campaign that associated George W. Bush with the lynching of a black man in Texas. Questioned about the, shall we say, evident political *tendency* of this campaign, Bond solemnly intoned, “It's not at all political . . . It's not a partisan ad . . . There's no partisan appeal.” The fact that episodes like this did not arouse a tide of revulsion sufficient to sweep the Democratic Party away from any hope of winning office is an index of just how sick the American electorate really is.

— Stephen Cox

### **Flunking out of the Electoral College**

The closeness of this year's election and the possibility that the Electoral College winner may be the popular vote loser has given rise to renewed criticism of the current system of selecting a president, and denunciation of the Founding Fathers for their lack of trust in what some commentators referred to as “the masses.” Could that lack of trust on the Founders' part possibly be because they knew that many of “the masses” would be too damn stupid to mark a ballot by themselves?

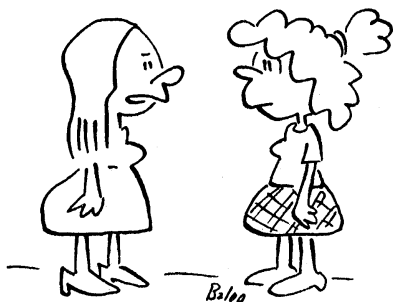
— Clark Stooksbury

**The state on autopilot** — The almost-tie election, both in the presidential sweepstakes and in the House and Senate, suggest some problems ahead for the friends of economic and individual liberty. Yes, there was a lack of decisive choice for more government — a good thing (recall that even Gore [gasp!] “opposed big government”). Tragically, the vote gave little encouragement to reining in a government that is already too big. Normally, gridlock isn't such a bad thing (recall the remark of Will Rogers: “Now here's some good news: Congress is dead-locked and cannot act!”). A divided government is unlikely to take any decisive action, and that is a good start.

The problem is that the welfare/regulatory state seems to be on “autopilot,” spiraling ever upward. The entitlement class has become a significant sector of the electorate: bread-and-circuses creates many friends in the populace. Absent some ability to discipline the welfare and regulatory agencies, none of this is likely to change.

But discipline requires either new laws (unlikely in the new Congress) or new people (unlikely in a Gore administration) or successful court challenges (even more unlikely in a Gore-appointed court). Thus, the outcome of the current election is of more than minor interest. If Gore is elected, watch for aggressive administrative efforts to further erode the concept of responsive government, efforts to implement treaties before ratification (the Kyoto global warming initiatives are already underway), and a continued growth in the entitlement state. Moreover, Gore may well be able to frighten businesses and individuals from any support of our groups. They've already sent the IRS to audit some of our organizations, and more of this is in the cards.

A Bush administration poses fewer risks, but there is still reason for concern. The prior Bush administration, after all,



“Married to his job”? You're lucky — my husband is married to his unemployment check.”

enacted the Clean Air Act amendments and revitalized the anti-trust divisions at the FTC and DOJ. Moreover, a Bush administration might well wish to emphasize statesmanship in the global arena (much like George Bush at the 1992 Earth Summit in Rio). The Bush administration might be enticed into signing onto a host of international treaties that will weaken freedoms here at home.

By the time this piece is published, the decision will be made. God save America. — Fred Smith

**Fishing for chads** — The Democratic Party is trying to steal the election for Al Gore. As I write, on Nov. 14, with Bush some 300 votes ahead, it is all obvious except the outcome. By fishing for “hanging chads” — bits of cardboard supposed to have been punched out — election workers have found more votes. The Florida Democratic Party has filed a lawsuit to force the counting of dimpled chads — but only in Palm Beach County. Indeed, the manual recounts, with workers carefully holding up perforated ballots to the light, are all being done in Gore counties. Ballots in the Bush counties were tabulated by machine.

What kind of man would steal an election? A man who really, really, *really* wants to be president. A man who lusts for it. A man who ought not to have it. — Bruce Ramsey

**René Descartes on line 1, Mr. Congressman** — My favorite New York congressperson is the esteemed Jerrold Nadler, whom I got to know pretty well during his lengthy defense of Bill Clinton in the Lewinsky crisis. Not only was Nadler willing and able to make the most shameless arguments to defend the felon-in-chief, but he also looks interestingly like a cartoon character, or like an enormously fat man condemned to live on Jupiter, where the strong force of gravity has pulled down his flab until his head is inches wider at the chin than at the crown.

For months I missed seeing Nadler’s comically misshapen head on my television. Now, however, my life has been brightened by his recent reappearance to criticize the Republicans’ apparent victory in the Florida vote. I use the word “apparent” advisedly, because Nadler would not grant that the Republicans had won. His faith was based, at least in part, on the idea that some elderly residents of Palm Beach County had voted for Buchanan while intending to vote for Gore. “Forty or fifty of my constituents,” Nadler claimed, “called my office on election day, saying that their elderly parents in Palm Beach had called them in tears, saying they had mistakenly voted for Pat Buchanan.”

Hmm. Buchanan got 3,407 votes in Palm Beach County, rather more than the 500 or so one might have predicted. This suggests that around 2,900 people in the county voted for him because they were unable to understand the directions on the ballot. If Nadler is telling the truth, an astonishing 1.5 percent of those voters (a) knew they had marked their ballots wrong but cast them anyway; (b) realized that they had mismarked their ballots, but decided for some reason not to ask for replacements; (c) returned to their homes so upset that they were weeping; (d) called their children, who happened to live, of all places, within the 16 square miles of New York’s eighth congressional district; and (e) enjoyed the satisfaction of having their children respond by phoning their congressman.

This defies rationality. But so did Nadler’s absurd defenses of Clinton’s obvious perjury. H.L. Mencken once observed that no one ever lost a buck by underestimating the good taste of the American people. He might have added that no politician ever lost an election by underestimating the common sense of American voters. — R.W. Bradford

**Change what? I have to turn up my MiracleEar™!** — How many Palm Beach Countians does it take to change a light bulb? 22,408. One to change the bulb, 19,000 to protest that changing light bulbs is too complex, and 3,407 to change the air conditioner filter accidentally instead. — Clark Stooksbury

**Raiding Nader’s raiders** — Two days before Election Day, a friend of mine and I had as close as you get to a celebrity moment in the half-assed Hollywood of Washington, D.C. We were at the Nader rally, handing out flyers for an LP candidate for Congress (Rob “Stop the War on Drugs” Kampia). We then crashed the Nader afterparty at Fado, which, given that Fado is the most hideously corporate version of an Irish bar anywhere outside of Epcot, I thought was an ironic choice of locale.

Professional honky-botherer Cornel West was there, as was fat anti-capitalist pig Michael Moore. And, before too long, the guest of honor himself showed up to shake hands. In contrast to West and Moore, Nader is kind of appealing in person — rumpled, clutching a portfolio full of mysterious and important documents. If this were a David Letterman “Brush With Greatness” segment, I’d tell you that I used our handshake to flip him over my shoulder with a deft Judo throw, sending him careening into Michael Moore’s blubbery bulk, whereupon I vaulted over Cornel West, leapt atop the bar, and shouted: “A is A, you looters and parasites!” But no. Instead, I told Nader I liked his speech, even though I couldn’t hear it and he seemed to go on longer than Castro. And I thought to myself that I probably wouldn’t find Ralph too appealing if he got into power and started regulating how many times I could flush my toilet and that sort of thing.

Considering that they’re enemies of civil society, most of

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**Making Terror Your Friend** — In a world overrun with authoritarian creeps, Doug Casey highlights the attitudes and techniques that set him apart from the controlled masses. (audio: A418; video: V418)

**End the Drug War or Forget About Freedom** — Alan Bock journeys to the heart of darkness in America's failed effort at drug prohibition. The casualties of the war, says Bock, are a lot of harmless people and your civil rights. (audio: A419; video: V419)

**Why the Great Depression Lasted So Long** — Robert Higgs explains how government, not free markets, caused the Great Depression; how the New Deal prolonged

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the Greenies were surprisingly nice people. They were even — except for one little fella who pranced away from me when I started to argue back — pretty good sports about my Harry Browne T-shirt, which has “Get Government Out of Your Life!” in big letters on the back. They even gave us free Nader T-shirts, labeled “Vote your conscience, not your fear.” All in all, a good bunch. And at least in the Green version of socialism, drugs would be legal, Israel would pay its own way, and the U.S. wouldn’t be murdering innocent foreigners to improve their countries’ human rights records. There are worse dystopias out there. Al Gore’s, for instance.

— Gene Healy

***A great day for liberty*** — I’m writing this on Nov. 10, so I don’t know how much longer the wrangling and the litigation will continue. I hope it goes on for weeks, even months. The more brawling, the less legitimacy the next occupant of the Oval Office will have.

Even if the wrangling is cut short, November’s election represents a wonderful opportunity for partisans of liberty to accelerate the devolution and perhaps even the collapse of state power. That can only happen if we understand the phenomenon correctly and can communicate that understanding well enough so that it becomes part of conventional wisdom. Here’s how I see the situation, as I wrote for the Nov. 12 *Orange County Register*:

The results of the election are about as favorable for the cause of freedom — the development of a society characterized by a growth in the importance and appreciation of voluntary interactions and transactions, and a decline in the influence and relative importance of the political, coercive sphere of life — as could be expected from such a quintessentially political exercise. The American people, despite reinforcement of the idea that politics is central to everything, are beginning to reject the choices offered by the political system.

Of course, it would be folly to claim that the American state is on the verge of overt rejection and is inexorably withering away. The modern state is thoroughly institutionalized, after all; it steals the fruits of productive activity from its citizens, considers itself the center of modern life, and claims the right to regulate everything from what we eat to what we dare to think, with little overt opposition or even comprehension from the chattering classes.

But the state and the relentlessly political understanding of life that buttresses it are increasingly being recognized as a joke. That’s a healthy development.

In the late 1970s and 1980s, as the idealism that had originally been so much a part of communism disappeared, as the system degenerated into a rickety structure held together by coercion, corruption, lies, and inertia, nobody could have predicted the precise moment when the system would collapse, let alone that it would collapse with a relatively peaceful whimper rather than an orgy of violence. But a few people understood that its collapse, while temporally unpredictable, was inevitable.

I see as equally inevitable the collapse of the modern welfare-warfare state rooted in the European nation-state system.

I don’t know precisely when the collapse will come, or what institutions and systems will be developed to serve the few legitimate social functions the state claims to perform. I

don’t know whether the collapse will come without violence, as I hope will be the case.

But I’m reasonably sure it will come, that the process is already underway, and that it will not be generally recognized until it has already occurred. I am also certain that most public intellectuals will never understand the true nature of the phenomenon through which they are living.

— Alan Bock

***Rejecting the one-party system*** — After two years of non-stop campaigning, neither of the deeply flawed presidential candidates was able to attract support from a majority of the American people. Neither candidate sparked enthusiasm, loyalty, or anything more than lackadaisical support except from a small circle of acolytes. Most voters stuck with a party out of habit, voted blatantly for their own narrow interests, or held their noses and chose the lesser of two evils. Few people believed that either candidate had an inspiring vision of America’s future.

In the midst of the most sustained and potentially exciting period of economic growth in American history, the chosen one of the party in power was not able to beat back a challenge from a syntactically challenged dilettante with little to recommend him except his family name. That is remarkable. But it owes less to the shortcomings of Al Gore than to a definite if not completely conscious recognition that the government is not responsible for the economic growth of the last several years — except insofar as it has had the sense, or has been forced by circumstances, not to get in the way too much.

The virtual tie, both in the popular vote and in the Electoral College, demonstrates that neither modulated version of governance commands real support any more. The modulated New Deal-populist-administrative-state approach of the Democrats has been reduced to a defense of the status quo, promotion of dependency, and fierce devotion to certain special interests. The Republican message that once emphasized individualism, self-reliance, and free enterprise has changed to “compassionate conservatism” — a code word for “don’t worry, we won’t reduce any wasteful program.” It’s meant to be reassuring, but inspires no one.

People were not inspired by the major parties, but were not ready to embrace, in the midst of economic boom times, the anti-immigrant culture warfare Pat Buchanan offered them, or the dour anti-corporate regulatory zeal of Ralph Nader. They didn’t even notice Harry Browne, but it’s unlikely they are ready for that alternative yet.

So they did the best the system allowed them to do. They effectively tied the hands of the national government so it will be able to do as little damage as possible in the next four years. As a good Leninist might see things, they heightened the contradictions inherent within the system so that those contradictions will have to be resolved eventually.

As an added bonus, this situation makes politicians into national laughingstocks.

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Whether all this is a step toward freedom or a resting-place before the next push for more ambitious statism, of course, depends in large part on how we understand the situation. If we use the present gridlock to intensify discussion of alternatives to the kind of overweening governance we now suffer, we may find ways to throw off our chains. If we miss the meaning or fall for the chimera of bipartisan cooperation, we'll feel the chains tighten.

— Alan Bock

**Running neck and trunk** — John Podhoretz argued in the *New York Post* (Nov. 9) that the Right is no longer in the majority. Ever since Ronald Reagan, the Democrats were held to less than 50 percent of the vote. Even when Clinton won, if the Bush or Dole votes were added to the Perot votes, they beat the Democrats' vote. But this time, wrote Podhoretz, "If you add up the Gore and Nader votes, the candidates of the Left outpolled George W. Bush by 3 percentage points, about 3 million votes." Podhoretz ignored the 1 percent for the combined candidacies of Buchanan, Browne, and Phillips, focusing instead on the Left's new energy. He wrote, "And with this election, they have dealt the Right a second mortal blow," the blow being the acquittal of Bill Clinton.

The American voter is not so simple. Roughly 35 percent vote for the Republican no matter who he is, and 35 percent for the Democrat. Those include the ideological voters. The rest float. I talked to several Perot voters who voted for Gore. Most said Bush didn't have the experience, didn't take life seriously, was a playboy, or was just dumb. Surveys showed that a lot of voters made up their mind in the last minute. These were non-ideological voters, and they overwhelmingly went for Gore.

The best measure of ideology is the House of Representatives. It is almost perfectly divided.

— Bruce Ramsey

**Rational ignorance and election hype** — A review of the recent election from the cultural value perspective advanced by the late Aaron Wildavsky is worthwhile. Wildavsky believed that votes, as well as general attitudes toward policy, are decided by the values held by individuals rather than by any deep factual understanding of the issues.

People are rational, of course. They gain satisfaction from the act of voting, but realize that only rarely will their votes be decisive, that acquiring detailed knowledge will be costly,

and that even if they obtain knowledge, it will give them little influence over policy. For these reasons, people spend little time in educating themselves about the issues.

In standard political science terms, people are rationally ignorant. Wildavsky believed that in this kind of situation, a vote is not linked to any direct per-

sonal benefit, but to the cultural values one holds.

In an election, we can examine how the policies and candidates represented these values. Most voters judge the images of the candidates and decide whether that candidate or policy advances or threatens their values. Wildavsky suggested that three general cultural values attract individuals.

**Individualism:** Those who vote based on their concern as to whether the candidate will expand or restrict their freedom. (Libertarians, for instance.)

**Hierarchy:** Those who vote according to whether America will be a more or less orderly society if the candidate prevails.

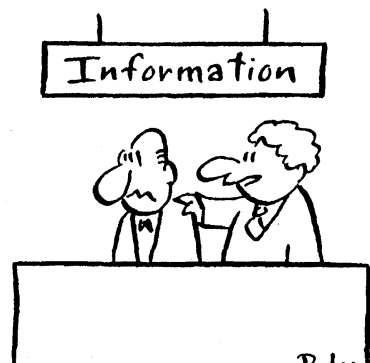
**Egalitarianism:** Those who are worried about how a candidate or policy will advance the "fairness" of America, whether the "little guy" will be helped or harmed.

In this election, the candidates touched all bases, but some were better than others. The natural base of Bush is the first group, the Individualists, for whom less government suggests more freedom. Gore made a run at this group via claims to favor smaller government.

The second value was a battleground with Gore, who sought to emphasize his qualifications and his ability to manage the modern welfare/regulatory state. Bush argued weakly that spontaneous order was more orderly than the politicized state. The message was blurred by Gore's image as a micro-manager — many were concerned about his "I can run the world" attitude. All of Gore's tax proposals had strings attached, and his rhetoric against Bush was "tax cuts only for the wealthy," whereas he would only preserve such cuts for his green cronies. In contrast, Bush argued the case for transferring power back to the states, and generalized returns of surplus payments to the citizenry ("you know better than we how to use your money"). The end result was a toss-up, with many people voting for "expertise" over "direction."

The major failure of classical liberals is their inability to articulate an egalitarian appeal. Since the progressive revolution of the early 20th century, this value has been *owned* by the progressive left, whose claim that they care about the people, while we care only about money, has gone largely unchallenged. Not surprisingly, Gore did well here, claiming that only he cared about the little guy, the sick, and the elderly. Bush, however, broke new ground with the compassionate conservatism theme — unfortunately, he never fleshed out the concept, and blurred it with many big government programs of his own. Still, it was a start, and he was criticized by many conservatives (and libertarians) for even raising the issue.

Part of the overall problem was that more is involved in a campaign for president than simply providing a positive value message. After all, a value appeal can be made either positively (this is how my election will advance your values) or negatively (this is how my opponent's policies will threaten your values). And sadly, fear trumps hope. Gore was far better at demonizing Bush. He made inroads into the individualist community by arguing the abortion issue ("Bush would take away your rights to choose") and the hierarchic community ("Bush is incompetent and will run America badly"). However, Gore was most effective at frightening the egalitarians — women, blacks, immigrants, the elderly. Liberal third party groups from the NAACP to NOW ran a highly negative (and very effective) campaign to con-



"Don't worry, Pomeroy — we all develop some doubts now and then."

vince many that their values would suffer if Bush were elected.

Bush ran as the “nice” guy — he wasn’t eager to frighten the electorate about Gore — and he discouraged others from doing so. That was almost certainly a mistake. Bush had to persuade Americans that his party advanced the values of most Americans. He might have dramatized the instability of Social Security, making it clear that without reform, the elderly would be at risk. He might have dramatized the risks that America faces because of our aggressive interventionist foreign policy. (Recall that both Wilson and Johnson were elected on the grounds that they would keep us out of war — they lied, of course, but they were elected.) America during the Clinton/Gore era has moved well away from the Colin Powell doctrine that America should engage abroad only when our vital interests were involved. Most importantly, Bush might have focused attention on *Earth in the Balance*, the extremist eco-catastrophe book written (yes, he did write it — unfortunately) by our “Arch Druid.” But that would have meant clarifying the risks of environmental extremism, and his advisors thought that would be negative. Bush did discuss the threat to the automobile in Michigan, but then talked about energy-efficient technologies with almost as much enthusiasm as Gore himself. (That blurred message was one of the reasons Bush lost Michigan.)

The minor candidates (Nader, Browne, and Buchanan) weren’t much better. Nader created a strong alternative egalitarian voice, espousing the confused message of modern progressives that government is run by the major economic interests, big business especially, and therefore we need to give government more power. In the absence of a strong classical liberal egalitarian voice, that message worked reasonably well. Browne never found the egalitarian voice, focusing as most libertarians do on freedom as the only value worthy of discussion. Buchanan portrayed a complex mix of populist egalitarianism and nationalism (an appeal to the hierarchic value). Nader had the most impact, and the other two candi-

dates disappeared in the noise.

Nader sought to frighten people about the growing power of “bigness” (while paradoxically calling for ever more powerful government — run by whom, we might ask?) while Browne and Buchanan were largely invisible. Individualists aren’t frightened (much) by the growth of the state. In a world of declining liberty, the U.S. still looks fairly good to most people, and America is far more stable than any other part of the world. The fear message was most effective in mobilizing the egalitarian value cluster. They feel most vulnerable, and people worry about them — even the wealthy and the middle class.

If classical liberal ideas are ever to gain traction in America, if we wish to be taken seriously as a political change force, then we must find ways of communicating outside the economic/individual liberty framework. This is possible. We view freedom as an intrinsic value, but others may be more sympathetic to freedom as an instrumental value — a way of advancing the stability (order) and fairness of our society. Refining and honing that value-based communication message is something that is occupying most of my intellectual time, but the full results of that effort remain in the future. Till then, we look at the CNN recount page, and pray.

— Fred Smith

**Nader of the lost ark** — One of the pleasures of the late presidential campaign was following those Democratic party toadies and left-leaning pundits who launched repeated hysterical attacks on Green Party nominee and left liberal icon Ralph Nader, for endangering the prospects of Al Gore. As it turns out, they were right. Unless the Vice President is successful in his attempt now underway to steal the election in Florida, Ralph Nader’s votes in that state are sufficient to send Gore back to Tennessee, the Fairfax hotel, or where ever the hell he’s from.

Now we know why they call him “Saint Ralph.”

— Clark Stooksbury

# Reflections

**Career opportunity** — Last October, Reuters reported that former Indonesian military strongman Wiranto had released a CD entitled “For You My Indonesia.”

Perhaps Mr. Clinton and his sax will follow Wiranto’s lead, and begin at long last a productive career.

— John Haywood

**The magical land of the presidency** — *Washington Post* columnist Courtland Milloy has finally made me understand Democratic voters. Democrats, I see, are like fourth-graders, who think that the president is a magical figure, sort of a cross between Santa Claus and God. He can do anything, and only a bad president would fail to do good. Milloy praises a group of District of Columbia elementary

school students who wrote letters to the president-elect as part of a Xerox Corporation contest. What did the tykes say to the president-elect? You should give everyone health care, Mr. President. You should give us new school materials, computers, and so on. You should end homelessness and provide homes and medical treatment for drug addicts. None of the children, of course, addressed who would pay for all these goodies, or what one might give up to get these programs, or whether the programs themselves would work. After all — homes, schoolbooks, health care; who could be against that? The last letter Milloy highlighted demonstrated an even more expansive view of the president’s powers: “Hopefully, now that you are President, you can stop all of this madness, this violence, and ignorance. I am depending on you.” Many

of us grow up. We come to realize that homes and computers have to be produced, and that if you tax people too much you not only take away their freedom, you end up with fewer homes and computers. And we learn that the president isn't magic; he can't cure cancer, or hate, or poverty, or economic fluctuations. But maybe it would be nice to believe again, like a fourth-grader.

— David Boaz

**¿Elián, can you spell "libertad"?** — "To be literate is to be liberated." With the whole thing well behind us, I can honestly say that nothing drove me more crazy about the González episode than all the talk about how Castro has eliminated illiteracy on his plantation. When someone points to Cuban education and tells me that everyone there is "able to read," I point to Cuban censorship and ask them, "able to read *what*?"

— Barry Loberfeld

### ***Palm greasing for fun and profit*** —

Recently, in Panama City, Panama I witnessed for the first time that act of impromptu street justice known as *mordita* (little bite). Driving along with two friends, both local residents, we were pulled over. The policeman politely informed my friend that the license plate had expired. Normally, this means that the car has to be parked and the plate impounded. You then go to the police station to pay for the new plate, plus the fine — a significant inconvenience.

So my friend, in his limited Spanish, began the bargaining process. He started by offering the cop \$5. I'm told this is the normal opening "bid" and usually enough to solve the problem. But our cop aspired to the good life, or maybe he had kids in college. He laughed at the offer and started writing the ticket. Time for heavy reinforcements. My second friend, also a gringo but one who speaks fluent Spanish, took over the negotiation. His animated conversation with the cop moved to the police car. Soon, both men got into the car, where the conversation continued. Some time later, my friend emerged, the problem "fixed." Cost: \$20.

If only all government-connected problems could be so easily solved. I figure this kind of petty corruption, as offensive as it is, beats the alternative. Your name stays out of government files. No points on your license. No increased insurance costs. No time wasted with courts or even finding a stamp to mail in your payment.

— Robert Kephart

### ***There's no trial like a show trial*** —

After years of negotiations went nowhere, Rhodesia declared independence from the British in 1965. Now former terrorist (and current president) Robert Mugabe is threatening to put Ian Smith, the Rhodesian prime minister who led his country to independence, on trial for genocide. This is presumably an attempt by Mugabe to deflect local and world attention from the mess he has made of the once-prosperous country. Smith said he would welcome the opportunity. "It would give the chance," said Smith, "to tell the world the truth about this gangster." Smith is no libertarian, but he was not a mass murderer either. And he remains, at age 81, one very courageous individual.

— Adrian Day

### ***I'll take fraud and hysteria for 100*** —

"The whole aim of practical politics," said H.L. Mencken, "is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins,

all of them imaginary."

Cocaine is said to be such an addictive menace that it is worth tearing up the Bill of Rights, drug-testing the entire population, and executing sellers in order to stop the scourge. Yet contrary to the claims of ABC's Peter Jennings, there is no evidence that anyone can become addicted to cocaine after a single use. Indeed, the vast majority of regular users never become addicted. A survey by the National Institute of Drug Abuse questioned high school seniors. Of the seniors who had recently used cocaine, 4 percent reported that they had tried to stop and could not. Of the seniors who had recently used nicotine, 18 percent had found themselves unable to stop. The studies that "prove" that cocaine is so allegedly addictive involve laboratory monkeys crammed into tiny cages. If you were confined for the rest of your life in a cell so small you could barely move, given absolutely nothing to do, and tied to a device which gave you cocaine, you might develop a taste for chemical escapes too.

According to gun control prohibitionists like President Clinton, "assault weapons" are making life for the street cop more dangerous than ever. Easily convertible to full automatic, these awesome killing weapons are said to be the weapon of choice of modern criminals. Actually, so-called semiautomatic "assault weapons" are used in about 1 percent of all gun crimes, according to police statistics from major cities. Such guns account for only 4 percent of police officer homicides, a percentage that has remained constant for many years, according to FBI figures. Detective Jimmie Trahin, the head of the firearms unit in the Los Angeles Police Department, states that semiautomatics are virtually never converted to automatic, because such a conversion can only be successfully accomplished by a day's labor from a skilled gunsmith.

Many American school buildings contain asbestos. Congress frantically enacted the Asbestos Hazard Emergency Act of 1986, which requires schools to spend billions of dollars on asbestos removal. Congress acted without bothering to assess the health risks of the particular type of asbestos generally used in school construction. As it turns out, asbestos in the schools poses less of a health risk to children than does whooping cough vaccine, according to new research reported by *Science* magazine. Billions of dollars that could have been spent on education were wasted on a pointless exercise in hysteria.

Every year, hundreds of thousands of children are abducted by criminals and never found again, Americans have been led to believe. Many parents are so terrified that they keep their children from contact with strangers as much as possible. Justice Department data, however, indicates that kidnappings by strangers account for only 1 percent of child abductions. The vast majority of abductions are committed by relatives who won't accept loss in a custody dispute. Of course, abductions by relatives are a serious problem, but the problem can't be solved as long as everyone is confusing it with the much rarer problem of stranger abductions.

How can we protect our children? Our society cannot even begin to discuss the question intelligently until it puts aside the campaigns of hysteria and fraud that have surrounded these topics.

— Dave Kopel

***More cash, less smarts*** — Sorry, Mr. Gore. More money does not guarantee better education. Studies

continue to demonstrate that although the U.S. is among the biggest spenders on education, the result — as evidenced by standardized test scores — is among the lowest. Several countries that spend the least have consistently high scores. A new study by two economists, Dale Ballou of the University of Massachusetts and Michael Podgursky of the University of Missouri (reported in *The Economist*), suggests that the cause of teacher shortages is not the absolute level of pay, but rather how teachers are paid. Specifically, the report blames the lack of pay based on performance. Teachers' associations typically oppose merit pay. But the result is what economists call adverse selection. The better teachers find, after a few years, that they are paid no more than the worst teachers, and tend to leave the profession, while the worse teachers remain. Another problem: the requirement for specific teacher training, even for well-qualified graduates. Who decides to go into teaching after finishing an undergraduate degree? Often, it's those who can't find jobs elsewhere! There are, of course, many excellent teachers, but the disincentives to bright people entering and remaining in the profession result in shortages, and particularly, shortages of the best. As *The Economist* slyly pointed out, Albert Einstein would be deemed unqualified to teach in America.

— Adrian Day

**Democracy unraveled** — Finally an apt metaphor for democracy: a cheap sweater. Don't look too closely. And for god sakes, don't touch that loose thread!

— Sheldon Richman

**Happy birthday!** — One week after voters in California and four other states approved drug reform measures, there occurred a forgotten anniversary worthy of note (if not celebration): the 125th anniversary of the war on drugs. On Nov. 15, 1875, the San Francisco Board of Supervisors passed the nation's first anti-drug law, an ordinance making it a misdemeanor to keep or frequent opium dens. This was the opening shot in a war that still rages on, though having long outlived any hope of success.

The San Francisco ordinance was aimed specifically at Chinese smoking opium, not the medicinal opium regularly consumed by whites. The Chinese had brought smoking opium with them in the earliest days of the gold rush. The habit caused little offense, until anti-Chinese sentiment swept the state in the mid-1870s.

The city fathers were particularly incensed to find "that there are within three blocks of the City Hall eight opium smoking establishments, kept by Chinese, for the exclusive use of white men and women; that these places are patronized not only by the vicious and depraved, but are nightly resorted to by young men and women of respectable parentage; [and] that unless this most dangerous species of dissipation can be stopped in its inception, there is great danger that it will become one of the prevalent vices of the city."

Other towns with Chinese communities quickly followed suit: Virginia City, Sacramento, Stockton, Oakland. In 1881, the state legislature enacted a statewide ban. In defense of the measure, State Sen. Grove Johnson (father of the reform governor Hiram Johnson) reassured lawmakers that it was as much anti-Chinese legislation as anything else they had passed.

Despite widespread antipathy to the dens, the scope of the

laws was surprisingly modest. Only public sales, not private use, were restricted. In the Victorian era, it was widely assumed that the law could not prevent folks from using drugs in private. "To prohibit vice is not ordinarily considered within the police power of the state," asserted the state Supreme Court in an 1887 opium case. "The object of the police power is to protect rights from the assaults of others, not to banish sin from the world or make men moral."

The effect of the law was not to eliminate the dens, but rather force them underground. A group of Chinese who smoked opium together might easily evade the law so long as no whites were present (otherwise, of course, the gathering would presumably be non-private). The dens continued as a vice industry and source of graft for the rest of the century. There were said to be 3,000-4,000 white and 10,000-15,000 Chinese habitués in the city in the mid-1880s. A list of known dens was published in the *San Francisco Municipal Register*. They even became a featured attraction on Chinatown tours, where sinister-looking Orientals were hired to stage fake scenes of turpitude for the titillation of tourists.

It wasn't long before the city fathers began to harbor second thoughts. Clearly it was futile to prohibit the traffic entirely. San Francisco was the major port of entry for smoking opium throughout the United States. The Supervisors therefore decided to enact a license fee on wholesale opium dealers, while leaving the retail trade illegal. The fee was collected for a single year, thanks to the efforts of an unusually energetic and incorruptible tax collector, Theodore Bonnet, but then fell into desuetude.

The situation finally changed with the rise of the modern prohibition movement after the turn of the century. Led by the state Board of Pharmacy, California enacted a sweeping anti-narcotics law that outlawed all non-prescription sales of opium and cocaine in 1907. Invoking the modern tactics of drug enforcement, the Board began dispatching agents and informants around the state to bust unsuspecting offenders. In 1912, the Board staged a gigantic opium paraphernalia bonfire in the heart of Chinatown. This broke the back of the smoking opium culture. Henceforth, addicts would turn to morphine and later heroin, which were harder to detect.

### Poet's License

Prowling for parking, round and round the lot,  
Wheeling and watching — hey, there's a spot!  
Oh, no! *Reserved for Poets*, God damn it,  
For cars with the City poet's permit.  
Those who don't display that passover sign,  
Paperless souls, face a thousand-dollar fine.

"I'll tell you," quoth my friend at City Hall,  
"Some permit holders aren't poets at all."  
The art of application is their gift:  
Within the form's parameters they're swift.  
Is theirs an advantageous sacrifice?  
It must be worth some blood to find a space.

— David Ramsay Steele

Seen in retrospect, the opium den era was remarkably benign. Opium smokers were notably more peaceable than drunks. The dens accounted for just a few misdemeanor arrests per week. Offenders typically paid a fine; only a handful went to jail. There were no complaints of dealers in the streets, and drug-related violence was unknown. Drug possession was perfectly legal.

The situation deteriorated as modern drug laws took hold. With the advent of Prohibition, drug crime became an institution. Attitudes against addicts hardened. Although the Board had originally intended sending addicts to hospitals for treatment, these plans fell by the wayside. Criminal penalties escalated until mere possession became a felony. The dismal legacy remains with us today. As of June 2000, California had a record 45,437 drug felons in prison, 20,116 of them for simple possession.

Looking back, it's hard to escape the conclusion that the Victorian system worked better. The harder we fought to outlaw drugs, the worse the problem became. Fortunately, recent elections augur a salutary change. This year, Californians overwhelmingly approved Prop. 36, mandating treatment instead of imprisonment for drug users, while Nevada and Colorado approved medical marijuana. Oregon and Utah overhauled drug asset forfeiture laws. Meanwhile, voters in Mendocino County, California approved Measure G, to allow adult personal use and cultivation of up to 25 marijuana plants. There may well be no need to resurrect the opium dens; cannabis cafés would be better. But after 125 years, voters finally seem ready to chart a new course.

— Dale Gieringer

### *Real butterflies don't do ballots* —

Recently, there was an unusual headline in *El Nuevo Herald* (the Spanish edition of the *Miami Herald*): "El símbolo del libre comercio llega volando a México." Apparently the symbol of free trade had arrived in Mexico. I was curious to learn what the symbol was.

Appallingly, it is the monarch butterfly, which is protected under NAFTA. Since this butterfly is not an object of trade, and is protected under the abominably anti-free-trade Endangered Species Act, what was the connection? "La monarca . . . es una especie protegida y símbolo del Tratado de Libre Comercial. . . ." So because the monarch is protected under the Free Trade Treaty, it is a symbol of free trade. One might as well claim the butterfly as a symbol of freedom because the slightly less statist George Bush may have been aided by the butterfly ballot in Palm Beach County. Even the name "monarch" reeks of managed trade and *dirigismo*.

In early October, swarms of monarch butterflies began to arrive in central Mexico. They will not survive the trip back to Canada, but their offspring will. The monarch is dead, long live the monarch.

— Martin M. Solomon

*The sound of chaos* — It may be an exaggeration to call the Vienna Symphony Orchestra an anarchist organization. But none of the musicians seemed to take the slightest notice of the conductor . . . and yet, the music was disciplined. Isn't that what an anarchist society would be like? In any event, don't let these thoughts distract you from the sublime music if you have the opportunity to see the orchestra during its North American tour. The Schumann piano concerto (at the Kennedy Center last week) was a tad

slow for my taste (though Buchbinder was technically superb), but Schubert's Ninth was spellbinding. — Adrian Day

*The power of competition* — The Mets clinched their National League title against the St. Louis Cardinals a day before the Yanks sewed up the American League championship over the Seattle Mariners. This would be the first "Subway Series" in 44 years. We were told by commentators across the country that New York was poised for a meltdown. Its stadiums would be looted, its neighborhoods terrorized.

The closest thing to a meltdown came in Game 2, when five-time Cy Young pitcher Roger Clemens fielded a broken bat off Mets catcher Mike Piazza, throwing it in his general direction as Piazza ran toward first base. Considering that Clemens had hit Piazza in the head during a summer inter-league game, this action led to a near-confrontation on the field between the teams. Cooler heads prevailed, and the game resumed immediately. In the end, with no game won by more than a run or two, with everybody on the verge of a nervous breakdown at each successive pitch, the Yankees took the best-of-seven series four games to one, celebrating their third straight World Championship at Shea Stadium.

But something peculiar happened in the Big Apple. There were no reports of sports-related criminality. In fact, on the day of the first Mets-Yankees game, my whole Brooklyn neighborhood was transformed into a virtual block party: everybody put Yankee or Mets banners in their front yards, on their windows, on their cars. Some dressed in Mets T-shirts or caps, while others wore full Yankee regalia. In some homes, families were split down the middle: "Derek Jeter a better player than Piazza? Whaddaya kiddin' me??" Or, in some circles: "Piazza cuter than Jeter??? Fuhgeddaboutit!" By the time the first game had begun, two of my neighbors had dragged out their 32-inch televisions, and a crowd of about 60 people gathered, cheering on their teams. Food and drink were aplenty, even as the game went into extra innings. The other games provoked a similar gathering and response. When the series was over, it was clear that this contest had not led to the kind of civil unrest that some were predicting. This scene was reproduced across the city. And though Yankee fans gained bragging rights for at least another year, Mets fans were unusually resilient: "Wait till next year!!!"

I'm a Yankee fan, but I must confess that with my own brother and sister-in-law cheering on the Mets, the Yankees victory was a tad bittersweet: I actually felt bad for the losers. And this feeling extended to some of my neighbors. While there will always be those of us who enjoy razzing our neighbors, I think that most looked beyond the us-versus-them mentality of this fierce sports rivalry. Because we were all talking to one another incessantly for over a week, we'd solidified old friendships and sparked new ones. Out of the internecine competition of two beloved sports franchises, there emerged a host of unexpected consequences. The winners showed empathy for the losers; some were actually concerned for the hurt feelings of their neighbors, who remained good-natured and steadfast in their loyalty. We'd laughed. Some of us cried. In the end, we'd shown that even competitors can create a spontaneous order of civility and benevolence.

Yeah. I love New York.

— Chris Matthew Sciabarra

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## Analysis

# Libertarian Party The 2000 Election

*by R. W. Bradford*

With more experience, more money, more party members, more media and more advertising, the Browne campaign vote fell 27%. Why did this happen? What does it mean for Libertarians?

The Libertarian Party presidential campaign raised more money, got more media attention, and purchased far more advertising than it did in 1996. It began the campaign ten months ago with well over twice as many members as it had in 1996. Its candidate was Harry Browne, an extraordinarily articulate spokesman for libertarian policy, who had gained experience from his presidential run in 1996. And, for the first time ever, the campaign was run by experienced managers.

It looked like this might be the LP's most successful presidential campaign ever, and certainly it would have its best showing since the 1980 election, when the campaign was funded with millions of dollars from its wealthy and generous vice presidential candidate, David Koch.

But even before the polls closed in most states, it was apparent that the vote total was not going to be better this time: in Indiana and Kentucky, where polls close early, Browne was actually doing worse than he had in 1996. And as returns came in, it became more and more evident that things were worse, not better.

Vote totals are still being fooled with as I write this — the Democrats are busy changing ballots to give Albert Gore a victory — but based on the latest available figures, Browne got 374,704 votes (AP) or perhaps 379,226 (CNN). Either way, it amounts to 0.37% of the vote, or about one of every 270 votes cast.

However you cut it, that's a decline of 27% from 1996. That's what Libertarians got for more money, more media, more advertising, more experience, more members, and more work. It was an unmitigated disaster.

Why did the campaign do so much worse, despite doing so much more to attract voters? The reason most often heard is that voters abandoned fringe candidates because they perceived that the race was very tight and they figured their vote might actually make a difference.

In 1996, the polls leading to the election showed Clinton with such a huge lead that his victory was certain, so the "Why-waste-your-vote?" factor was negligible — presuma-

bly very few people were worried that their vote for a fringe candidate would turn the election. This year, the race was believed to be the closest in memory, with polls showing Bush and Gore in very tight races in many states.

The "Why-waste-your-vote?" argument is much more appealing in states where the race is believed to be close than in states where it is believed to be a runaway. So we can gauge the impact of the "Why-waste-your-vote?" factor by seeing whether the LP did significantly worse in states where the race was perceived to be very close.

Take a look at the table listing the states, the size of the lead in the pre-election polls, and the change in the LP vote from 1996 and 2000 (Appendix, p. 25). At first glance, there seems to be quite a correlation. In all states where the poll lead was one percent or less, the LP did worse this year than in 1996. But in Arkansas, where the perceived margin was a scant two percent, the LP performance this year was up 139% from 1996, the best improvement in the LP's vote total of any state. And in the two states where the lead in the polls was largest, Utah and Wyoming, the LP vote fell by 24% and 17% respectively.

To make sense of these data, I grouped them into categories based on the size of the poll lead:

Lead	Lead	LP performance
Tossup	0-2%	-12%
Close	3%-5%	-30%
Good Lead	6%-8%	-40%
Large Lead	9% - 12%	-7%
Insurmountable	13%+	-12%

Again, it's difficult to see a pattern. In the tossup states, the LP vote share fell an average of 12% — the same amount it fell in states where a candidate had an insurmountable

lead. Stranger still, the LP vote total fell the most in states where one candidate had a good lead.

What can we conclude from these data? I think it's pretty plain that LP voters in the past two elections were not particularly influenced by the closeness of the race. The "Why-waste-your-vote?" argument has much less impact than is generally believed.

This is consistent with the only other data we have on the subject. In 1996, the Browne campaign purchased newspaper advertising in three states just before the election. The ads argued that with a electoral "blow-out" inevitable, Democrats

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*The data indicate that LP voters in the past two elections were not particularly influenced by the closeness of the race. The "Why-waste-your-vote?" argument had hardly any impact.*

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could vote for Browne to protest Clinton's poor record on civil liberties without risking a GOP victory, and Republicans could vote for Browne to protest GOP candidate Bob Dole's calls for bigger government.

The campaign, as reported in these pages (January 1997, p. 20), was a total flop. In the states where the ads ran, the LP vote was up 50% from 1992. But it was up 62% from 1992 in the states where the ads didn't run.

So if the poor LP performance wasn't the result of the closeness of the race, why did the campaign do so badly? This question is all the more vexing because this year's candidate, campaign, and campaign strategy were virtually identical to 1996's. The only differences were that the party is much larger and the campaign had far more money and more experienced management — all factors one would expect to improve the party's showing.

Let's consider another possible explanation: competition from the Green Party.

The LP was on the ballot in all 50 states and the District of Columbia. The Greens were on the ballot in only 44 states and D.C. That left six states — North Carolina, Georgia, Indiana, Oklahoma, South Dakota, and Wyoming — where the LP did not have to compete for votes with the Greens. In those states, Browne pulled 36.9% better than in 1996. In the states where the LP had to compete with the Greens, Browne pulled 32.6% worse than in 1996.

That's a very significant difference. If the Browne vote had increased as much in the states where Nader was on the ballot as in the states where he was not, Browne would have received about 627,000 votes.

That's not a step on the way to the million or multi-million vote total that Browne has suggested the LP is on the way to achieving. But it is 70% more votes than Browne did in fact receive, and it would have been the highest LP vote total since 1980.

The conclusion that the Green campaign cost the LP a huge number of votes is consonant with the only study of Browne supporters ever performed. Eleven days before the

election, pollster Scott Rasmussen analyzed the responses of 557 Browne supporters who had shown up among the more than 75,000 likely voters selected at random in the daily polls he had conducted during the previous three months. After summarizing the demographic characteristics and political opinions of Browne supporters, Rasmussen observed that "These numbers are very similar to the assessment offered by Ralph Nader's voters."

Just why would the LP candidate appeal to many of the same people who liked Ralph Nader? I'm not really sure, though the LP program and the Green program have two important common elements: they oppose the war on drugs and favor a less aggressive foreign policy.

But the differences between the LP agenda and the Green agenda are much more extensive than any similarities between them. The LP calls for radically less government regulation; the Greens want radically more regulation. The LP wants total free trade; the Greens want extreme restrictions on international trade. The LP calls for the virtual elimination of taxes; the Greens want higher taxes. The LP is for free markets; the Greens want socialism.

Despite these massive and fundamental differences, the evidence is that a large number of voters who cast their ballots for Harry Browne in 1996 cast their ballots for Ralph Nader in 2000.

How can this be?

The only explanation that occurs to me is that these are casual voters whose opinions are superficial and who don't look very far into issues. The disturbing fact is that the majority of LP voters are not responding to any element of the Libertarian agenda, but are simply annoyed with some aspect of current policy or want to avoid casting their ballots for a

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*If the Browne vote had increased as much in the states where Nader was on the ballot as in the states where he was not, Browne would have received about 627,000 votes.*

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major party for some cranky reason, and select the LP more or less at random.

The most prominent celebrity ever to publicly endorse an LP presidential nominee is David Letterman, who rather sheepishly mentioned his support of Ron Paul on his television show in 1988. Earlier this year, when a magazine described him as a "non-voter," he indignantly produced voting records showing that he voted in perhaps half the elections during the previous decade, though he admitted that he had failed to vote for long periods in the past. He also mentioned that he intended to vote for Ralph Nader this year.

Letterman may turn out to be a fairly typical LP voter. His discussion of public issues on his program is whimsical, and when he departs from whimsy, he reveals a startling ignorance, as anyone knows who heard him prattle about global warming with Nader, Bush, or Gore this year. He's not very committed to anything. Nor is he particularly aware of the

issues that move Libertarians or Greens.

And he may be typical of the voters who make the difference between a pathetic vote total of 0.8% for the LP and an absurdly low vote total of 0.37%.

We Libertarians have spent 29 years, tens of millions of dollars, and uncounted hours of hard work to get our message out, but most of our appeal is to people who have at best a vague notion of what we stand for. We've failed to engage the thinking of people who care about public issues. Most Americans have no idea who we are or what we stand for. Despite our best efforts, our vote total bobs around like a ping-pong ball in the crashing surf.

Let's be more optimistic. Let's assume the race had not been close and the Greens hadn't bothered to mount a campaign that competed for our voters. How many votes would we have gotten? Even with these optimistic presumptions, it's difficult to imagine 750,000 votes. This was LP National Chair Steve Dasbach's prediction on the day before the election, and was the most optimistic pre-election prediction that I heard from anyone.

Let us suppose further that the Browne campaign had spent more on advertising and less on overhead and travel. Let us suppose that it focused on issues with wider appeal. Let us suppose that these changes increased its vote total by another 33%. In other words, let's suppose that the Browne campaign had reached the holy grail of a million votes, one percent of the total vote.

This would be a miraculous outcome indeed. But then, just where would the LP stand?

Do you remember the Greenback Party? How did it differ from the Greenback Labor Party? Or the Union Labor Party? Or the Union Party? All these parties got a substantially better vote than the LP has ever gotten, none had any lasting influence, and none is even remembered today.

In the 34 presidential elections since the end of the Civil War, 29 third party campaigns have done better at the polls than the LP has *ever* managed to do in its eight campaigns. Of the most formidable of these campaigns — those that captured as much as six percent of the vote — all but one were thinly disguised independent candidacies by already popular politicians, and collapsed when their "great man" lost interest.

Only three of these 14 parties who outpolled the LP's best showing can be said to have had any real impact on American politics: the Prohibition Party, whose central idea was adopted nationally with disastrous results and then repealed; the Populist Party, whose members captured the Democratic Party in 1896 and led them to a humiliating loss; and the Socialist Party, whose agenda was arguably adopted by both major parties as American politics moved leftward in the general course of the 20th century. And all these parties fared far better at the ballot box than the LP ever has: the Prohibitionists got 2.2% of the vote in two consecutive elections and topped the LP's best showing in four others; the Socialists got 5.9% in 1912 and topped the LP's best record on six other occasions; and the Populists got 8.6% of the vote in 1892 before capturing the Democratic Party in 1896.

It is time to stop kidding ourselves. It is time for us to ask some hard questions.

Should we abandon the hope (or the pretense) that the LP might become a major party?

Should we continue to operate a minor party on the fringe of American politics?

Should we continue to try to fool ourselves into thinking that we are having an impact?

Is there any way to reorganize or reorient our efforts so that we can achieve some of our goals?

Should we abandon political activism altogether?

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*Do you remember the Greenback Party? How did it differ from the Greenback Labor Party? Or the Union Labor Party? All these parties got a substantially better vote than the LP has ever gotten, none had any lasting influence, and none is even remembered today.*

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I don't know how to answer these questions. But I think they are worth exploring. I have invited several prominent libertarian activists, thinkers, and leaders to share their thinking about them with us. You too are invited to tell us what you think. Send your comments, articles, or suggestions to: *Liberty*, attn: Activism Project, PO Box 1187, Port Townsend, WA 98368; e-mail to: [ActivismProject@LibertySoft.com](mailto:ActivismProject@LibertySoft.com).

Beginning in our next issue, *Liberty* will feature their responses. □

#### Appendix

The table below lists the difference between the two major parties in the polls in each state, along with the change in the LP presidential candidate's vote between 1996 and 2000.

State	Lead	LP	State	Lead	LP
Alabama	8	8%	Montana	28	-32%
Alaska	24	-3%	Nebraska	20	-22%
Arizona	12	-63%	Nevada	12	-44%
Arkansas	2	139%	New Hampshire	8	-44%
California	3	-44%	New Jersey	6	-52%
Colorado	16	-11%	New Mexico	3	-32%
Connecticut	12	-45%	New York	14	-39%
Delaware	1	-69%	North Carolina	10	23%
Florida	2	-28%	North Dakota	15	-27%
Georgia	10	83%	Ohio	9	0%
Hawaii	20	-42%	Oklahoma	18	17%
Idaho	38	6%	Oregon	5	-27%
Illinois	4	-53%	Pennsylvania	4	-62%
Indiana	19	6%	Rhode Island	19	-40%
Iowa	4	29%	South Carolina	16	-2%
Kansas	19	-1%	South Dakota	16	16%
Kentucky	9	-34%	Tennessee	1	-22%
Louisiana	7	-59%	Texas	29	0%
Maine	4	-7%	Utah	38	-24%
Maryland	7	-47%	Vermont	6	-46%
Massachusetts	21	-24%	Virginia	10	45%
Michigan	1	-57%	Washington	1	-8%
Minnesota	0	-42%	West Virginia	3	-38%
Mississippi	9	-31%	Wisconsin	4	-30%
Missouri	5	-35%	Wyoming	42	-17%

# Spinning and Unspinning

by R. W. Bradford

It used to be that after every election, Libertarian Party members went into a funk. How could voters reject us? How could we do so terribly? What's the point in running for office (or contributing to the LP, or working for candidates) if we are going to do so poorly?

Many LP members would leave the party or quit being active in it or quit funding it. Membership would fall. Then a whole new crop of people would be recruited, people who were not yet discouraged by the humiliating defeats the LP suffers again and again.

That changed in late 1996, when the Browne campaign realized that the LP candidate would once again do miserably at the polls. Even before the election, the campaign began to lower people's expectations. After the election, the campaign staff prepared a huge book — 532 oversized pages — that was basically one spin after another, designed to convince Browne supporters that (a) the 1996 campaign was a success, despite its pitiful showing at the polls, and (b) the campaign staff, having learned a great deal from the campaign, would be much better at getting votes in 2000.

The headline ink was barely dry when the LP spinmeisters started publishing their analyses of the 2000 elections. Not surprisingly, Browne campaign manager Perry Willis and LP national director Steve Dasbach thought that the campaigns they'd headed had done pretty well. Spinning the news is an art, and the LP has some pretty good talent.

Consider the following claims from Perry Willis:

*Spin: "Based on this year's results it's possible the media will declare the third party movement dead. This could make it more difficult to gain media coverage in 2004, but this factor could be counterbalanced by the fact that third party votes determined the outcome of the 2000 campaign."*

**Fact:** Or it might be counterbalanced by the fact that third parties had their worst showing since 1988.

*Spin: "The one sure way to increase our vote totals is to manufacture more die-hard Libertarians — people who will not be drawn away by the siren song of the major party horse-*

*race. This means that recruiting new Libertarians remains Job One for all of us."*

**Fact:** Between 1996 and 1999, the size of the Libertarian Party more than doubled, and the LP vote total fell by 27 percent. Of course, more recruits do increase the ability of a fundraiser like Willis to raise funds.

*Spin: "We did almost as well as [Buchanan] did with far less money, name recognition, and media visibility. This should be as fatal to the Reform Party as it should be encouraging to us."*

**Fact:** That is a very careful way of saying that we should be encouraged because Buchanan's campaign was an even bigger disaster than ours.

*Spin: "Only the Libertarian Party remains strong, united by a coherent philosophy independent of personality, and possessed of a more thorough and robust infrastructure than any other third party. These assets will serve us well as long as we do not lose heart."*

**Fact:** The Libertarian Party has always been "united by a coherent philosophy independent of personality, and possessed of a more thorough and robust infrastructure than any other third party." These assets, plus the tens of millions of dollars and uncounted tens of thousands of hours of hard work, have made the LP the nation's fifth largest party, unable to capture the votes of even one voter out of 250.

*Spin: "Nader received most of the protest votes that were cast because his election results were sure to be reported."*

**Fact:** People don't decide to vote based on their expectation of whose votes will be more widely reported. Candidate vote reports are based on how many people decide to vote for them.

Finally, and most skillfully of all, Willis offers a list of the campaign's "achievements," concluding with the biggest spin of all:

*Spin: "We gained poll standing for the first time."*

**Fact:** All this means is that some pollsters included Browne in the list of presidential candidates they asked voters about. But this is not the first time it's happened. In 1996,

Browne campaign staffer Michael Cloud told me that the campaign had commissioned one pollster to include Browne's name in his list of candidates, but the results were so disappointing that the campaign never released them. In addition, Liberty hired a polling firm to include Browne in its list. (Browne was the choice of one percent of voters; we published the poll in our November 1996 issue.)

*Spin: "We tied, and sometimes passed, media-approved candidates in the polls, either in individual states or nationally."*

Fact: This boils down to the fact that occasionally the polls showed Browne with more support than Pat Buchanan's pathetic candidacy.

*Spin: "We generated far more national TV coverage than any previous campaign, perhaps more than all of our other campaigns combined."*

Fact: Nearly all this coverage was on cable, which has blossomed since 1996. It was mostly on Fox News Network, which didn't even exist four years ago.

*Spin: "We had more and better TV ads, and a campaign video as well."*

Fact: In 1996, the campaign spent a total of just \$8,840.50 to purchase radio ads. It spent nothing to purchase television ads. So topping that total was not much of an accomplishment.

*Spin: "The crowds at our events were much larger and primarily composed of new people."*

Fact: This isn't the unambiguously good news it sounds like at first. The fact that the "crowds" were "primarily composed of new people" could be explained by faster growth. But it can just as easily be explained by the loss of old supporters.

*Spin: "More people visited our web site and spent more time there, and our email list grew to more than three times*

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*What Willis says boils down to the fact that occasionally the polls showed Browne with more support than Pat Buchanan's pathetic candidacy.*

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*the size it was in 1996."*

Fact: This is mostly a function of much greater internet use now than four years ago.

*Spin: "Our influence in talk radio grew once again, with more hosts supporting us and with an even better response from audiences."*

Fact: This amounts to saying that we devoted even more resources to a strategy that failed miserably in 1996.

*Spin: "We branched out into FM radio shows for the first time and reached young people who responded with enthusiasm."*

Fact: FM radio? Not just AM? Wow, we're finally on a medium invented 60 years ago — no longer mired solely in an 80-year-old radio band. And the "young people's" enthusiasm apparently did not reach the point of actually voting

for Browne.

What do all these "achievements" add up to? The grandest spin of all.

*Spin: We moved the ball down the field, and we will not cease from doing so until America is once again a free land.*

Fact: "Moving the ball down the field" means doing better, not doing worse. The bottom line in politics is votes, not how many talk radio appearances you make. I'd like to see whether Libertarians react the way fans of my local high

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*Only in Libertarian Land is finishing 17% behind one's opponent considered "roughly competitive." By that standard, Mondale was "roughly competitive" with Reagan in 1984, the worse drubbing any major party presidential candidate suffered in the past three decades.*

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school football team would react after its seventh straight drubbing by a bigger margin than usual. "Well, we had a better passing game this year, and the crowd at our game weren't quite as small last week. And an FM station reported the score of our game, not to mention that our website is more popular. We moved the ball down the field. . . ." Perhaps local football fans are less easily snowed than Libertarians.

LP chair Steve Dasbach was not nearly as bold as Willis. His report begins with Browne's vote total. "The fact that Browne was roughly competitive with Buchanan — even though Buchanan had \$12 million in federal money to spend — is reassuring." Only in Libertarian Land is finishing 17% behind one's opponent considered "roughly competitive." By that standard, Walter Mondale was "roughly competitive" with Ronald Reagan in the 1984 election, the worse drubbing any major party presidential candidate suffered in the past three decades.

The most exciting news in the report was that LP candidates for Congress garnered a total of 1.66 million votes. But whether this is progress remains in doubt: the party ran 255 candidates, more candidates than ever before. Even so, LP candidates averaged about 6,500 votes, up from its average of about 4,100 votes per district in 1996. But these numbers may be deceiving. Fringe parties always do better in races in which one of the major parties chooses not to field a candidate. For example, in California, the LP and the Natural Law Party fielded four candidates in races in which one of the major parties did not compete. The LP averaged 10.8% of the vote in those districts; the NLP averaged 7.5%. But in the remaining 48 districts, the LP averaged 2.5% in the races it contended and the NLP 1.7%. The LP fielded at least 32 candidates in such non-competitive races this year, and may have fielded candidates in as many as seven others. (Information is at present incomplete.) LP candidates averaged a whopping 10.5% in non-competitive races as reported

by Reuters, again just 2.0% in competitive races. Comparable information for 1996 is not immediately available, but it is quite possible that the LP fielded candidates in far fewer such races. We hope to have all the relevant information on House races for both elections in our next issue, so we can see whether the LP's House showing this year is better than in the past.

Dasbach's report then states that the Arizona LP's decision to put science fiction writer L. Neil Smith at the top of its ticket instead of Browne had resulted in a 62% decline from the party's presidential vote total last time around. It made no mention of the party's similar drop in Delaware, Pennsylvania, Louisiana, and Michigan, where Browne remained the party's standard-bearer.

Then the report boasts of Carla Howell's 11% showing in the Massachusetts Senate race, without mentioning that the Republicans nominated a candidate so unqualified and embarrassing that the GOP tried to have his name removed from the ballot. This isn't the first time an LP candidate has benefited from an especially embarrassing major party candidate: in 1998, the LP candidate in Indiana's 6th congressional

district got 11% of the vote after the Democrats nominated a cross-dressing high-school dropout with a criminal record.

The report lists a couple of two-way races for state legislative seats where the LP candidate got 30% and 45% respectively, and a couple more with both major party opponents in which the LP nominees got 8% and 26% respectively. Then it's off to New Hampshire, where the huge legislature and low population make for easy elections for third parties. The news here is, well, odd. LP presidential contender Don Gorman lost by 30% in his bid to regain a seat he'd held as a Republican, but the LP won't be unrepresented in the legislature. For some reason, the NHLP allowed a Democrat who had lost his party's primary for a seat in the legislature to run as a Libertarian. He was elected, proving that one can be elected on ticket, providing one is not a Libertarian.

The report ends with a list of 15 victories for the LP, all for local elections for planning boards or public utility districts, all or most of which were non-partisan elections. It also mentioned that the party lost ballot in four states while gaining it in two.

Is this the good news?

□

**A Study in Browne** — During the first 48 hours or so after the vote totals started to pile up, a lot of e-mail traffic went around libertarian lists denouncing Libertarians for supposedly abandoning Harry Browne at the top of the LP's slate of candidates.

Other than a smattering of individuals who have confessed to doing that, there is absolutely no evidence that this was a general pattern.

Libertarians, after all, are not prone to vote in much higher percentages than voters with other affiliations. So it is entirely possible, and perhaps quite likely, that registered Libertarian voters who actually voted did so for Browne in overwhelming percentages. That is, after all, what we expect from partisans in a partisan election.

Down-ticket, the vote totals seem to compare quite well with those the LP achieved in 1996, even if the percentages are off from the previous numbers. In that election, Browne received roughly three times as many votes as there were voters registered Libertarian at that time. Browne's lower total this time may well be explained mostly by the fact that other candidates made a more compelling case for support from otherwise friendly voters than the LP nominee did.

When Libertarians learn to identify their support, and apply the "get out the vote" techniques the unions and special interest groups use so effectively, their candidates will enjoy more and more success.

Those results come best from the strongest grassroots.

—Ken Sturzenacker

**The LP is dead, long live liberty** — The third party movement may be totally dead. Even Nader couldn't make five percent. Even matching funds couldn't push Buchanan to one percent. And Harry Browne couldn't even match his prior, meager vote total. It's dead, folks, and it deserves a proper burial.

Freedom, liberty, individualism — all have been co-opted by the Rs and Ds. They aren't the kind of banner issues that rouse emotions anymore. Too many libertarian activists have bought into the delusion that the LP is just like the big two, and that it can afford to talk about generalities such as "small government."

So, assuming you sent your hard-earned bucks to Harry or some other well-meaning but under-performing LP candidate, what should you do now?

How about going back to basics? Pick your passion. The War on Drugs is a good one to fight. It's got everything going for it: personal freedom, medical treatment choice, civil forfeiture, wasted tax dollars, and more. Check out the legalization initiatives that passed this year and work to get them on ballots everywhere in 2001. You won't even have to spend as much as you contributed to futile campaigns in 2000.

Start with a few letters to the editor. Don't just mail them. Fax and e-mail them to as many papers and web sites as you can. Newspapers love to publish letters from people who don't live in town. Total cost: a few stamps at most.

Move on to call-in radio and television. You might even get yourself invited to be a guest. Total cost: some phone time and a little gas.

Finally, get yourself in front of live audiences. Dazzle them with your logic, your expertise, your wit and charm. Give them the facts in a way that gets into their hearts, that makes your passion theirs. Total cost: very little — maybe even net profit if you're very good.

After you've fixed the War on Drugs, move on to guns or butter, depending on whether we're at war or in a recession. There will always be an issue that's ripe, and that's the issue which will move people in the direction of liberty.

Me, I'll be wearing a lot of black this week. I'll be mourning the loss of the party I had such high hopes for. But I'll get over it by next week, and I'll get back to the real work of con-

vincing people that liberty is good for us. And it won't matter that I'm not doing it as a Libertarian any more.

— Janice Presser

## Things they didn't teach you in real life

— On Oct. 30, both Joe Sixpack and yours truly were privileged to hear Harry Browne on both "The O'Reilly Factor" and "Nightline." We learned a) that drug legalization really will allow people to sell narcotics to children without penalty, and b) that a minarchist government will *not* maintain its monopoly on military force by taking away a man's bazooka (or, by implication, nuclear missile) until *after* he has used it "to do harm."

It was an education for both of us. — Barry Loberfeld

**Time to call it a day** — As *Liberty* goes to press, the presidential nominee of the Libertarian Party appears to have won approximately 375,000 votes nationwide, and it seems certain that recounts will not result in his election.

Just a joke, friends. But the vote total, I'm sorry to say, is not a joke. The number of votes that Harry Browne received this year is significantly lower than the number (486,000) that he received in 1996.

This year, the major achievement of the Libertarian Party was to deny election to a number of Republican candidates in narrowly contested districts and to deny the Republican presidential nominee a majority of the national popular vote and a clear electoral triumph in the state of Florida, and therefore in the nation.

But credit for even this dubious achievement remains . . . dubious. Other minor-party candidates also siphoned off Republican votes. And because the election was so close, and because the difference between the Republicans and the Democrats was so glaring, most libertarians who had any

inclination whatever to vote for the Republicans probably went out and voted for them, leaving the Libertarian Party with those few votes that would not have been cast under any circumstances for either of the major parties. This is not a good sign for the LP. I cannot recall any political movement that ever came to power with the aid of people who were acutely disaffected from politics in general.

It is said that electoral campaigns that stand no chance of winning are nevertheless justified because they "educate" the public. Well, there may be some education going on, but the students seem to take an extraordinarily long time to graduate. Their dropout rate is heavy: the LP got 922,000 votes in 1980 (1.06%, in comparison with this year's .375%), but where

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*The LP got 922,000 votes in 1980, but where are those 922,000 people now? They're in the Republican Party, that's where they are.*

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are those 922,000 people now? They're in the Republican Party, that's where they are.

As for the education of people who have never cast a Libertarian vote but who have learned something about libertarianism because of the party's electoral campaigns: I think a lot of education happened in the early years of the party, but this year I encountered precisely one non-libertarian who had come in contact with the party's education efforts. This person merely expressed amazement at the fact that any party could possibly want to abolish the national income tax. Her reaction gave me the opportunity to explain why the income tax is bad, and she bought the argument. But it was I who educated her, not the party.

I believe that many Libertarian Party activists could have done better than I in arguing the point. I am sure that Harry Browne, a very intelligent and articulate man, could have done much better, had he met my non-libertarian friend; as a presidential candidate, he evidently could not get through at all.

I'm sorry, LP'ers. I love you, but there must be a better way for libertarians to put the message across. —Stephen Cox

**Browne's ground game** — I'm on the board of the Colorado LP, so I had the chance to interact with the Browne campaign as it prepared for its Oct. 2 visit to my state. For the record, I believe Harry Browne is a respectable man and his success reached far beyond his meager vote total. However, in many respects, Browne's visit to Colorado was a disaster.

A month earlier (Sept. 8-10), Vice Presidential candidate Art Olivier campaigned across Colorado. He was featured in a story by the *Rocky Mountain News*, the largest paper in the state, and mentioned in the *Denver Post*, the second largest. He also got good coverage in Aspen, Grand Junction (in the west), and other smaller papers, and he appeared on the three major television networks in Grand Junction. He spoke on

## Two Cheers for the LP

by Jane S. Shaw

I see no reason to expect the Libertarian Party ever to rise above the less-than-one-percent level that it has historically achieved. The party had an articulate, principled, and dignified candidate in Harry Browne; certainly the choice of candidate couldn't get much better.

There simply isn't any public groundswell for a libertarian party. The party is a "consumption good" — a product that a few affluent libertarians are willing to pay large sums for, and for which a much larger number of others cheerfully pay small sums. Meeting friends at the convention, hoping for C-Span attention, garnering serious analysis from *Liberty's* editors, feeling the thrill of political action based on conscience — these sorts of experiences provide satisfaction for some consumers. It's like going to Las Vegas to gamble. The chances are miniscule that you will win, but it's fun all the same.

I may view the party as a waste of time and money, but it's not my time and not my money and, hey, it's a free country, isn't it?

three major Denver radio stations. For a guy nobody knows, that's pretty good coverage.

Contrast Olivier's performance with Browne's. The day after Browne spoke at a 250+ person rally in Denver and a 150+ person fundraiser, the *Rocky Mountain News* ran a story about the Reform Party. A couple of the smaller papers ran an AP story about why Republicans don't like Libertarians, and Browne appeared on two Denver radio shows and a Grand Junction television station.

What's the difference? The state party handled Olivier's trip, while the Browne campaign handled Browne's. We locals were kept in the dark about Browne's plans until the last minute. For instance, I told people from Grand Junction that Browne couldn't possibly make it to that town due to time constraints. Then, two days before Browne's arrival, I learned he was going to leave the (heavily populated) Denver area to fly to (relatively small) Grand Junction — and back — during his single day in Colorado. Talk about a massive waste of time, and with no time to mobilize the troops in Grand Junction. The locals could not possibly schedule press interviews, because we didn't know the schedule.

Browne's team focused on radio interviews throughout the campaign. But the average person doesn't listen to much talk radio. However, most voters read the local papers and watch the local television news programs. Those are the markets Browne's team ignored, at least in Colorado. We locals could have gotten him those markets, if we had been "in the loop." Sure, it would be nice to see the Libertarian candidate on the national news programs along with the big parties, but frankly most voters aren't even going to notice the difference if the Libertarian appears on the local news show rather than the national broadcast. An advantage to local programs is that reporters generally lob softballs, making it easy for any candidate to look good.

In general, Browne's campaign team operated according to a "top-down" organizational structure. Even the much-touted pool of "volunteers" was strictly controlled. At one point, I was told I could not volunteer for the Browne campaign unless I filled out the proper paperwork! Nothing

chaps my libertarian ass more than having to fill out superfluous forms. (I didn't fill them out, obviously.) From what I saw, the volunteers were discouraged from initiating independent activism, yet left without any clear direction. And so the activists wrote letters to the editor. And three or four of those letters were printed locally. Whoop-de-freakin'-do. It's hard to be emotionally involved with that sort of campaign.

I learned a lot from Harry Browne in terms of how to frame libertarian ideas. And many who heard him on the radio realized that libertarianism is a coherent and compelling political philosophy. But at least from my limited perspective, the potential of the campaign was never realized.

— Ari Armstrong

**The GOP alternative** — Harry Browne won four-tenths of one percent of the vote and came in fifth, behind Gore, Bush, Nader, and Buchanan. It was not a good showing.

One could play with numbers, add the Browne vote to the Bush vote, and tip Wisconsin, Oregon, and Florida into the Bush column. But it's simplistic to assume all Browne voters would have gone to Bush: some would have gone to Nader, some would have gone to Gore because of the abortion issue, and some would have gone to Buchanan. Some people would not have voted at all. Only in Florida was the Browne vote likely to have been decisive, and because Florida was so close it was also true for the Nader vote and the real or accidental Buchanan vote.

The fact is, when the history is written of the incredible 2000 election, Harry Browne will be a footnote. The national media ignored Browne, and they were right to do so. Elections are contests for power. Browne was never a serious contender for power. He didn't have the organization, the money, or the public name. Furthermore, he was too radical.

A Rasmussen Portrait of America Poll in September determined that two percent of Americans call themselves libertarians — a proportion five times greater than those who voted for Browne. But after asking a series of questions, Rasmussen calculated that 16% of Americans are *functional* libertarians.

That's 40 times the proportion who voted for Browne.

This 16% is the constituency for libertarian political action — but not for the Libertarian Party. Such a radical party might elect one parliamentarian to office in Holland or Italy, but a first-past-the-post system gives it no chance. The American political system has no permanent space for any party other than Democrat and Republican. It has been that way since the 1850s, and Harry Browne isn't going to change it.

If libertarians want influence, they have to exert it on one or both of the major parties. They can do it numerous ways — through a think tank like the Cato Institute or the Competitive Enterprise Institute, through the news and opinion media, through work as political consultants, through the use of voter initiatives, or through grassroots action.

## And the winner is . . .

Three weeks before the election, *Liberty* invited nine prominent Libertarian Party watchers to predict the number of votes Harry Browne would receive. Here are their predictions, as published in *Liberty's* December issue, followed by their margin of error:

Bruce Ramsey, <i>Seattle Times</i>	369,000	-2%
R. W. Bradford, <i>Liberty</i> editor	419,000	12%
L. Neil Smith, <i>Ariz. LP presidential nominee</i>	250,000	-33%
David Nolan, <i>LP founder</i>	529,000	41%
Perry Willis, <i>Harry Brown campaign manager</i>	600,000	60%
Ken Sturzenacker, <i>Pennsylvania LP Chair</i>	622,000	66%
Jim Lark, <i>LP Chair</i>	650,000	73%
David Bergland, <i>former LP chair</i>	500,000 to 1,500,000	33% to 300%
Steve Dasbach, <i>LP national director</i>	refused to forecast	

Congratulations to Bruce Ramsey for an incredibly accurate prediction!

In my area, for example, the Libertarian Party has flooded the ballot with candidates. Most got between one and five percent. None was elected. But a former LP candidate ran as a Republican for the state legislature. In a Republican-leaning district, he was outspent by the incumbent Democrat two to one and demonized for being anti-abortion. He lost, but he got 46% of the vote. At least he was a contender.

I suggest libertarians get active in the Republican Party.

You may not go quite as far as sociologist Seymour Martin Lipset, who told the American Enterprise Institute on Oct. 2 that "The Republican Party is the only major libertarian party in the world," but at least the Republicans profess to be in favor of small government. They are the party of business and the private sector, libertarians' natural constituency.

If libertarians piled into the Republican Party, they would not always get their way. They would be in a big tent, not a

## Third Parties Won't Get Ahead This Way

by J. R. Labbe

Vickie Flores, chair of the Libertarian Party of Dallas County, said in a recent Associated Press story that increasingly voters are viewing third-party candidates as valid contenders. After having spent several hours of late with Libertarian candidates running for elected office in Texas, I'd have to ask Flores to define her terms. Although the issues important to Libertarians may qualify as "valid," with few exceptions the "contenders" running in state races who passed through the *Fort Worth Star-Telegram's* doors amounted to little more than place holders. One or two hardly qualified as place mats. During an Editorial Board meeting with Charles Ellis, a Libertarian running against state Rep. Anna Mowery, he actually said, "If I do win, I'll serve, but it would be an inconvenience."

Gotta love that kind of honesty. And this guy was one of the more clued-in. He at least understood the responsibilities of a state rep. But it makes a person question how many of the 113 Libertarians running for Texas public office — ranging from constable and Court of Criminal Appeals to county tax assessor-collector and railroad commissioner — view public service the same way.

Colin Sowards, a Libertarian running against state Rep. Kim Brimer in District 96, said: "I haven't thought too much on state issues. A lot of things will have to wait for the Libertarians to make progress on the national scene." This undoubtedly well-intentioned man could not answer a single question about how he would approach state issues such as education, transportation or the criminal justice system — which is mind-boggling for a representative of the one political party whose primary national platform is to reduce the size and influence of the federal government.

Libertarians, heart-and-soul devotees of the Constitution, want issues moved to the state level, where the Constitution says most of them should be handled. What better place to take root than in the statehouse? To their credit, these guys at least signed their names on the dotted line to run. But the Libertarian Party — the "Original Third Party," as members like to describe it — is doing little to build its credibility as a serious alternative to the Republicrats by fielding candidates like these.

One Libertarian candidate did have his act together,

even though he doesn't have an unrepentant whore's chance into heaven of beating his opponent, U.S. Rep. Dick Armey of the 26th Congressional District. Fred Badagnani, who manages the one-hour photo labs for Walgreens stores throughout North Texas, came into his Editorial Board meeting prepared to do more than just spout the party line by rote (which most of the other Lib. candidates couldn't even do convincingly). From his take on the United States' failed war on drugs — "It's hard to get treatment for drug use when you're considered a criminal" — to his willingness to consider a flat tax plan as an interim step toward eliminating federal income tax altogether — "It simplifies the system, which includes hidden costs of violations of privacy. Americans shouldn't have to hire accountants and attorneys to do their taxes." — Badagnani reflected the kind of candidate whom the Libertarian Party needs to be cultivating.

Of course, not every candidate running as a representative from the Big Two is ready for public office. George Host, a Republican running to unseat state Sen. Mike Moncrief, listed a strong criminal justice system as a goal should he be elected. Yet he expressed surprise to hear that the fairness of state's system, particularly how capital cases are handled, is being called into question. "You're the first to mention that there's anything but minor problems with the system," Host said. Yikes.

Some prognosticators are predicting a low nationwide voter turnout during the general election. One of the reasons may be the overall sameness of the two leading presidential candidates. Republican George W. Bush and Democrat Al Gore agree on many issues — free trade, China's entry into the World Trade Organization, the role of the International Monetary Fund, strengthening the military, federal involvement in public education, prescription drug coverage for Medicare. America needs viable alternatives like the Green Party's Ralph Nader, Reformer Pat Buchanan and Libertarian Harry Browne. But voters are more likely to actually talk to candidates on the local level — those folks running for county judge, sheriff, and state rep. When third parties draft candidates who don't have a clue as to how their particular ideologies translate to local issues, it works against their chances of being taken seriously on any level.

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little church. That would be a good thing: it would make libertarians more practical. It would orient them to facts. It would also give them a chance at actual power — either to veto candidates they didn't like, as the social conservatives have done, or (heaven forbid) run a candidate they did like and who might actually have a chance at winning.

— Bruce Ramsey

### Checking out other LP strategies —

Browne repeated his 1996 strategy — talk radio, the focus on appealing to voters' self-interests with "the great libertarian offer," more talk radio — and had even less success than before. What about the two alternative strategies that Libertarians have proposed? What about Bumper Hornberger's idea that the LP should focus almost entirely on moral issues? And what about the idea that the LP should focus on ending the drug war, an approach that I initially formulated and which has been adopted by LP founder David Nolan?

In a post-election manifesto, Hornberger briefly reviewed the LP's showing as a "massive failure," before going on to elaborate his idea that the party should focus on moral issues and insist on the highest standards of ethics. He elaborated his program in some detail, but he offered no empirical evidence for its prospects for success. My own examination of returns discovered no race where this approach was tried.

There is some slight evidence that voters responded positively to the strategy of focusing on opposition to the drug war. Dave Nolan made ending the drug war the focus of his campaign. He got 3.0% of the vote, up substantially from the LP's showing in his district in 1998. But in 1998, the LP faced a Reform Party candidate, as well the usual Democrat, Republican, and Natural Law opponents. So Nolan com-

pared his vote to the vote for the LP nominee in 1996, who faced the same array of opposition as Nolan faced this year. The vote was up 12.0% from 1996, a modest increase, but not a great deal of evidence that the strategy was effective.

Of course, this was not a very good year for Libertarians in California — the presidential nominee got the lowest vote share ever — so I wondered how Nolan fared in comparison with other LP congressional candidates in the same situation.

There were six other congressional districts in California where the same four parties competed in both 1996 and 2000:

District	1996	2000	Change
2	2.416%	2.610%	8.0%
11	2.803%	2.416%	-13.8%
12	2.939%	3.060%	4.1%
16	2.880%	2.938%	2.0%
32	4.220%	2.356%	-44.2%
45	4.288%	3.893%	-9.2%

The average change in LP vote share in these districts between 1996 and 2000 was -8.8%.

Here's Nolan's district:

47	2.679%	3.000%	12.0%
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As you can see, Nolan's district showed substantially more improvement than any of the others. And the LP share of the vote in that race outstripped the average of the other districts in the same situation by 22.8%.

We therefore know that Nolan did substantially better than other LP candidates in districts with the same opposition on the ballot. But with so few data, it's difficult to consider this conclusive. There are a lot of other variables which could help explain Nolan's better performance.

— R. W. Bradford

### Letters, from p. 6

#### The Bill of Rights Means What It Says

I agree with Barry Loberfeld (*Reflections*, November) that the U.S. Supreme Court has gone nuts, but I disagree that the High Court's grab for power is based upon the First Amendment. The Boy Scout decision was based upon New Jersey law and the Court's power under Art. III, Sec. 2, Cl. 1 to adjudicate such matters.

The Bill of Rights does not empower anyone to do anything. The Preamble to the Bill of Rights referred to them as "Further declaratory and restrictive clauses." Their purpose was to deny, to their just-created federal government, any power whatsoever over rights. They began with "Congress shall make no law respecting" the rights that followed, or any rights whether enumerated or not.

The Bill of Rights does not grant us rights. It does not empower Congress to protect our rights. The Founders won their rights and possessed them before they created the federal government. The Bill of Rights does not say: "Congress shall make no law against rights." It says: "Congress shall make no law respecting rights." The Tenth Amendment reminds Congress that power over rights was retained by the States or the people.

Apparently, New Jersey law on homosexuals wasn't clear, so the High Court was asked to exercise its power under Art. III, Sec. 2, Cl. 1 and settle the argument. If that decision seems inconsistent with previous ones, it's because constitutions and laws on rights vary from state to state.

James Harrold, Sr.  
Springdale, Ariz.

#### Abortion Fables

In the November issue of *Liberty*, Sarah J. McCarthy criticizes the Republican (anti-) abortion plank. I have several problems with her position. The most important is that she never addresses the belief some of us hold that, when an abortionist kills a mass of flesh with unique genetic material and detectable heartbeats and brain waves, he's killing a little kid.

Ms. McCarthy states "The major medical associations oppose government intervention in abortion decisions." No. They really don't. They don't oppose government subsidy for abortions for those who can't pay their fees, nor do they oppose government subsidy of a major abortion provider, Planned Parenthood.

continued on page 36

# Second Thoughts

by William E. Merritt

*"A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."*

Having read the above quotation, you already know more about the Second Amendment than most of the people I went to law school with. That's because the people I went to law school with never actually read the thing — or any other part of the Constitution, for that matter.

The fact that the Constitution is not part of the reading material in constitutional law classes is a great metaphor for . . . something. At the very least, it's a pity, because there is some astonishing stuff in there — especially in the Bill of Rights. Stuff that, frankly, nobody has wanted to look at too closely since the Revolutionary War generation passed on to that great deist clockwork in the sky. But that doesn't dampen anybody's enthusiasm for arguing about what it means. In fact, it just seems to add to the creativity of the arguments.

The dispute over the Second Amendment is about as creative, and as endless, as any in our public life — with one side dead set on passing laws to stop 5-year-olds from aiming Popsicle sticks at one another, while the other side looks to the very words they don't read to protect the right of every responsible adult to keep a Browning-G.E. .50-caliber multi-barrel Vulcan Minigun on the nightstand in case they are suddenly called upon to defend their homes against furry woodland creatures whose herds need to be thinned for their own good. Nobody, it seems, pauses to ask whether the Second Amendment actually provides for the wholesale arming of American citizens — which it most certainly does not.

What the Second Amendment does — what it was emphatically meant to do — is far more disturbing to 21st century sensibilities. What it does is give a community of Cuban immigrants the right to protect a little boy against being forcibly sent back to a communist island, and a group of religious crazies in Waco the right to sleep with each others' wives and misrepresent the teachings of Jesus without being incinerated, and lunatics holed up in Idaho the right to spin paranoid, racist fantasies without having their old ladies and dogs picked off by federal marksmen, and all of them have the right to band together to take out ATF agents

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or G-men or T-men or INS folk or revenueurs or rogue CIA agents, or anybody else operating under cover of the federal alphabet who happens to be lying in wait for them.

It's the banding together that's the key — because what the Second Amendment protects is "the right of the *people* to keep and bear arms." It doesn't say word one about "persons" — which it would if it meant to guarantee an individual right in the way, say, the Fifth Amendment does with its "No *person* shall be held to answer for a capital, or otherwise infamous crime . . ." (emphasis added). What it protects is a right of the *people* — the same way the Ninth Amendment specifies that the enumeration of certain rights "shall not be construed to deny or disparage others retained by the people," and the Tenth reserves "to the people" the powers not delegated to the United States nor prohibited to the states. I repeat: nothing in the Second Amendment, nor anything else in the Constitution, gives anybody the right to keep and bear arms against elk, or quail, or big-horned sheep or, for that matter, burglars.

But the people as a body have the right to be armed — and they have it in spades. And, in case constitutional scholars didn't get the picture, the Founders spelled it out in the preamble — if a single sentence can be thought of as having a preamble: "A well regulated *militia* being necessary to the security of a free state, the right of the people . . ." (emphasis added).

But why a militia at all? States don't need their own military to protect themselves against foreigners. That's why we have a national army. And they wouldn't have to worry about depredations from out-of-state militia if the Founders had banned militias in the first place. And nobody north of Latin America uses the military to go high-tailing off after criminals. That's what police SWAT teams are for.

Indians, maybe?

Indians sound like a good bet at a time when every state had its own little piece of the frontier. But that doesn't parse with the goal of protecting the security of a free state. Indians may have been a threat to outlying farms. They may even have been a threat to the state itself the time King Philip got loose in Massachusetts. But, despite the affection in which we Americans hold all things Massachusetts, the Second Amendment is not about protecting states. It is about freedom — just like everything else in the Bill of Rights. And the one threat to freedom that was on everybody's mind in 1791 was the central government.

It turns out there is a lot of history to this. Like most things in our Bill of Rights, the prerogative to march around in armed bands didn't spring full-blown from Enlightenment bull sessions in taverns in Williamsburg and old Salem. It's much older than that. In fact, it can be argued that successful militia action against the central government is the foundation of Anglo-American democracy. It is certainly true that King John refused to have any truck with the Magna Carta until he was confronted by armed barons arrayed in a war-like host.

But even those barons weren't anything new under the English sun. Englishmen had been forming themselves into

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*What the Second Amendment does is give lunatics holed up in Idaho the right to spin paranoid, racist fantasies without having their old ladies and dogs picked off by federal marksmen.*

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militia since at least 690, when nobles and, later, everyone else, were required by law to keep and bear arms.

Then, in 1689, Parliament formalized the right in Article seven of the English Bill of Rights, and those English arms took on a specific English Constitutional use — for plinking away at Catholics:

That the subjects which are protestants, may have arms for their defence suitable to their conditions, and is allowed by law.

And not just random Catholics, but the very Catholics who ran the central government. That's because the Puritans, self-reliant souls that they were, required guns to protect themselves against the Stuart kings coming around with their Romish ways and forcing them to burn candles and study Latin and add splashes of color to their wardrobes. Taking away Puritan guns is one of the tricks James II pulled that led to his spending his golden years watching from the wrong side of the Channel while William and Mary Orange ran his old shop back at Buckingham Palace.

Lots of colonists, being Puritan refugees to these shores, brought their guns and their Protestant ethic of self-reliance with them — and held both to their bosoms and nurtured them and loved them until, together, they blossomed forth on a new continent at the Battle of Lexington.

It's hard to piece together from this distance exactly how much art was in all this, but one way Parliament and the Oranges defused the problem of Roundheads traipsing

around their sceptered isle with blunderbusses was by making it easy for them to load aboard private troopships and head off to the New World and protect the Protestant way of life from the Wampanoags and the witches. To ease them along their way, the government assured them that immigrants to America would continue to possess "all the rights of natural subjects, as if born and abiding in England." That was all the encouragement a lot of their natural subjects needed — and off they went.

They began to pass laws up and down the Atlantic coast, guaranteeing their English rights. Virginia, for example, decided in 1640 to require "all masters of families" to furnish themselves and "all those of their families who shall be capable of arms . . . with arms both offensive and defensive."

Twenty-five years later, Sir William Blackstone — the man who invented the whole career of law professor, the man who wrote the very first text on English law and, therefore, a man who had something to say on the way government and law worked — stated that an armed populace was the ultimate check on tyranny. On this side of the Atlantic, Blackstone's *Commentaries on the Laws of England* became the single most influential book on the development of American law.

It wasn't until after the French and Indian War that the tyrants in London began to worry that the armed populace thing might have been taken a bit too seriously by the colonists. This worry cropped up — wouldn't you guess — at the very moment the government decided to station a large army over here and raise taxes at the same time. Which, given our traditional Protestant attitude toward self-reliance and taxes, led to a call to arms, followed by the government's claim that calls to arms were illegal, and an eloquent, if oddly punctuated, editorial in the *Boston Evening Post* of April 3, 1769:

It is certainly beyond human art and sophistry, to prove the British subjects, to whom the privilege of possessing arms as expressly recognized by the Bill of Rights, and who live in a province where the law requires them to be equipped with arms, are guilty of an illegal act, in calling upon one another to be provided with them, as the law directs.

The sophists responded by banning the export of muskets and ammunition to the colonies, and sending General Gage to march around and pry the ball and powder from the warm, living fingers of our patriot ancestors.

It can be argued that the right to keep and bear arms was the founding principle of the entire American state. At the very least, the attempt at taking them away was the flint that sparked the shot heard round the world. In the end, what we chanced our lives, our fortunes, and our sacred honors over had nothing to do with taxes on tea or the quartering of troops in private homes during times of peace, or any of the other particulars set out in the Declaration of Independence. It had to do with keeping the Redcoats out of the arsenal of private weapons at Concord — which is where they were headed when they ran up against the embattled farmers.

Not only did the farmers let loose with the rattle of musketry, but with the rattle of words as well. Suddenly written constitutions were in vogue, and each newly-minted state wanted its own. And every one contained some version of the right to organize into militia — this time, distilled of anti-

Papist sentiments into the pure spirits of freedom.

Virginia, as you'd guess, was the trendsetter. On June 12, 1776, it came out with language that, although still pro-British in spelling, could not have been clearer in anti-government intent:

That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state. . . .

Righteous, Quaker, anti-war Pennsylvania was next, on Aug. 16, 1776, with its own written ratification of the same right:

. . . the people have a right to bear arms for the defence of themselves and the state. . . .

Less than a month later, on Sep. 11, 1776, Delaware strutted its stuff with:

. . . a well regulated militia is the proper, natural and safe defence of a free government.

Then, on Nov. 3, 1776, Maryland:

. . . a well-regulated militia is the proper and natural defence of a free government.

And, on Dec. 14, 1776, North Carolina:

. . . the people have a right to bear arms, for the defence of the State. . . .

And . . . you get the picture.

Our ancestors were serious about this — and not just where English monarchs were concerned, either. In 1791, when it came time to set down the Bill of Rights for the country as a whole, the old, mad, foreign king was long gone and we had our own home-grown central government — a government that was young and, at least, not foreign. Even so, one of the very first acts of constitutional business — right after seeing to freedom of the press and religion and assembly — was to make sure we had the means to keep the new government at a respectful distance.

That was exactly the way the Second Amendment was seen by the free men who wrote it — men who had just used their personal arms to rise up and throw off the greatest army on the planet. And it was discussed in those very terms in the debates leading to the Constitution and the ratification of the Bill of Rights.

For a guy who spent his days setting down words one at a time for the dictionary, Noah Webster was surprisingly articulate on the subject:

Before a standing army can rule the people must be disarmed; as they are in almost every kingdom in Europe. The

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*Nobody, it seems, pauses to ask whether the Second Amendment actually provides for the wholesale arming of American citizens — which it most certainly does not.*

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supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretence, raised by the United States.

George Mason observed that:

[T]o disarm the people; that it was the best and most effective way to enslave them . . .

James Madison pointed out the distinction between the free American federal government and European despotisms afraid to trust their citizens with arms, while Patrick Henry warned:

Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are ruined.

When all the observing and pointing out and warning was done, our patriot fathers enshrined into the Second Amendment the right they thought of as the paramount right of all: the right of last resort; the right that assured us the power to keep the other rights from being taken away.

This was no namby-pamby silk-purse-and-Derringer right we gave ourselves, either, but real military arms. And it was treated as such in every single . . . well, both cases that have examined the question — two cases direct from the 19th century because such questions didn't even get to court in the 20th.

In 1891, when a high-spirited West Virginia gentleman

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*Mr. Jay and Mr. Madison and Mr. Hamilton weren't thinking about the states when they enshrined local military power into the Constitution. They were thinking about the Black Panthers and the White Aryan Resistance and the Symbionese Liberation Army.*

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claimed the right to walk around with personal weapons, the state Supreme Court took the opportunity to examine just what kind of weapons were protected by the Second Amendment. Not the kind he had on him, that's for sure:

. . . not pistols, bowie knives, brass knuckles, billies and such other weapons as are usually employed in brawls, street fights, duels and affrays, and are only habitually carried by bullies, blackguards and desperadoes, to the terror of the community and the injury of the state.

Nineteen years earlier, the Supreme Court of Texas had answered the same question from the other direction by looking into what sorts of weapons a militia would be expected to use. They were, naturally enough, military weapons:

"Arms," in the connection we find in the Constitution of the United States, refers to the arms of a militiaman or soldier, and the word is used in the military sense; the arms of the infantry soldier are the musket and bayonet; of the cavalry and dragoons, the sabre, holster pistols, and carbine; of the artillery, the field piece, siege gun, mortar, with side arms.

Translated into 21st century terms, modern-day militia are expected to keep and bear assault rifles, Stinger shoulder-launched missiles, land mines, Black Hawk helicopters outfitted with belt-fed white-phosphorous grenades, flame throwers, cluster bombs, devices both chemical and biological, and every other modern convenience they might need in a brawl with the Feds.

Where all this gets radical — and scary, even to those with a radical bent — is when you ask who, exactly, is in charge of

all this firepower. The easy answer is the states. And, to modern ears, there seems to be some force to this conclusion.

But that's not the way it looked in 1791. To begin with, it wasn't at all clear back then that states were the natural parents of militia. At the time, militia were raised by individuals. Besides, if the Second Amendment were about the rights of states, it would have said "... the right of the states to keep and bear arms shall not be infringed." But that is not what it says.

Then there is the question of what, exactly, the Framers meant by "well regulated." To us, nothing says government

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*The prospect of those guys outfitted with Stinger missiles and white-phosphorous grenades is enough to give any modern person the cold shudders. But not our patriot ancestors. To them, David Koresh with heavy weapons was a lot less scary than, say, Janet Reno.*

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control like "regulated." But if our ancestors had meant regulated in the sense of government-controlled, they would never have included the word "well," they simply would have referred to regulated militia. "Well" suggests an internal standard of governance, not rules imposed from the outside, and strongly implies private — rather than governmental — control.

As for the word "regulated," it simply did not mean the same thing in 1791 that it means now. "Regulated," in the sense of "controlled by government regulations," did not even enter the language until 1895. To the Framers, "regu-

lated" meant "ordered" and "well regulated" meant "orderly." And orderly does not mean government-controlled. It means well-managed — again, an internal standard. Which means Mr. Jay and Mr. Madison and Mr. Hamilton weren't thinking about the states when they enshrined local military power into the Constitution. They were thinking about the Black Panthers and the White Aryan Resistance and the Symbionese Liberation Army and. . .

The prospect of those guys outfitted with Stinger missiles and white-phosphorous grenades is enough to give any modern person the cold shudders. But not our patriot ancestors. To them, David Koresh with heavy weapons was a lot less scary than, say, Janet Reno. At least Mr. Koresh would be accountable in a court of law if he intruded too far on the life and liberty of his neighbors.

This difference in what's scary goes a long way to explain why the public debate keeps spiraling around the notion of personal weaponry. Madison and Jay aside, if you ask people in the privacy of their own homes — away from the glare of publicity and ridicule — they will tell you in confidence that, indeed, they are not comfortable with the idea of doomsday cults parading around with nuclear-tipped missiles. What they want — if they are the kind of person to want this — is to pack their own heat. And they want to believe that the Constitution gives them that right. So examining the language of the Second Amendment too closely is not something they do.

And as for those who feel the other way? Well, they've already won. They don't need to argue that it's really the Klan that should be armed, if all they care about is making the neighbor kid register his Popsicle sticks. What nobody wants — apart from a few folks in Idaho and Texas — are the worms that are going to come wiggling out of that particular can if the Second Amendment is read for what it truly is. □

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## Letters, from page 32

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McCarthy states "... the pro-life movement in the United States ... [is] primarily seeking to deny women, doctors and medical ethics committees the right to choose by denying women's constitutional rights." That's not the constitution; that's two Supreme Court decisions — *Roe vs Wade* and *Doe vs Bolton*. There's as much precedent for saying a state government can't regulate abortion as for saying it can't regulate drinking by minors or possession of guns by anyone, both of which state governments in fact do.

I also question McCarthy's claim that "It's not surprising that Catholic countries where abortion has been outlawed would have the highest numbers of abortions since those countries are more likely to prohibit sex education, family planning information, and birth control." I would expect that China

with its population reduction program leads in number of abortions.

Albert McGlynn  
Philadelphia, Pa.

### Abortion Wrong

When *Liberty* addresses the subject of abortion, I expect something better than Sarah J. McCarthy's pathetic essay, ("Walking the GOP's Abortion Plank," November). I don't think I have ever seen such blatant propaganda, so poorly written and so thinly disguised, as I saw in this article.

The article assumes a woman has a constitutional right to an abortion. I need not even mention the arguments that exist, even amongst abortion rights supporters, that there exists no constitutional basis for the *Roe vs Wade* decision. Furthermore, an overturning of that case would simply

return the regulation of abortion to state governments. The only interest group that is acting within the law is the pro-life side, which seeks a constitutional amendment banning abortions, which is the only way to federalize the legality of abortion properly.

McCarthy recites the facts of three medical cases as they appeared in a theology journal. Apart from attempting to give her polemic an aspect of religious approval, it is typical of any propagandist to take the best example of what they argue for and hold it up to be typical of each and every case. All statistics show that the majority of abortions are for "cosmetic" reasons, to the tune of 95 percent plus. The N.A.R.A.L. organization, the president

*continued on page 61*

# The Sorry State of the Fourth Estate

*by K.R. Mudgeon*

The press today has abandoned its ability to view and report on events from the perspective of an experience-jaundiced common man with common sense, and has adopted the distorted intellectual prism of the ruling class.

The scepticism about everything and everybody in general, and toward pronouncements from on high in particular, that characterized the zesty newsrooms of bygone days has gone missing, disappeared with hardly a trace.

The denizens of those old-time newsrooms were a scruffy lot who had nothing but disdain for their “betters” — those who held and wielded power by reason of their positions. And it mattered not a whit whether the on high was in the realm of politics, society, business, or academia.

Consequently, the media of that time by and large conducted its business in accord with Finley Peter Dunne’s famous dictum that the mission of the press was “to comfort the afflicted and afflict the comfortable.” After publication of my first political story some 40-plus years ago, I was taken aside by my newspaper’s senior political reporter and admonished about taking too seriously, and being overly respectful toward, the public official whose speech I had covered. When I tried to point out that the speaker’s views were important because of the office he held, I was instructed to keep in mind that the individual was “just a politician” and that a politician — any politician — almost invariably was “someone who would sell his mother into slavery for a vote.”

Today’s news media have turned Mr. Dunne’s maxim around. They speak for the elites and endeavor to do so to the great unwashed, most of whom retain the vestigial ability to recognize the pomposity and emptiness of messages from their betters. Therefore, fewer and fewer people are paying attention, and the major media outlets — the big metropolitan newspapers and the broadcast networks that are commonly referred to collectively as the “mainstream

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media” — are losing their audience. Furthermore, because of the increasing size of the potential audience, the mainstream media’s loss of market share is even greater than the decline in the numbers of their readers, viewers, and listeners.

At the same time, the elites that formerly paid grudging heed to the press no longer have any need or incentive to do so. First, the press today lacks currency — it has become slower in getting information out even as the need for timely information has increased. Second, the information it conveys is not sufficiently reliable, accurate, and precise to serve as the basis for any important decisions. Third, and perhaps most importantly, the press today has abandoned its ability to view and report on events from the perspective of an experience-jaundiced common man with common sense, and has adopted the distorted intellectual prism of the ruling class. The press can be relied upon to conform, to be conventional and politically correct, so there is no motivating nervousness or fear that the press today might stir up questions or anything else that might be unpleasant to the sacrosanct powers that be.

These changes are not the result of any plot or conspiracy. Rather, they are attributable to newsrooms today being staffed by people who are not at all scruffy, people who have more formal schooling (which makes them better housebroken), and are better bred, much more well-adjusted, and not prone to anger or other untoward emotions. People who fit in better socially. People who are more civilized. Just

think about the talking heads who anchor and appear on television news shows. They're even uniformly pretty . . . as well as pretty tame.

Today's newsrooms are staffed by people who, instead of being scornful of the ruling class, identify with it, or aspire to join or at least be thought of as being part of it. Thus, while no self-respecting reporter or editor a half-century ago would have accepted being identified as a friend of any politician or holder of any public office, multitudes of news people today proudly proclaim such identification. "Friends of Bill" are among the noteworthy examples.

The results of the shift in the perspective from which news is reported is apparent in what is presented as news. Reporting by the hard-bitten old-timers presented an account of events, with members of the public being left to draw their own conclusions on the subject. Most — and very often all — modern news reports consist of the view and interpretation of real-world occurrences by the concerned people with whom the reporter identifies. With the door thus having been opened to "spin," we now have news presented in a way that tells the public less about any given event than what to think about it. If a contrary view is presented at all, it is mocked and disparaged, and so the boundaries of permissible thought and debate are established for the consumer of what nonetheless still is characterized as news.

The contrast with news staffers of the past is startling and dramatic. The old-timers were devoid and disdainful of social pretensions. Frequently individualistic, and in some instances fiercely so, to the point of being iconoclastic, they were irreverent and irascible crews, characterized by contempt for authority and spicily heroic outbursts of profanity and inebriated excesses. Often entirely or largely self-taught, they were well-educated, widely read, sophisticated, and knowledgeable (but still continually curious) about the world and how it worked — all to an extent beyond anything evident in today's newsrooms or their output. Phonies and phoniness were exposed and scorned with joy and enthusiasm rather than tolerated, protected, and envied to the point of emulation.

Today we don't have news people. We have journalists. Many of them enjoy or seek celebrity status, searching out and seizing every opportunity to become part of the story and perhaps even one of its stars — to be *in* the news rather than a reporter of it.

Furthermore, they appear to be woefully ignorant and uninformed, as well as remarkably uncurious about the

world, its history, and its workings. Who in recent years has read a published news report or seen or heard a news broadcast on a subject with which he or she is familiar, and not found in it substantial gaps and at least one significant factual error?

This is so simply because today's journalists come out of the pool of products emitted by what currently passes in this country for an educational system. Journalism schools do for the press the same things that schools of education accom-

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*I was instructed to keep in mind that the individual was "just a politician" and that a politician — any politician — almost invariably was "someone who would sell his mother into slavery for a vote."*

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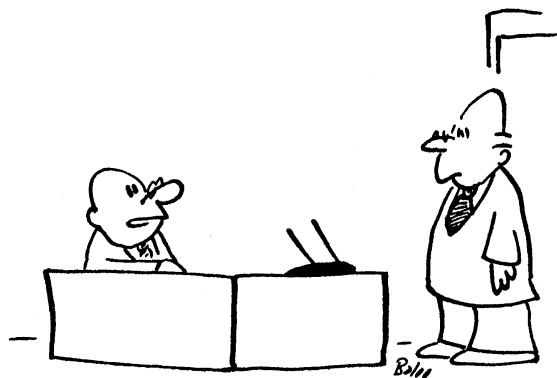
plish for teaching. Teachers learn the techniques of pedagogy but acquire little or nothing of substance to impart to their students, while journalists are trained in presenting news but taught neither the context nor the knowledge that is a prerequisite for passable reporting about anything.

The fact is that much of the pool of people from which our current news staff members are extracted is made up of graduates of a system of education that never has burdened them by requiring that they learn a great deal, if anything at all. They regularly display their ignorance about history, math, science, geography, philosophy. Critical thinking and logic seem to be beyond them, and, in a surprisingly large number of cases, they also appear to have missed acquiring even a rudimentary understanding of either the basic structure or the proper usage of the language through which they are supposed to communicate.

Instead of having been taught anything whatsoever of substance — which might make them less susceptible to the blandishments of smoothly confident spinmeisters on any given subject — they have been schooled in getting and keeping in touch with their feelings, in feeling good about themselves, in getting along with others in the sandbox, in how to have good sex, in how to drive motor vehicles . . . and so on . . . and so on . . . *ad nauseam ad absurdum*. Nothing too hard, no facts, nothing about the background or context in which occur the events about which they purport to inform us. George Bernard Shaw's Lord Undershaft had it right: secure and satisfied that their feelings are of paramount importance, high-toned journalists have no need to know or understand anything, and even can and do feel good about their lack of knowledge and understanding.

The resulting absence of substance, spontaneity, color, and excitement, and the drab conventionality and dreary dullness of what we get from such journalists, is a very high price for the more "respectable" and "responsible" press that we have today.

Mr. Dunne's Mr. Dooley — for survivors familiar with his pub-crawling utterances — would have understood and had something pithy to say about how the Fourth Estate got lost on the wayward path on which it has been trudging in recent years and is continuing to follow. □



"We're downsizing, Fogarty, and you're too tall."

# Ayn Rand's Screwball Economics

by Mark Skousen

The high priestess of capitalism didn't really understand how capitalism works.

Novelist and philosopher Ayn Rand is almost universally acclaimed as the fountainhead of market capitalism, and as an impassioned proponent of reason, individualism, and rational self-interest.

There is much to praise in Rand's writings, especially her uncompromising defenses of freedom and her unrelenting denunciations of collectivism. No one has written more persuasively about the right of an individual to safeguard his wealth and property from the agents of coercion. Her novels *The Fountainhead* and *Atlas Shrugged* have probably done more than any other works of fiction to vindicate and honor the glory of "making money."

Yet Rand's work portrays a surprisingly strange and distorted view of the moneymaking process. In a perverse way, her model of business may even give aid to enemies of liberty — by giving capitalism a bad name.

Consider, for example, Howard Roark, the central character of Rand's classic novel *The Fountainhead*. Roark chooses architecture as a profession because he loves his work. He seeks to set the highest standards of excellence in his profession. He tries to be creative. All of these traits are admirable.

But Roark denies a basic tenet of sound economics — the principle of consumer sovereignty. When the dean of the architectural school tells Roark, "Your only purpose is to serve him [the client]," Roark objects. "I don't intend to build in order to serve or help anyone. I don't intend to build in order to have clients. I intend to have clients in order to build." This bizarre, almost anti-social attitude sounds like a perverse rendering of Say's Law, "supply creates its own demand," or the statement made in the film *Field of Dreams*, "If you build it, they will come." But supply only creates demand if the supply can be sold to customers; people come to a new baseball field only if they want to play or watch. If supply doesn't satisfy demand, it becomes a wasted resource.

Now, there is nothing wrong with an architect wanting to set new standards of design, just as there is nothing wrong with an entrepreneur seeking to invent a new product or design a new process. Such actions are often highly risky and financially dangerous, and are liable to be met with derision at first. Rand rightly points out that they are a major cause of

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economic progress. History is full of examples of "men who took first steps down new roads armed with nothing but their own vision."

But the goal of all rational entrepreneurship must be to satisfy the needs of consumers, not to ignore them. Discovering and fulfilling the needs of customers is the essence of market capitalism. Imagine how far a television manufacturer would get if he decided to build televisions that only tuned into his five favorite channels, the consumers be damned. It wouldn't be long before he was on the road to bankruptcy.

Thus, Ayn Rand's ideal man misconceives the very nature and logic of capitalism — to fulfill the needs of customers and thereby advance the general welfare. As Ludwig von Mises wrote in *The Anti-Capitalist Mentality*, "The profit system makes those men prosper who have succeeded in filling the wants of the people in the best possible and cheapest way. Wealth can be acquired only by serving the consumers." Apparently Howard Roark doesn't believe in consumer sovereignty. As he states in his final court defense, "An architect needs clients, but he does not subordinate his work to their wishes."

If you talk to architects about *The Fountainhead*, they will likely tell you that there are a few self-centered, highly egotistical, elitist Howard Roark types in architecture who can get away with building monuments to their egos at their clients' expense. Frank Lloyd Wright, an architect Rand deeply admired, may have been one of them. But Roark's approach is entirely unrealistic in the real world of commercial building. Occasionally a client values the notoriety of living in a home built by a signature designer more than getting what he really wants, but not often. Almost all of Rand's scenarios are extreme and idealistic, a strategy that works to sell novels but does violence to all sense of reality. Normally, architects work

closely with clients and make numerous changes in order to fit their needs. Compromise is a necessary element in the successful completion of a project, and this consumer-oriented approach is true in all areas of capitalistic production. An architect or anyone who provides any good or service who acts like Roark in *The Fountainhead* is likely to be out of work. The jury may have exonerated Roark for blowing up a housing project rather than permit the slightest alteration in his design, but the market punishes his kind of behavior.

Ayn Rand herself compromised in the making of the movie "The Fountainhead." She initially insisted that only Frank Lloyd Wright design the models for the film, but her demand was rejected because Wright demanded an outrageous fee. In the end, the models were done by a studio set designer. Rand called them "horrible" and "embarrassingly

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*Rand's model of business may even give aid to enemies of liberty — by giving capitalism a bad name.*

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bad." But in the end the film was made and released. Oh, the agonies of having to deal with other people!

The fact that Rand presents Howard Roark as the ideal man, in sharp contrast to other architects who "compromise" with clients' demands suggest that Ayn Rand is philosophically in denial when it comes to comprehending the nature of business. She denies the very *raison d'être* of capitalism — consumer sovereignty.

In this sense, Rand is not much different from most other artists and intellectuals who bash the capitalist system because they hate the idea of subjecting their talents to crass commercialism and the crude tastes of the common man. Ludwig von Mises rightly chastised this snobbish attitude in *The Anti-Capitalist Mentality*: "The judgment about the merits of a work of art is entirely subjective. Some people praise what others disdain. There is no yardstick to measure the aesthetic worth of a poem or of a building." Mises adds that only through economic progress — the creation of surplus wealth — has the level of taste and art been raised to meet the criteria of the more sophisticated artist:

When modern industry began to provide the masses with the paraphernalia of a better life, their main concern was to produce as cheaply as possible without any regard to aesthetic values. Later, when the progress of capitalism had raised the masses' standard of living, they turned step by step to the fabrication of things which do not lack refinement and beauty.

This brings us to the fatal flaw in Rand's most famous novel, *Atlas Shrugged*. Its basic plot violates the whole rationale of business's existence — constantly working within the system to find ways to make money. There will never be a Galt's Gulch, where the world's greatest entrepreneurs isolated themselves from the rest of the world. The business world does not typically attract ideologues and true believers; it attracts people primarily interested in moneymaking. They wouldn't give John Galt the time of day. As Mises states: "There is little social intercourse between the successful businessmen and the nation's eminent authors, artists and scien-

tists. . . . Most of the 'socialites' are not interested in books and ideas." Ayn Rand was an admirer of Mises, but apparently she didn't learn much economics from his writings. Pity.

Howard Roark's diatribe against consumer sovereignty is intended as a defense of egoism. Rand sets up two extremes: a person can strive to serve and satisfy himself only, or a person can strive at all times to serve and sacrifice himself for others. The first individual is an egoist, the latter an altruist. In *The Virtue of Selfishness* she opines, "Altruism declares that any action taken for the benefit of others is good, and any action taken for one's own benefit is evil." Obviously, Rand protests against altruism and espouses the opposite extreme. As Francisco d'Anconia tells Dagny Taggart in *Atlas Shrugged*: "Don't consider our interests or our desires. You have no duty to anyone but yourself." No sacrifice, no altruism, just pure selfishness.

Rand's approach to this issue differs considerably from that of Adam Smith, the founder of modern economics. Smith and Rand are in agreement about the universal benefits of a free society, but Smith rejects Rand's vision of selfish independence. He teaches that there are two driving forces behind man's actions: "sympathy" or "benevolence" toward others, which he discusses in *The Theory of Moral Sentiments*, and "self-interest" — the right to pursue one's own business — which he analyzes in *The Wealth of Nations*. Smith argued that as the market economy develops and individuals move away from their communities, self-interest becomes a more important factor than sympathy, but both are essential to achieve "universal opulence."

One of Smith's best remembered observations has a Randian tone: "It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest." But Smith's self-interest never reaches the level of Randian selfishness that ignores the interests of others. On the contrary, in Smith's mind, an individual's goals cannot be fully achieved in business unless he appeals to the self-interest of others. Smith says so in the very next sentence: "We address ourselves, not to their humanity but to their self-love, and never talk to them of our own neces-

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*Ayn Rand was an admirer of Mises, but apparently she didn't learn much economics from his writings.*

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sities but of their advantages." Moreover, he writes earlier on the same page, "He will be more likely to prevail if he can interest their self-love in his favour. . . . Give me that which I want, and you shall have this which you want, is the meaning of every such offer." Smith's theme echoes his Christian heritage, particularly the golden rule, "do unto others as you would have them do unto you." (See Matthew 7:12.)

The true spirit of a free society is best summed up in the Christian commandment, "Love thy neighbor as thyself" (Matthew 22:39). Adam Smith and Ludwig von Mises would agree, but Howard Roark and John Galt — and their creator — would not. And that's a great tragedy for the greatest novelist of the 20th century. □

# The Myth of Corporate Power

by James Rolph Edwards

For decades, people have believed that free markets led to greater and greater concentration of wealth and power in large corporations. But that's not what has happened over the past 50 years.

One of the most influential of modern liberal intellectuals is Harvard economist John Kenneth Galbraith. He wrote two notable and widely read books: *The Affluent Society*, published in 1958, and *The New Industrial State*, published about a decade later. Both books presented a terrifying view of an American economy dominated by huge industrial concerns so powerful they have essentially abolished the market, controlling not only the supply of goods and capital but, through manipulative advertising, the demand for their own products.

In the late 1970s, when I was just beginning my own education in formal economics, Galbraith's works were still popular and influential. Objections came from a few intellectual and academic critics such as William F. Buckley Jr. (who was a friend of Galbraith, but debated him frequently) and Harold Demsetz, who put many of Galbraith's propositions to the test and found them wanting. But support for Galbraith's views was strong from leftist academics, who found what appeared to be enormous industrial concentration in the U.S. economy. As recently as 1980, for example, the top 500 industrial corporations sold just short of 60 percent of the Gross Domestic Product — this in an economy of nearly three million corporations, as well as almost nine million proprietorships and over a million partnerships.

In the 1980s, however, there appeared to be a dearth of books and articles written on industrial concentration. Indeed, one kept hearing claims from Reagan administration supporters that while total employment was rising rapidly, employment within the Fortune 500 was actually declining. If true, that implied that an aggregate deconcentration was occurring. On the other hand, the widely publicized merger wave of the 1980s left the opposite impression, despite considerable corporate downsizing. In fact, many of the mergers involved firms that were performing poorly because they were too large and diverse in their operations, forcing them to sell off assets (and sometimes whole divisions) after takeover.

As the deafening silence on this issue of industrial concentration continued into the 1990s, I began to wonder if I was simply reading the wrong journals. A few papers were published on the subject in the 1980s and 1990s by economists such as Edward Nissan and Regina Caveny (who frequently coauthor). However, there seem to be far fewer articles than had been published in the 1960s and 1970s, and the later papers often focused on concentration within the top 500 industrial corporations while saying little about overall asset, employment, or sales concentration in the economy. The most puzzling aspect of all this is the silence from the other side of the philosophic spectrum (the free market side) on the issue.

A little digging into easily available data sources turns up some interesting information about business concentration trends in the 1980s and early 1990s. From 1983 to 1996, *The Statistical Abstract of the United States* reported data on the assets, employment, and sales of the top 500 industrial corporations in the United States., along with total corporate assets in the economy. From the *Economic Report of the President, 1999*, one can easily obtain annual figures for GDP and total employment. Graph 1 (on the next page) shows what happened. The bold line, labeled "Fortune 500 Share of Total Assets," illustrates a clear pattern. From 1980 through 1986, the percentage share of the top 500 in total corporate assets dropped from 15.4 percent to 11.0 percent, a decline of more than 28 percent. The Fortune 500 share increased through 1990 before falling again to 12.3 percent in 1993, for a total 1980 - 1993 decline of over 20 percent.

It is important to know that the real (constant dollar) value of assets of the big 500 corporations actually increased

significantly over this period, so the decline in share of the industrial giants came from new business formation and more rapid accumulation of assets by the small and mid-sized firms in the economy.

The fine line in Graph 1, labeled "Fortune 500 Share of Total Employment," paints a similar picture. With the exception of one large increase in 1987, the decline is virtually continuous, from 16.0 percent share in 1980 to a share of just 11.3 percent in 1993, yielding an overall 29 percent drop in Fortune 500 share of total employment. The absolute numbers (not reported in the graph) show that, as the Reagan

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*Galbraith's books argued that the American economy is dominated by huge industrial concerns so powerful they have essentially abolished the market. But the evidence has proven Galbraith wrong.*

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administration defenders claimed, total employment of the top 500 industrial corporations really did decline, from over 15.9 million in 1980 to a minimum of about 13.4 million in 1986. Then, after rising significantly in 1987, it fell again to just under 13.6 million in 1993. If corporate downsizing among the giants was actually random and fragmentary, offset by growth in others, then net disemployment among the big firms' shifting workers and middle management to small and mid-sized firms and new ventures was not a myth.

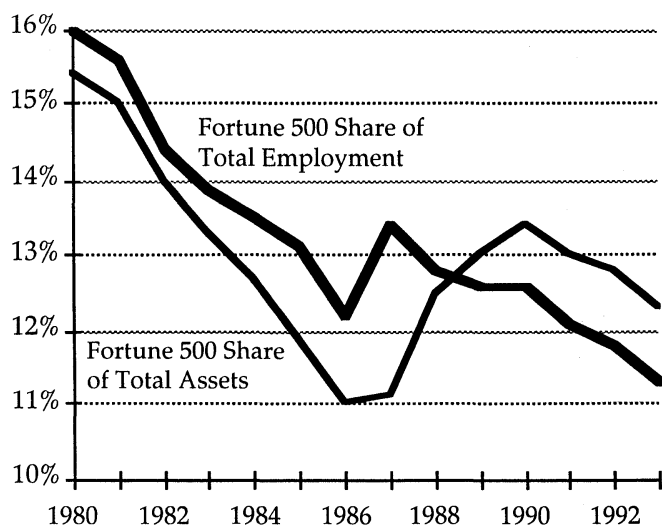
The last series, shown in Graph 2, is perhaps the most striking of all. Labeled "Fortune 500 Share of Gross Domestic Product," it shows sales of the top 500 industrial giants as a percent of Gross Domestic Product. GDP, of course, is the measure of the total value of final goods and

services produced and sold (or added to inventories) in the economy. From 59.3 in 1980, this percentage share fell almost steadily to 36.1 in 1993, for an astonishing 39 percent total decline over the period. Individually and together, these series provide a strong contradiction to the standard leftist view of an economy dominated by huge corporations, so powerful as to be beyond competition from smaller firms. Instead, with deregulation, lower taxes, the computer, and international economic integration, the competitive edge has shifted overwhelmingly to smaller firms (who, as competitive fringes in the various markets, have always disciplined the majors anyhow), and industry has massively deconcentrated.

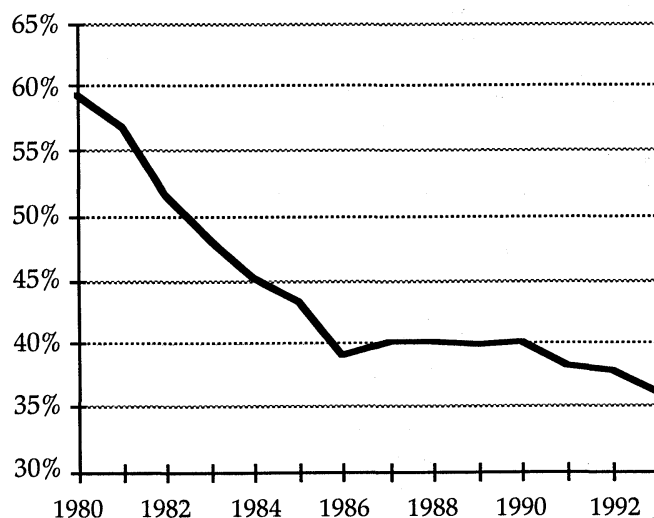
Of course the more efficient and successful smaller firms tend to increase their market shares and become large firms, and it is true that the composition of the top 500 is changing all the time as some drop down and others enter the list. However, this process, as it has played out since 1980, has not netted out to maintain anything like the prior level of business asset, employment, or sales concentration. The optimal size of the firm seems to have declined in many industries. Indeed, in the November/December 1996 issue of *Southwest Economy*, published by the Federal Reserve Bank of Dallas, W. Micheal Cox and Richard Alm reported that the average number of employees per firm in the United States fell from 16.5 in 1980 to 14.8 in 1993. In the same period, they tell us, the percentage of American workers employed in firms with 250 or more employees fell from 37 to 29. Of course, it would be risky to predict what will happen to optimal firm size and business concentration in the future, as new technologies and economic conditions emerge.

But if Galbraith's theory of the "New Industrial State" and other leftist visions of large corporate domination were correct, the enormous decline in aggregate business concentration over the period shown here could never have occurred. □

Graph 1:  
U.S. Business Concentration  
1980 – 1993



Graph 2:  
Fortune 500 Share of  
Gross Domestic Product



# The Trouble With Self-Esteem

by Michael R. Edelstein

Nathaniel Branden got it wrong.

Self-esteem is both the sacred cow and the golden calf of our culture. Nothing is esteemed more highly than self-esteem, and it's impossible to have too much self-esteem. Nathaniel Branden, a leading exponent of self-esteem, raises the question: Is it possible to have too much self-esteem? and gives the resounding answer: No, it is not, no more than it is possible to have too much physical health.

High self-esteem is now viewed much as cocaine was in the 1880s — a wondrous new cure for all ills, miraculously free of dangerous side effects. One has to wonder: will this view of self-esteem change as much during the next century as the view of cocaine has changed in the last? To speculate intelligently about that question, we must examine just what self-esteem is.

To esteem something is to have a high opinion of it. To have high self-esteem means to hold a high opinion of oneself. This high opinion is usually based on evaluating one's actual performance.

But not all agree that self-esteem must grow out of an accurate self-evaluation. One school of thought holds that it's good for people to feel good about themselves, regardless of how well or badly they have actually performed. If they esteem themselves highly, they will automatically do better — and even if they don't do better, well, at least they'll feel happier. This theory has been applied in recent years as an educational technique, the self-esteem curriculum, devoted to convincing students that they are wonderful and special. It has yielded disappointing results.

The other approach to self-esteem seems to be popular with libertarians. This approach views self-esteem as something earned. If we perform better, we will then feel better about ourselves. We will rate ourselves more highly, and this will cause us to feel better. Feeling better is therefore our psychological reward for performing better. It also will cause us, in turn, to perform even better.

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At first glance, these two approaches seem to have little in common, but on closer examination the first approach usually turns out to be a variant of the second. The teacher who tries to cultivate high self-esteem in her students usually does not say: "Feel good, no matter how badly you do!" Instead, the teacher deliberately *lowers standards*, so that the students get lots of praise for minor achievements; poor or mediocre work is accepted as adequate or better.

And the proponents of *earned* self-esteem, when they confront the fact that many individuals make themselves needlessly miserable by comparing their performance to some ideal, also advise those individuals to *lower their standards*, so that they will feel better at a lower threshold of achievement.

In practice, therefore, both approaches to building self-esteem have a common thread: a person judges his performance to be good, then he forms a higher opinion of *himself*, not just his performance. Then he basks in the glow of contemplating what a terrific person he is. He feels happier, and performs even better.

Psychiatrists, politicians, educators, and religious leaders have all been drafted into the movement to make people feel good about themselves. High self-esteem is the magic potion which will bring sobriety and civility to the teenage gangsters of the inner cities and bliss and fulfillment to depressed suburban housewives.

A multitude of therapists and gurus are quick to identify low self-esteem as the root cause of emotional disturbance, addiction, poor relationships, failure to learn in school, child abuse, and a host of other ills. Yet the evidence points in the

other direction.

Studies on issues from smoking to violence, along with comprehensive reviews of the entire self-esteem literature, not only cast doubt on the benefits of high self-esteem but suggest that it might even be harmful.

Psychologists at Iowa State University have linked high self-esteem with the failure to quit smoking. "People with high self-esteem have difficulty admitting their behavior has

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*High self-esteem is now viewed much as cocaine was in the 1880s — a wondrous new cure for all ills, miraculously free of dangerous side effects.*

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been unhealthy and/or unwise," writes researcher Frederick Gibbons.

A study popularized by Charles Krauthammer, written in *Time* magazine, investigated the self-concepts of 13-year-olds in Britain, Canada, Ireland, Korea, Spain, and the United States. Each teenager was administered a standardized math test. In addition, each was asked to rate the statement: "I am good at mathematics." The Americans judged their abilities the most highly, with 68 percent agreeing with that claim. But on the actual math test, the Americans came last. Krauthammer concludes that American students may not know their math, but they have evidently absorbed the lessons of the newly fashionable self-esteem curriculum wherein kids are taught to feel good about themselves.

Researchers at Case Western Reserve University and the University of Virginia conducted a comparison of evidence from a variety of studies concerning individuals involved with aggressive behavior of all kinds: assault, homicide, rape, domestic violence, juvenile delinquency, political terror, prejudice, oppression, and genocide. In some studies, self-esteem was specifically measured; in others it was inferred. The authors concluded that aggressive, violent, and hostile people consistently express favorable views of themselves.

These researchers considered the possibility that in such cases observable high self-esteem was a disguised form of low self-esteem, but were unable to find any corroboration for it. They concluded that the societal pursuit of high self-esteem for everyone may literally end up doing considerable harm.

According to *American Educator*, psychologist and researcher Roy Baumeister has probably published more studies on self-esteem in the past 20 years than anybody else in the United States (or elsewhere). As Baumeister has observed, "many violent crimes result when an individual defends a swollen self-image against a perceived attack." They lash out to try to head off anything that might lower their self-esteem.

Baumeister concludes that "the enthusiastic claims of the self-esteem movement mostly range from fantasy to hogwash." Yes, a few people here and there end up worse off because their self-esteem was too low. Then again, other people end up worse off because their self-esteem was too high. But most of the time, self-esteem makes surprisingly little difference.

A comprehensive review of the self-esteem literature

found that "the associations between self-esteem, and its expected consequences are mixed, insignificant, or absent. This nonrelationship holds between self-esteem and teenage pregnancy, self-esteem and child abuse, self-esteem and most cases of alcohol and drug abuse."

Millions of taxpayer dollars have been expended by the government on professional training to boost the self-esteem of teachers and students, and even more millions have been spent by private individuals paying therapists to help them enhance their self-esteem. Yet the available evidence does not support the theory that attempts to raise people's self-esteem necessarily produce substantial benefits, and some evidence suggests high self-esteem may have pathological consequences.

How do advocates of building high self-esteem react when confronted with this kind of evidence? They have two responses.

The first is to say that when a person seems to have high self-esteem and also has a screwed-up life, *that person really has low self-esteem.*

This reply has a certain plausibility: we're all familiar with the stereotype of the loud, brash, assertive person who is inwardly frightened, cringing, and self-doubting. Novelists and moviemakers love such characters, and they do occasionally exist. But mostly, in real life, if persons are outwardly loud, brash, and assertive, they are likely to be inwardly loud, brash, and assertive, or at least more so than those who are outwardly timid or self-effacing. If someone exhibits obvious signs of thinking that he is one of the superior beings of the universe, chances are that he really believes — yes, way deep down — that he is one of the superior beings of the universe.

Furthermore, there are two difficulties with the notion that *observable* self-esteem can be brushed aside as immaterial.

Empirically, the claim that high self-esteem is good for you becomes unfalsifiable and therefore untestable. There is no way to determine whether it's true or false.

Pragmatically, if we're trying to help people to improve their lives, all we can work on is the observable. If we try to help them by building their self-esteem, this becomes futile unless we can be reasonably sure that we can tell whether their self-esteem has gone up or down. The building of a kind of self-esteem which can never be discerned in someone's

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*The teacher who tries to cultivate high self-esteem in her students usually does not say: "Feel good, no matter how badly you do!" Instead, the teacher deliberately lowers standards.*

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behavior (including what that person says) is not really a practical plan.

The second way self-esteem promoters respond to the discouraging evidence on the practical results of building self-esteem is to claim a distinction between "authentic" and "inauthentic" self-esteem. Only authentic self-esteem brings true happiness, they claim.

As self-esteem in practice means feeling good about yourself because of how well you have done, increasing your self-esteem requires watching your behavior to see whether you have in fact done well. Advocates of high self-esteem suggest people should think along these lines: "I must do  $x$ . If I manage at least to do  $x$ , I can congratulate myself on being a good person. If I do less than  $x$ , then it follows that I will judge myself to be a bad person."

But proponents of high self-esteem seldom agree on what  $x$  is. Each seems to have his own favored criteria for assessing performance, his own choice of  $x$ , or perhaps his own varying standards for measuring  $x$ . But they all agree that the name of the game is pursuit of a feeling of self-worth, to be attained by doing (at least)  $x$ .

According to Nathaniel Branden, for example,  $x$  equals the choices we make concerning awareness, the honesty of our relationship to reality, the level of our personal integrity. Branden warns against deriving self-esteem from success in particular pursuits — in Branden's view, that would be what we are calling inauthentic self-esteem. Branden maintains that we're worthwhile as humans if we make good choices, act honestly, and act with integrity. We can then esteem ourselves highly because we can tell ourselves, in Branden's words, "I coped well with the basic challenges of life."

Notice that all self-esteem theory has the same pattern, though this is not usually clearly spelled out. First, you set a goal. Second, you act in pursuit of that goal. Third, you observe your action and its consequences. Fourth, you evaluate your action. Fifth, you globalize that evaluation: you move from evaluating your action to evaluating yourself as a total person. And sixth, you (supposedly) feel and act better thereafter if you decide you're a great person, or you (supposedly) feel and act worse if you conclude you're a pathetic loser.

The desirability of raising self-esteem seems persuasive because people with serious emotional problems often have low self-esteem: they hold a low opinion of themselves and dwell on their shortcomings. So it's an appealing idea to improve individuals' ratings of themselves, and this seems to require getting them to hold a higher opinion of themselves by building up their self-esteem.

This approach seems at first to be so obvious as to be unquestionable. But in fact, it commits an error. This way of thinking considers only two alternatives: either you rate yourself as a bad person (a failure, a louse, a nothing) or you rate yourself as a good person (a success, a paragon, a fine human being). That ignores another option: *don't rate yourself at all*.

It's the essence of the gospel of self-esteem that you should rate yourself highly. Almost unnoticed is the assumption that you can't avoid rating yourself, and equally inconspicuous is the practical corollary of raising your self-esteem: if you set out to build your self-esteem, you become preoccupied with your rating of yourself.

Not rating yourself, refraining from self-rating, means that you can evaluate what you *do* without drawing conclusions about *yourself* as a total person. For instance, if you are frequently late for appointments, you may think, "Being late for appointments has consequences I don't like. Is there some way I can stop being late?" You don't have to think, "Because I am often late for appointments I am a loser." You don't need to draw *any* conclusions about your total self.

That may sound unobjectionable. But suppose that you conquer your habit of being late. Now, you're always punc-

tual. What harm can it do to pat yourself on the back? Why not think, "I'm an admirably efficacious person, because I'm always on time"?

But this can be harmful. By drawing comfort and sustenance from your judgment that you are a fine person, you are requiring yourself to perform well to support that judgment. This leads to anxiety. Moreover, if you don't perform so well

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*This way of thinking considers only two alternatives: either you rate yourself as a bad person (a failure, a louse, a nothing) or you rate yourself as a good person (a success, a paragon, a fine human being). That ignores another option: don't rate yourself at all.*

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the next time, you will be liable to feel not just regret and sadness that you didn't do what would have been best, but demoralization and discouragement, because you now have evidence that you are not such a good person.

We can acknowledge that low self-esteem may be a problem without recommending high self-esteem. If someone has low self-esteem, we need not try to replace that person's low self-esteem with high self-esteem. We can instead encourage him to stop globally evaluating himself. Instead of low self-esteem or high self-esteem, he can do without rating himself.

Instead of esteeming ourselves, we can *unconditionally accept ourselves as we are*. No matter how well we perform, no matter how brilliant our accomplishments, we are always imperfect, fallible human beings. Conversely, no matter how badly we screw up, we always do some things right (as demonstrated by the fact that we have survived this far).

Unconditional self-acceptance doesn't mean that we don't want to change anything. It means that we unconditionally accept the reality of who we are and what we are like. This does not involve any overall evaluation of our worth or quality as human beings. It means that nothing that we do will make us believe that we are, in toto, terrific or terrible, heroic or horrible, godlike or goblinlike.

Having unconditionally accepted ourselves, we can then concentrate on what we do and how we can improve it — not because this will make us feel wonderful about ourselves or give us high self-esteem — but because we will then more effectively accomplish the goals we have set for ourselves, and feel wonderful about *that*.

There's a strange aspect of the reasoning of many self-esteem theorists. They often seem to assume that if you perform well according to their chosen  $x$ , this will *automatically* cause you to esteem yourself highly. Robert Ringer, for instance, states: "It takes a good deal of practice to play the game effectively, but a good player reaps the rewards of self-

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esteem, the self-esteem which comes from knowing who you are, what you stand for, and where you're going in life."\* Ringer apparently believes that self-esteem wells up spontaneously within you if you *do* something. He doesn't seem to understand that whatever you do can affect your self-esteem only if you evaluate what you have done and then evaluate your total self based on what you have done. This requires judging your behavior according to some standard, and that you be free to perform these mental acts of evaluation or not to perform them.

Nathaniel Branden also writes as though he believes that if you have coped well with the basic challenges of life (his nominated *x*), this must automatically cause you to possess high self-esteem. And, presumably, if the truth is that you have not coped well with the basic challenges of life, that must automatically cause you to possess low self-esteem.

You are apparently unable to react in any other way, for example by concluding: "I haven't coped well with the basic challenges of life but I'm not going to let this get me down." Or: "I haven't coped well with the basic challenges of life. Tough shit! I'll just try harder." Or: "I haven't coped well with the basic challenges of life. What a fascinating specimen I am! I'll write a novel about myself."

Self-esteem proponents often seem to assume that judging your total self is involuntary and automatic. But esteeming oneself involves choices among alternatives: you choose to act, you choose to evaluate your actions, you choose the stan-

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*It is rational to be concerned about your effectiveness in pursuing your goals, and therefore in dealing with problems that arise. It is not rational to be concerned about your overall rating as a person.*

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dard by which to evaluate your action, you choose to extend the evaluation of your actions to an evaluation of your total self.

To esteem ourselves, or to rate ourselves, flows from choices we make in how we will think — cognitive choices. If we fail at some endeavor, or a series of endeavors, we are not fated to think the worst of ourselves. If we do draw the conclusion that we are worse as people because we have failed in some specific endeavor, that conclusion arises from our philosophy of life, our beliefs, our habits of thought.

When I say that these are matters of choice, I mean this in exactly the same way that learning a foreign language is a matter of choice. Changing our habits of rating or not rating ourselves requires repetition and reinforcement over a period of time. We may in the past have unreflectively accepted that our screwups — i.e., failures to cope well with the basic challenges of life — diminish our worth as persons. At the moment when we draw this conclusion, it may indeed be automatic.

But it is automatic or involuntary only in the way a superstitious person is horrified when a black cat crosses his path. Just as that person can question the validity of his supersti-

tious belief and can, over time, learn to accept that a black cat is not something to be dreaded, so we can learn to refrain from self-evaluation. If we were to discuss the experience of dread which seizes a superstitious person who has seen a black cat as though this feeling did not depend upon that person's superstitious beliefs, but was natural and inevitable from his seeing a black cat, we would be obscuring the vital part played in this seemingly automatic process by the person's beliefs — beliefs which can be changed, though changing them may take persistent effort.

Fifty years ago, marathon runner and writer Trevor Smith, then 15, spent a hiking vacation with a group of classmates, climbing Switzerland's Stanserhorn. One thousand feet from the summit, exhausted and struggling, Smith chose to turn back.

Later that evening at dinner, reunited with all his classmates, Smith saw "the glow of satisfaction on the faces of the boys who made the summit safely . . . I regretted bitterly that I had quit when others succeeded." Smith continues to view the decision to abort his ascent as so horrible that even today he relives it as if it happened yesterday.

As an adult, Smith climbed peaks, paddled white water, and ran hundreds of races. He concludes: "Sometimes I've paid a high price in discomfort and many injuries. But achieving goals gave a feeling of self-esteem that healed everything." Smith's lesson for his readers? "Develop high self-esteem. Tell yourself that you can do just about anything that any other human being can do. . . . If you believe you can do just about anything, usually you can."

Smith's thinking illustrates the essence of the self-esteem notion: self-rating. When you do well you rate yourself as a good person, you have high self-esteem — you can do anything. When you do poorly, you're a worthless failure. (Or if not worthless, you're certainly worth less.) So your motivation to do well is that you will derive satisfaction from proving that you're a good person.

Smith's widely accepted but dangerous view of self-esteem illustrates its inherent traps. If you subscribe to his self-esteem notion, when you do well you'll tend to take an overblown, grandiose view of yourself. And when you do poorly you're likely to feel depressed and hopeless. Many people who pursue this approach live their lives either anxiously and compulsively striving to prove themselves (instead of enjoying themselves by striving to attain their goals) or phobically avoiding challenging and competitive situations.

In the 1960s, Joe Pine, a right-wing TV talk show host prone to surliness, which a leg amputation (he wore a wooden prosthetic) may have exacerbated, had as his guest the rock musician Frank Zappa. As soon as Zappa had been introduced and seated, Pine observed, "I guess your long hair makes you a girl." Zappa responded, "I guess your wooden leg makes you a table."

This illustrates another problem with the pursuit of self-esteem. If I am to decide whether I am doing well or badly as a total person, I have to somehow reduce to a common denominator all the varied aspects of my performance in different fields in order to come up with a single score or rating of my self.

Individuals are unique and multifaceted. Weighting all the different aspects of one's behavior is unavoidably subjective.

*Continued on page 50*

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\* Robert J. Ringer, *Looking Out For #1* (New York: Fawcett Crest, 1977), 87; cf. 11-12.

# Harry Potter and the Difficulty of Translation

by Tracey S. Rosenberg

Even with popular children's books, toying with language can be a trying affair.

I'm reading the second Harry Potter book in French. Not because I strive towards a high degree of pretentiousness; I accomplished that a few months ago, in reading Jean-Paul Sartre's *Les Jeux Sont Faits*. (Regularly taught in high schools, it's a stylistically barren book written in the present tense, so it hardly epitomizes intellectual condescension. Still, if you read *any* Sartre in French, you ought to be awarded a rosette to wear in your buttonhole.) No, I chose to read *Harry Potter et la Chambre des Secrets* because, as an auto-didact as far as French is concerned, I suspected that an enthralling book would keep me motivated. I had whipped through the first book on a Saturday evening. The second is taking decidedly longer (over two months), owing to my average speed of five pages a day. In the midst of slogging through the translation of a book I could easily have knocked off in a few hours had I read it in its original language, I had to ask myself: is it worth it?

Probably not. The French version takes some nips and tucks with the plot, and of course the fact that I progress so slowly means that I lose some of the clues that would be fresh in my mind if I were barging through the book at my usual speed. Granted, I am improving my vocabulary (I can now discuss flying cars bilingually) and have become firmer on the *passé simple*, the literary past tense. These things were definitely part of my larger goal of becoming more fluent in reading French. But I have already put in a reserve request at the library for the third Harry Potter book, which I will cheerfully breeze through in English, as soon as the 26 hold requests before mine are filled.

What I find most interesting in reading the book in translation is noting where the alterations were made. I can't always tell where whole phrases were rendered in different idioms, but many of the names have changed. Not everything is altered at the tap of a *baton de magique*; most primary characters retain their proper names (Harry, Dumbledore, the Weasley clan), and while Europeans may think Americans are imbeciles because we insist on calling football "soccer,"

Quidditch is Quidditch no matter where you are. Some names appear to have been changed for the sake of providing a more Gallic pronunciation for their English counterparts. The boarding school, the wizard equivalent of Eton and Harrow, is transformed from Hogwarts to Poudlard. I can't begin to imagine how the original name could be said *en français*, what with the first and last letters vanishing in the back of one's throat. The same type of modification occurs for the word Muggle (the term for a non-wizard), which becomes the rather less interesting Moldu. Other words are apparently changed so as to keep the implications that J.K. Rowling intended. Thus Slytherin, one of the four houses within the school, becomes Serpentard, retaining the essence of snake-ness which personifies its students.

Of course, it's most interesting — and difficult — to translate the words Rowling made up. I was stumped by "dégnomer" until I remembered the context: just as a Muggle gardener has to deal with aphids and rabbits wreaking havoc in the tomato plants, if you are a wizard, then your garden is infested by gnomes. Therefore, to get rid of them, you must "degnome" the garden. Somehow I doubt that my French-English dictionary will add this word anytime soon. For the rest of this type of vocabulary, I've had to call upon the services of two college friends, die-hard Potter fans who became my reference source at a time when I didn't have the English version to hand. (I refuse to get the book from the library until I've read it completely in French. Otherwise, I fear I will simply race through to the end to find out what actually lurks in the *chambre des secrets*.)

The French translation scores a veritable coup when it

comes to the matter of the Sorting Hat. This hat is worn briefly by every new student, and, being a magic hat, it tells the student which of the four houses they will belong to; in other words, the hat itself makes the choice. Its French name is "Choixpeau" — a combination of "choix" (choice) and "chapeau" (hat). I was delighted to be able to understand a foreign pun, especially one which has no antecedent in the original. Yet for the most part, I don't have nearly enough experience with a second language to be able to explore depths of nuance. It is clear from my knowledge of the first book in

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*I had always admired translators, in the way I admired Indy 500 pit mechanics or international hostage negotiators.*

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English that the flavor of the second in French has been altered by changes in phrasing, syntax, and vocabulary.

I had never thought much about translation, perhaps because I never before had the option to read a book in any language other than English. Of course I was aware that a new version would differ greatly from the original and that enormous alterations often have to be made to accommodate the distinctions within languages. John Ciardi's translation of the *Divine Comedy*, for instance, dispenses with Dante's terza rima, creating a lesser rhyme scheme that attempts to keep the flavor of the original. This is, at the very least, a practical measure; English simply does not have the rhyming ability of Italian. Many translators, including Mark Musa, dispense with rhyme altogether and provide elegant blank verse. I personally prefer this, but I am always aware that I am not, no matter how brilliant the translation, reading the full glory of the original.

I have dabbled in translation, though only to answer the challenge in Douglas Hofstadter's *Le Ton Beau de Marot*, an enormous book which I sadly did not have time to finish before the Interlibrary Loan librarian sucked it back out of my hands. The first few chapters include some of the clearest discussions of translation and bilingual ability (especially in regards to adults learning a second language) that I've ever had the pleasure to read. The book's genesis was a small poem by a relatively obscure Renaissance Frenchman, which is translated many, many times in the course of the book. Hofstadter advises the reader to attempt his or her own translation, and I was reasonably pleased with my own result.

I also gained a great respect for translators. I had always admired them, in the way I admired Indy 500 pit mechanics or international hostage negotiators — I could see they were highly skilled at what they did, and could even grasp the basics of their methods, but had no concept of the nuances of

their crafts. Unfortunately, even having stumbled through my personal translation of "Ma Mignonne," I am not certain that I can truly appreciate the work of translators; that is, I don't know whether I am capable of recognizing a good translation. The bad ones are obvious. Working my way through the French version of Kay Thompson's *Eloise*, I was appalled at the mangling of Eloise's signature phrases and choppy sentences. Even to a person who doesn't read French, it's clear that there's a great difference between "et je vous signale en passant que les coquetiers font d'excellents chapeaux" and "an egg cup makes a very good hat." But how could I ever know that something is a good translation if I don't understand both languages? It will take years of reading French to be able to grasp many of the distinctions that I take for granted in English, when I can explain the differences in style between, say, A.S. Byatt and Pamela Frankau.

My greatest despair about whether we can ever really translate from one language to another came after a friend gave me the English version of Georges Perec's *A Void*, translated by Gilbert Adair. I don't know much about Perec, but apparently he wanted to write everything once — one play, one novel, one of every kind of literary form. I don't know what category *A Void* fits into, but it's quite an accomplishment — an entire novel written without once using the letter "e." He's not the only person to have done this and I doubt he's the first, but for those of us who struggle even when we have all the letters at our disposal, this book is something great.

In regards to translation, however, I realized quickly that no matter how brilliant Adair was, the language itself stood in the way, especially given the "no 'e'" rule. In French, you can say "the" if you are discussing a feminine object (using "la"),

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*Vocabulary can be negotiated with the help of a good thesaurus, although of course you'll lose the embedded meaning. "Liberty" in English summons visions of a cracked bell in Philadelphia, whereas the French equivalent is more likely to evoke guillotines slamming down on the necks of powder-wigged aristocrats.*

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but not masculine ones or the plural of anything ("le" and "les" respectively). English, in contrast, cannot say "the" in any situation, although you can discuss "a goat" or "an airport," whereas French can only say "a" for masculine items ("un" as opposed to "une" or "des"). And keep in mind that even if you do use "la," much of the time you can't do so because the adjective or noun itself has an "e" at the end, on account of being feminine. Lining up the pronouns shows far more flexibility in French than in English, although in neither language can you say "she." (On the other hand, judging from my perusal of French literature in translation, this word would not be missed by many French authors.)

Vocabulary can be negotiated with the help of a good thesaurus, although of course you'll lose the embedded meaning.

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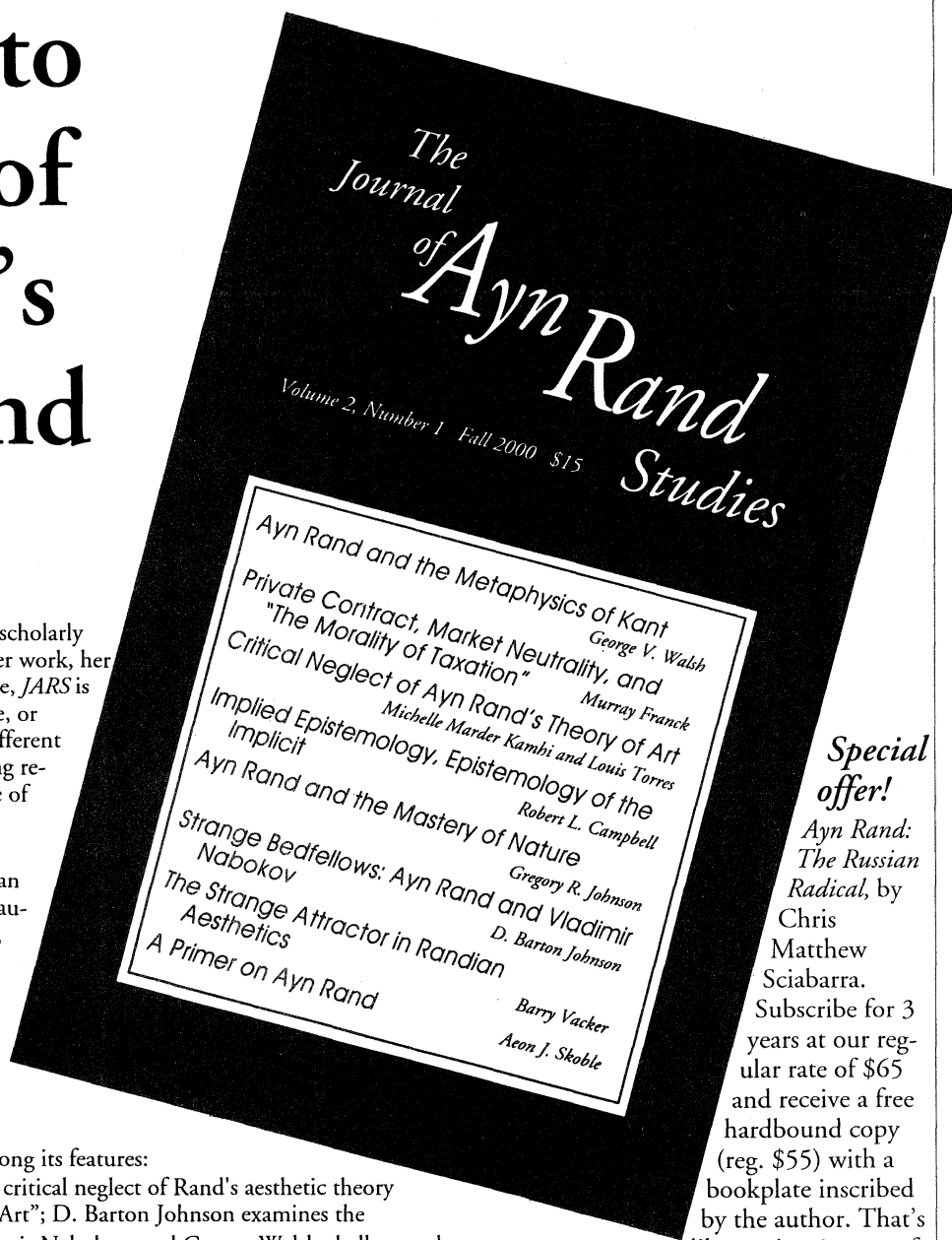
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"Liberty" in English summons visions of a cracked bell in Philadelphia (if not a monthly political review), whereas the French equivalent is more likely to evoke guillotines slamming down on the necks of powder-wigged aristocrats. But take the sentence "My goats and I walk in a park." Simple, direct, no great statement. Now try it in French without using the letter "e." Pretty tough, when you can't say the plural "my" ("mes"), "goats" ("chevres"), "and" ("et"), and so on. (Readers are welcome to offer suggestions.) In other words: how can I truly experience the full flavor of Perec's masterpiece when the translation is hampered in two different languages?

If one isn't careful, this can all lead straight into a miasmic pit of despair about whether anyone can ever understand anyone else. Even when we speak the same language, there are far too many examples of deadly miscommunications. Last year, I met a British army officer whose job duties included working with the American military, to ensure that Yanks didn't blow British planes out of the sky as the result of linguistic confusion. And on a personal level, we develop our own vocabulary and meanings, individually and within families; children quickly learn that when a parent says "we'll discuss it later," that invariably means "not until pigs fly." Yet there are no dual-language dictionaries for the languages of life experience.

The other side of the argument is that we simply communicate as best we can, striving for clarity as well as style. Clearly, we *can* communicate; otherwise we wouldn't have civilization. Even the Tower of Babel fiasco didn't demolish society... although it did render it impossible for everyone to accomplish a common goal. But even when we do speak the same language, that doesn't give us an automatic understanding of the cultural milieu or linguistic subtleties. At this point in the world's history, it seems impossible that we'll ever

understand everyone else.

Which brings us back to Harry Potter. Do French or American children truly comprehend the Tom-Brown-at-Hogwarts environment which Rowling creates? Even if vocabulary and idioms are smoothed to match the linguistic requirements of the target language, can we understand what Rowling is really trying to say?

I think part of the enormous success of the Harry Potter books is because everyone, with the exception of the bullying Malfoy-like head of personnel at my last job, can identify with Harry. Most of us weren't orphaned as infants, or raised by relatives who shoved us into a cupboard at any opportunity, or told at the age of eleven that we were wizards, and thereafter taken to buy our very own owl. But most of us, regardless of culture, have felt neglected by our families, lost in the world, craving to be recognized as gifted — and, yes, notified that we have powers other people do not. Equally, we want to believe that we are noble enough in spirit not to misuse those powers, or flaunt them to those who are not so blessed. In Rowling's world, those who look down on Muggles are bad guys. Harry may occasionally imply to his awful cousin that he can turn him into a newt, but given the context of life with the Dursleys, who could blame him? We understand the temptation. We understand Harry's frustration when the students of Hogwarts believe him to be the heir of an evil wizard. We understand his pain in believing that his closest friends have abandoned him over the long summer vacation, and his relief to learn that, in fact, they have not — even if we ourselves have never had our personal correspondence intercepted by an elf.

In the end, in spite of having to look up at least ten words a page in a French-English dictionary, in spite of being fully aware that mandrake roots don't really cry, in spite of never having seen an owl in our lives, we understand. □

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## Edelstein, "The Trouble With Self-Esteem," *continued from page 46*

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Suppose that your daughter is an excellent swimmer but a poor runner, or is well above average in math but well below average in languages, or is often unusually considerate of her little brother but sometimes mercilessly teases him to the point of tears. There is no objective method for making these different behaviors commensurable.

In practice, people who pursue self-esteem usually don't get very far in trying to formulate a weighted evaluation of all their performances. Instead, they tend to fall back on some formula which grossly oversimplifies the picture. For example, a child may become convinced that he is no good because he has done poorly at spelling. He may then give up trying, using as an excuse the fact that he is a no-good failure.

Furthermore, people often change, not all at once or overnight, but in particular ways, continually. As Albert Ellis has observed, "People's intrinsic value or worth cannot really be measured accurately because their being includes their becoming."

Another problem is that once we get into the habit of thinking that we are good because we have performed well or bad because we have performed poorly, we generally find that this is not symmetrical. There is an innate tendency

for human beings — perhaps it has survival value — to pay more attention to what is creating discomfort than to what is going well. Self-raters therefore tend to drift downward in their self-rating, drawing gloomy conclusions when they fall short, and not fully balancing these with optimistic conclusions when they do well.

This tendency is all the more powerful because people who rate themselves find in practice that feeling good or feeling bad about themselves is not stable. So, when we say that someone has high or low self-esteem, we're talking about an average. How good we feel about ourselves always fluctuates. Our moods fluctuate naturally, and hanging our sense of well-being on the peg of our self-rating tends to magnify the mood swings.

It is rational to be concerned about your effectiveness in pursuing your goals, and therefore in dealing with problems that arise. It is not rational to be concerned about your overall rating as a person.

The pursuit of high self-esteem, even where it seems to be working for a while, can be hazardous. And at best, self-esteem accomplishes nothing important that can't be accomplished by self-acceptance. □

# Reviews

*A Personal Odyssey*, by Thomas Sowell. The Free Press, 2000, 308 pages.

## Sowell Searching

Bruce Ramsey

Black Americans who publicly dispute the need for racial quotas and affirmative action programs are often attacked by liberals. Economist and commentator Thomas Sowell, in his autobiography *A Personal Odyssey*, offers his life story as a response to those who argue that minorities from poor backgrounds require federally-sponsored discrimination in order to succeed.

Sowell was born in North Carolina in 1929. He was raised in a house without electricity, central heating, or hot running water. When he was nine years old, his family moved to New York and rented an apartment in Harlem. Sowell grew up knowing few white people. His first notable experience came at a New York summer camp, where a white boy asked him why he didn't behave like the colored folks in the movies. "They get paid to act that way," Sowell replied, "and I don't."

Starting at a young age, Sowell became gifted at the art of putting down bureaucrats, bluffers, and mediocrities. One of his teachers, Mr. Leonard, punished his class by keeping them after the end of the school day. Sowell knew the rule about how late a class could be held, and when that time arrived, he recalls, "I informed Mr. Leonard of the rule as I

stood up and began packing my books." Mr. Leonard blocked the door, whereupon Sowell started climbing through a window.

"I'm going to send a letter to your home tonight!" Mr. Leonard told him.

"That's 504 West 145th Street," Sowell replied, "New York, *thirty-one*, New York."

Judging from his memoirs, Tom Sowell was one smart-ass boy. And given his situation, this was necessary for survival. Sowell was raised by his aunt, an arrangement that became intolerable. He had earned his way into an elite public school, Stuyvesant, but dropped out at 16 because of continuing trouble at home. It was seemingly no great tragedy, as no one in his family had gone further than junior high.

Accused of disorderly conduct that same year, he was put under the supervision of a court. At 17, he volunteered to move to the Home for Homeless Boys. As soon as he could afford to move out he called the magistrate and announced that his probation was over. The magistrate threatened him with the law, to which Sowell responded: "There are eight million people in New York. You'll never find me."

"We know where you live!"

"I've moved."

The magistrate wished him good luck and hung up.

Sowell began a long period of working his way up, starting with low-paying jobs and high school night classes. He read books, including those of Karl Marx, after which he became a Marxist. Then came the Korean war — which he opposed — and he was drafted into the Marines. He spent the entire period in the states, much of it as a photographer. In his recollections, he gives high praise to the Marines for their color blindness, though admits that he was not an obedient soldier.

At one point during his time as a marine, he noted that it took two hours to clean his rifle for weekly inspection. "I estimated what the probabilities were that a given rifle would be looked at during a given inspection," he writes. "Then there was the probability that a given rifle would be found unacceptable, even if it had been cleaned. . . . Finally, one had to weigh the punishment — one hour of mowing the lawn around the barracks. My conclusion was that it did not make any sense to try to clean the rifle at all." While the other marines carefully disassembled their rifles once a week, Sowell read books. He got by for months, though he was finally caught.

After the Marines, he enrolled in the all-black Howard University, an institution with a few bright lights and many mediocrities. He then applied to the elite schools, brashly so, with his B-minus average — and was accepted by Harvard. "My test scores saved me," he says.

Harvard was a shock. He almost flunked out. He knuckled under and graduated *magna cum laude*. A few years later, he joined Milton Friedman's graduate class in economics at the University of Chicago.

Friedman didn't cure Sowell of his Marxism. That didn't happen until Sowell took a job at the U.S. Department of Labor, working on issues related to the minimum wage law in Puerto Rico. He began to sus-

pect that the law had caused the collapse of the Puerto Rican sugar industry, and asked his department for the statistics to prove or disprove this. No one would help him. "It forced me to realize that government agencies have their own self-interest to look after," Sowell writes. "Whether or not minimum wages benefited workers may have been my overriding question, but it was clearly not theirs."

Sowell began his career as a university professor of economics at about the same time the civil rights movement was fighting to desegregate hotels, restaurants, and schools in the South. Sowell certainly approved of these goals (he tells several stories of being denied service in the South), but was skeptical that it would achieve the results everybody expected. "The idea seemed to be that white people's sins were all that stood between us and economic and social parity," he writes. "The enormous amount of *internal* change needed within the black community — in education, skills and attitudes — seemed wholly un-noticed. . . ."

Sowell spent ten years in academia before he wrote his first piece on race,

Republican; he hadn't even registered to vote. And though he believed in hard work, he admits that this was not the only factor that led to his success. He was lucky, because he came along "right after the worst of the old discrimination was no longer there to impede me and just before racial quotas made the achievements of blacks look suspect." He had also had the chance to attend good schools. However, his method of achievement may have become impossible for the students who came after him, as a result of programs such as affirmative action. Sowell boldly states that "Many of the paths I followed have

been destroyed by misguided social policy."

A *Personal Odyssey* is a book of memories. It is not *belles-lettres*; Sowell is an economist, not a literary intellectual. His biography is not about his feelings or his thoughts about the big questions of life. Much of it details a progression through classrooms, and searches for jobs in which he does not have to work for idiots. This will disappoint some readers. However, those who know Sowell's work will find value in this book, which explains his roots and dispels the charge that he had his success handed to him on the basis of his race. □

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***Cyberselfish: A Critical Romp Through the Terribly Libertarian Culture of High-Tech*, by Paulina Borsook. Public Affairs, 2000, 256 pages.**

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## Cyberfoolish

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*Tom Sowell was one smart-ass boy. And given his situation, this was necessary for survival.*

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an article in the *New York Times Magazine* in December 1970. That article, which argued that racial preferences in college admissions hurt black students, launched his career as an opponent of affirmative action. For nearly 25 years, he was one of only a handful of people, most of them black, who dared to oppose a policy that was presented as a moral ideal.

After Ronald Reagan's victory in 1980, Sowell was mentioned as a candidate for the position of Secretary of Labor, a post for which he had no interest. Meanwhile, the media held him up as Reagan's man. It was said he believed that discrimination did not exist, and that blacks should "pull themselves up by their bootstraps."

Sowell was appalled. He wasn't a

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Richard Sincere

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Have you ever read a book that you simply could not set aside, so compelled were you to turn page after page after page? Perhaps it was *Atlas Shrugged* or *Catch-22* or, in a lighter moment, a treatise on Swedish land-use planning.

*Cyberselfish* is not one of those books. In fact, I had to force myself to read it all the way through, much the same way one forces oneself to swallow bitter medicine, because I did not want to be accused, as a reviewer, of not fully engaging myself with the material. Of course, that would likely not be a problem for author Paulina Borsook, who goes to great lengths to avoid engaging the arguments she pretends to refute in this book.

Borsook is shocked, quite shocked, by the libertarian philosophy that infests Silicon Valley. (She limits her critique almost entirely to the high-

tech world of Northern California.) Yet it is clear that her research did not include a single book by a libertarian thinker or about libertarianism. She mentions some books — such as Virginia Postrel's *The Future and Its Enemies* — in a feeble attempt to prove her credentials, but her lack of engagement with the arguments and her frequent errors of fact show her self-described credentials to be fraudulent.

Two examples of error leap out at the reader. In the introduction, she says the Libertarian Party "is the party that routinely nominates Harry Browne as its presidential candidate." That's like saying the Democratic Party "routinely nominates Bill Clinton as its presidential candidate." It hardly takes into account the fact that in every election since 1976, the GOP ticket has included someone named Bush or Dole. And, for a book that was published on June 6, 2000 — one month before Harry Browne became the first

person in the history of the Libertarian Party to be nominated twice as a presidential candidate — it demonstrates a high degree of ignorance of the Party's performance, not to mention its core beliefs (more on this later).

Toward the end of the first chapter (titularly about "bionomics" but really about so much more), Borsook says the Cato Institute has been "hugely funded since the late 1960s and early 1970s"

*Borsook says the Cato Institute has been "hugely funded since the late 1960s and early 1970s" — a neat trick for an organization established in 1977!*

(66) — a neat trick for an organization established in 1977! Although Borsook acknowledges Cato's pride of place in the libertarian pantheon — such as it is — she obviously knows nothing about the Institute itself, much less the philosophy that animates it. (On page 17, she says of Cato: "To them, government is fine for dealing with the anachronism of nation-states [foreign policy, defense, import-export hassles] but is irrelevant to all else and should just get out of our way." Someone should alert Ted Galen Carpenter before he decries non-interventionism again.)

Not only does Borsook fail to engage her opponents, she often fails to sustain her own arguments long enough to bring them to a suitable conclusion. When I say she fails to engage her opponents, I do not mean she does not argue with them. She does, but more often, she merely mocks them. She does not even take the trouble to set up straw men to knock down. Instead, she avoids ideas and focuses on tone and attitude. (Borsook's personal tone is a breathless, neo-Joycean style of stream-of-consciousness that is exasperating at best, frustrating at worst.)

In a series of anecdotes about conferences sponsored by The Bionomics Institute (TBI), later taken over by Cato, Borsook talks about the types of people there, how they dress, where they come from, their preferences of

suburban locales over downtown conference sites. She never once mentions an idea the participants or the speakers address. For instance, in describing one conference speaker, Peter Huber, she cites a paper he wrote on telecommunications deregulation, asserting that it posited that "in the realm of communications, everything would interconnect and self-heal and route most efficiently if left on its own without the Great Satan of regulation and

the devil would take the hindmost and, as I think it was said by a terror of the Counter Reformation, 'God will sort them out'" (68), going on to explain this reference to the St. Bartholomew's Day massacre — but never once telling us readers what Huber himself *said*, in the sense of quoting his spoken words at the conference or the text of the paper Borsook so colorfully critiques.

Nowhere in the book is there a

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mention of the non-coercion principle. Her only substantive mention of Ayn Rand is to attack — no surprise here — not Rand's ideas, but her attitude ("her fiction demonstrates all the humorlessness, lack of irony, 2-D heroes, and political exhortation of the collectivist world she despised" [144]). The word "objectivism" cannot be found in the book. To Borsook, libertarianism can be summed up as the belief system of people "violently lacking in compassion, ravingly anti-government, and tremendously opposed to regulation," while libertarians themselves are the embodiment of "nastiness, narcissism, and lack of human warmth" (5). She writes of "the most virulent form of technolibertarianism [as] a kind of scary, psychologically brittle, prepolitical autism" (15). No wonder she describes her "fascination" with libertarianism as one of "mongoose-to-cobra style" (4). She doesn't have to understand the snake in order to kill it.

At the same time Borsook makes it clear which thinkers she admires, to wit: "The 'Communist Manifesto' has it right . . . Marx and his pal Engels had other relevant things to say about the spread of global capitalism (much more accurate for the description of what is happening at the end of our own century than at the end of his)"

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*Borsook talks about the types of people there, how they dress, where they come from, their preferences of suburban locales over downtown conference sites. She never once mentions an idea the participants or the speakers address.*

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(44). And: "I am a Luddite — in the true sense of the word. The followers of Ned Ludd were rightfully concerned that rapid industrialization was ruining their traditional artisanal workways and villages. . . . Like the Luddites, I am not so sure most change benefits most people" (47-48). (I guess that's why stagnant, traditional societies in the Third World have the long-

est life spans, the lowest rates of illness, the lowest infant-mortality rates, universal literacy, such high standards of living, and such low levels of pollution. Oh, but they don't, you say? My bad!)

Borsook's eschewal of intellectual engagement goes a long way toward explaining why this book lacks a bibliography or references of any kind. One cannot list the works one has used for research if one has not read any articles or books on the topic one writes about. (At least no one will ever accuse Paulina Borsook of

plagiarism.)

Some other writer may come up with a convincing critique of the rampant "technolibertarianism" that Borsook has discovered in Silicon Valley. In order to do so, however, that writer must first understand what libertarianism is, who its major proponents are, and what those proponents say about it and about public policy issues as well as philosophy. Borsook has failed in all three tasks, and as a result has given us a dense, unreadable book about what could be an interesting and engaging topic. □

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*Clearing the Air: How the People of Virginia Improved the State's Air and Water Despite the EPA*, by Becky Norton Dunlop. Alexis de Tocqueville Institution, 2000, 213 pages.

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## Battling the EPA

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Clay J. Landry and  
J. Bishop Grewell

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An arrogant attitude exists among Washington D.C.'s politicians and bureaucrats. They seem to think that ordinary citizens can't be trusted to maintain the environment. In fact, they believe that the only way to protect nature is for the federal government to regulate people closely and to punish polluters harshly. In her new book *Clearing the Air: How the People of Virginia Improved the State's Air and Water Despite the EPA*, Virginia's former Secretary of Natural Resources, Becky Norton Dunlop, dispels a popular policy myth. Dunlop, who was instrumental in developing and implementing many innovative environmental policies, describes how she fought off federal control, clearing the way for Virginians to improve their state's air and water, and to do it their way. Dunlop offers fresh anecdotes from the battle to beat back onerous federal management and to allow states to

provide alternative solutions to their environmental problems. Her book also examines the tainted game of politics played by Environmental Protection Agency bureaucrats who are more concerned with increasing their regulatory control than with protecting the environment.

Only days after taking office, Dunlop found herself going toe to toe with EPA Administrator Carol Browner over the agency's proposal for the "California car." The EPA had mounted an aggressive campaign to force eastern states to adopt a costly electric vehicle designed to reduce air pollution, but Dunlop knew this policy made little sense for Virginia. The rest of the country did not share California's smog problems. Los Angeles, in particular, suffered from smog and particulate matter seen almost nowhere else in the United States. "Requiring northeastern states to take the California cure," Dunlop observes, "was like treating the common cold with chemotherapy."

Dunlop argued that the expensive

California car could actually hurt the environment by slowing fleet turnover as people delayed purchasing new cars because of "sticker shock." Air quality was already improving because people were trading in their older models for new cars. With the latest model cars polluting 90-97 percent less than cars made in the 1960s, emissions reductions from fleet turnover were already substantial. Dunlop notes that it is "little wonder so many people suspect the

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*Dunlop feels strongly that local people are the best stewards and that environmental policy is most effectively handled by the states.*

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persistent press to make government standards ever less tolerant is less a calculation to protect the environment than to protect 20,000 EPA jobs and advance a 'one-size-fits-all' command and control economy."

In the first of several David and Goliath victories, Virginia prevailed in a federal lawsuit that ruled the EPA's attempt to impose California regulations on the rest of the country was illegal. Dunlop points out, however, that while the victory prevented the EPA and the commission from imposing a car policy on Virginia, nothing in that decision prevented other states from adopting the California car for themselves. The spirit of federalism was alive and kicking.

Each chapter offers another story of how Dunlop, the Secretary of Natural Resources, squared off with Browner, the EPA Administrator. There was clearly no love lost between the two. Part of their enmity stemmed from their opposing philosophies. Dunlop feels strongly that local people are the best stewards and that environmental policy is most effectively handled by the states. "It is in the nature of government, and even the environment, that decisions made close to the point of impact are likely to be the best," Dunlop writes. Browner, who worked ardently to impose an increasing number of federal regulations, clearly sees things differently.

In a particularly enlightening chapter, Dunlop blows the whistle on the country's largest polluter — Uncle Sam. She recounts an experience with Lorton Federal Prison, "a boil on Virginia's backside." The facility was built to hold prisoners for the District of Columbia, but its aging sewer system was not up to holding the prisoners' waste. The prison often suffered sewage-line breaks allowing horrid smells to drift across the Virginia countryside. Dunlop wasn't about to let the federal government off the hook. After repeated efforts to get the EPA involved, Dunlop took action. She wanted the federal prison fined for violating Virginia's environmental laws, but more importantly, she wanted the mess cleaned up. Eventually, a fine was levied against the District of Columbia, which agreed to fix the Lorton problem, but not until Virginia had made a stink about it.

Dunlop's narrative occasionally stumbles when she fails to show how her proposed policy changes would result in a cleaner, healthier environment. She often declares an environmental victory because new policies are passed or federal regulations are blocked, but the reader is left wondering how these changes improved the environment. While those with a healthy understanding of environmental federalism may be able to construct the results, those without that background may be left in the dark. By quantifying the environmental gains and clarifying the process by which they were achieved, Dunlop could have enhanced her argument for greater local control.

Dunlop is most successful when she drives home the point that federal environmental policy is, in reality, more about regulations and compliance than about improving the environment. In one vignette, she seeks to obtain air quality credit for using remote sensing in Virginia's air quality improvement plan. This technology uses infrared light to measure the pol-

lution coming from a car's exhaust plume. Without the credit, an inflexible Browner and her agency could have punished Virginia with the loss of federal highway funds. Dunlop writes, "If Virginia instituted remote sensing as a core element of its plan in defiance of the EPA, the state would earn no credits even if air quality improved. But as long as it followed an EPA-approved plan, the state would earn full credit even if air quality deteriorated. Thus states that improved the environment could be penalized, and those that polluted the air could be rewarded because the environment was a secondary issue. What mattered was not substance, but servility."

On occasion, Dunlop took a wrong turn in her quest to empower the people with responsibility for their own environment. In the battle over the California car, manufacturers proposed another alternative, which they called the "49-state car." This car burned gas, but burned it significantly cleaner than the average car. Dunlop decided to support this car, stating: "If auto manufacturers possessed practical technology to make a car that would produce less pollution — but not be significantly more expensive — then it made sense to market that car everywhere instead of just the Northeast." Yet she did not actually want to let the market or the individual states determine whether the car should be sold; she wanted a national standard. In this way, the costs could be spread across the country and kept down. Dunlop made the mistake too often made by Republicans. While wary of environmental interests, she was happy to go to bat for business interests. To be fair, Dunlop admits to having a moral dilemma: "[Is] it fair to push a cleaner car on the entire nation, believing that



"She started out playing hard-to-get, but now it's degenerated into hide-and-seek."

mass marketing would hold down the price, when in fact the air quality problems caused by exceptional concentrations of automobile congestion are almost entirely localized and site and situation specific?" In the end, though, she decided the political compromise was necessary.

Even so, *Clearing the Air* builds a strong case against the one-size-fits-all

environmental policies of the federal government. As Virginia's Secretary of Natural Resources, Dunlop helped break the regulatory shackles of the feds by implementing innovative programs that made Virginians, rather than big government, the keeper of their own environment. By laying out the facts with her new book, Dunlop is helping others follow her lead. □

*A New Birth of Freedom*, by Harry V. Jaffa. Rowman and Littlefield, 2000, 550 pages.

# Jefferson, Lincoln, and Bork

Timothy Sandefur

Harry V. Jaffa has finally completed the second part of his powerful study of Abraham Lincoln, which began with *Crisis of The House Divided* in 1957. *Crisis*, the most important Lincoln study of the last century, is the only in-depth analysis of the Lincoln-Douglas debates, and remains Jaffa's most famous book, a classic of political theory and history.

Jaffa is best known as a gadfly of conservatism. After working on Barry Goldwater's presidential campaign — where he wrote Goldwater's most famous line, "Extremism in the defense of liberty is no vice; moderation in the pursuit of justice is no virtue" — Jaffa went on to teach politics at the Claremont Colleges in California. A student of the philosopher Leo Strauss, Jaffa has been as virulent in his criticisms of conservatives such as Robert Bork and Russell Kirk as in his criticisms of liberalism. To Jaffa, both sides are increasingly buying into the central premise of tyranny, which he traces to the politics of John C. Calhoun: that society is a primary and individual rights are derivative. This notion stands in contrast to the Jeffersonian view that rights are primary and that govern-

ment, therefore, derives its just powers from the consent of the governed. It comes as no surprise to Jaffa that conservative followers of Calhoun deride this idea — and the rest of Jefferson's ideas. In books like *Original Intent and the Framers of the Constitution*, and *Storm over the Constitution*, he has developed an incisive critique of conservatism, uncovering its fundamental base of tradition-bound collectivism.

Jaffa is therefore one of the last serious defenders of natural rights on the academic scene. He has presented the most prescient analysis of conservatives since John Stuart Mill called them "the stupid party." Jaffa shows time and again that, led by Kirk and Bork, American conservatism has become "profoundly alienated from [America's] Founding principles."

To the Borkian conservative, society comes first and rights come second. The society may therefore determine to whom it will grant rights, or to whom it will refuse them — as Calhoun said, "It is a great and dangerous error to suppose that all people are equally entitled to liberty." Unlike the Lockean view, which sees social sovereignty as derived from "that equal right that every man hath to his natural freedom, without being subjected to the will or authority of any other man," the

Calhounian view sees equality as a highly dangerous notion. Thus Calhoun's modern progeny, such as Russell Kirk, have said that equality was no part of the American Revolution. Kirk claimed that "the Declaration [of Independence] is not conspicuously American in its ideas or its phrases, and not even characteristically Jeffersonian." More emphatically, Irving Kristol stated that Jefferson "wrote nothing worth reading on religion or almost anything else." Harvey Mansfield called the Declaration of Independence a "self-evident half-truth" — this being a bit more charitable than Calhoun, who said simply, "there is not a word of truth in it."

The conflict between the Borkian conservatives and Jaffa's smaller cadre comes down to the fundamental basis of freedom. Bork writes:

In our view of morality and responsibility, no husband or wife, no father or mother, should act on the principle that a 'person belongs to himself and not others.' No citizen should take the view that no part of him belongs to 'society as a whole.' Under that notion, there would be no moral obligation to obey the law and it would certainly be impossible to draft an

*To Jaffa, both liberals and conservatives are increasingly buying into the central premise of tyranny, which he traces to the politics of John C. Calhoun: that society is a primary and individual rights are derivative.*

army to defend the nation. [Believing that the individual owns himself is] a position of extreme individualism, which amounts necessarily to an attitude of moral relativism. If all that counts is the gratification of the individual, then morality is completely privatized and society may make no moral judgments that are translated into law.

Contrast this with what Thomas Jefferson had to say on the subject:

It were contrary to feeling and indeed ridiculous to suppose a man

had less right in himself than one of his neighbors or all of them put together. This would be slavery and not that liberty which the [English] Bill of Rights has made inviolable and for the preservation of which our government has been changed. Nothing could so completely divest us of that liberty as the establishment of the opinion that the state has a perpetual right to the services of all its members.

Jaffa sees this conflict at the heart of the Lincoln-Douglas debates. Douglas argued for what he called "popular sovereignty," that the people of the western territories had the right to "decide for themselves" whether to permit or exclude slavery. Lincoln took Jefferson's view: although the Consti-

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*To the Borkian conservative, society comes first and rights come second.*

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tution prohibited interference with slavery in states where it already existed, it could not permit the spread of the evil to new territories:

Judge Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying: "The white people of Nebraska are good enough to govern themselves, but they are not good enough to govern a *few miserable Negroes!!*" Well, I doubt not that the people of Nebraska are, and will continue to be, so good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, *without that other's consent.*

Jaffa's first book focused on the 1858 debates; *A New Birth of Freedom* considers Lincoln from his election to his assembly of a special Congress on July 4, 1861. Once again, Jaffa presents an impressive analysis of Lincoln in the context of Jefferson, Madison, Calhoun, and even William Shakespeare. Of course, few historical figures have suffered more at the hands of libertarians and conservatives than Abraham Lincoln. He was the father of big government, this argument goes, a tyrant who obliterated the constitution, sus-

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pending *habeas corpus*, drafted an army — and heck, was racist to boot, and maybe gay. Some of these criticisms are justified — one can hardly defend such a thing as the military draft, for instance — but many are less so; the Constitution specifically permits the suspension of *habeas corpus* during civil insurrection. And, as Jaffa shows, the general conclusion that Lincoln was a tyrant or a fool is not justified at all.

Lincoln implies, as does the Declaration itself, that majority rule is for the sake of securing rights possessed equally by the majority and the minority. Whether anyone's rights to life, liberty, or property ought to be protected is not itself supposed to be subject to majority rule. No majority can rightly deprive the innocent minority of life, liberty, or property. As Jefferson put it, "though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression."

This principle provided sufficient cause for the North to liberate the slaves, and thus for the elimination of the Southern "way of life," which denied natural rights and was, as Confederate Vice President Alexander Stephens said, "founded on the great truth, that the black is not the equal of the white man." Yet the Constitution protected slavery in the Southern states. What could have provided the necessary cause, then? The Southern states' assertion of a legal right to secede, and the subsequent attack on a Federal fort. As the Constitution guarantees a "republican form of government" to every state, and the president must "see that the laws are faithfully executed," it became Lincoln's duty to defend the tradition of peaceful presidential succession, and of the Constitution as "the supreme law of the land." Thus the federal government's right to eliminate slavery became a positive duty.

There are some jarringly wrong statements in the book, which one might dismiss as quirks if they weren't repeated so often in Jaffa's other writings, yet they seem unessential to his theory. In one passage denouncing "Progress" (what Karl Popper more accurately termed "historicism") Jaffa has at Friedrich Nietzsche:

Nietzsche's proclamation that

'God is dead' meant, among other things, that Science now promised everything for which mankind had once turned to God. Unlocking the secrets of nature would unlock the nature of creation, the mystery for which God was no more than a symbol. The piety professed by Calhoun now collapsed into atheism. Why continue to praise God for what man's unaided powers alone can accomplish? The progress of Science meant that mankind now had the power, and the responsibility, of a God who created *ex nihilo*. To be possessed of that power meant that man, like

God, was beyond good and evil. Man-kind, or any man who understood the true conditions of mankind and commanded the resources of Science, could now play God or, what amounted to the same thing, become the tyrant of the universe he created. Those superscientists Hitler and Stalin come to mind.

Yet the specifics of these allegations evaporate upon analysis, leaving only a residue of routine conservative antipathy toward science. Since when has science claimed the power to create *ex nihilo*? It has demonstrated precisely that this is not possible — which is why

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conservatives reject science as a conspiracy of atheists. Nietzsche never suggested that science allowed men generally to live beyond good and evil. That's why he said "übermensch" instead of "mensch." Nor does science lend any more support to Hitler and Stalin than Hitler and Stalin lent to science. They virtually destroyed European science for a lifetime. Hitler denounced relativity as "Jewish science," while Stalin sought to repeal Mendel's laws through Lysenkoism, resulting in starvation and the stifling of Soviet biology. The allegation that science is responsible for the evils of 20th century collectivism is as wrong and as dangerous as the idea that capitalism caused the Great Depression.

Nor is it consistent with Jaffa's own statement, elsewhere in the book, that "'We hold these truths to be self-evident' is an assertion at once of a necessity and of a freedom inherent in reason and nature. It implies a freedom in the mind to apprehend truth, and a necessity in nature, a necessity external to the mind, that determines what the truth is. In the last analysis, freedom is the ability to be determined by the truth." This is right, but the "freedom of the mind to apprehend the truth" is science.

Elsewhere, Jaffa says that Calhoun, Hitler, and Stalin were "no more than an inference from Darwin's teaching," and that teaching "condemns the theory of natural rights to the dustbin of history." These are precarious claims. If Jaffa is suggesting that bold perversions of Darwin, by Hitler and others, had evil results, he's obviously right. If he's arguing that evolution is incompatible with any theory of natural rights, then he does not show that this choice is necessary, or indeed that he even understands — let alone, can refute — natural selection as a means of species formation. Like all Straussians, Jaffa's assaults on science are embarrassingly absent of scientific content and thus come off sounding like the postmodernist complaints that life was better before we had all this nasty knowledge. Science has actually shown precisely the opposite of what Hitler claimed. The greatest discovery of 20th century science was made, after all, by a Jew.

Despite these flaws, *A New Birth of Freedom* is an outstanding book, the last chapter of which is especially valuable.

In it, Jaffa provides what he calls the definitive critique of John C. Calhoun's politics: "In Calhoun, there is no doctrine of individual rights apart from the positive law of any given community." And thus the primary equality which the Declaration of Independence announces is a lie — as is all that proceeds from it, including government by consent. This seems ironic, in light of Calhoun's popular image as a defender of the states against overarching federal government. But Calhoun did not fight for individual rights — only for the rights of states. Without a state of nature, or primary rights, Calhoun's theory could acknowledge only those rights which are granted to citizens by their society, and those must be carefully kept within bounds to prevent anarchy, the "worst of political evils." Government exists "to serve society, and society 'to preserve and perfect our race.'" The majority of whites, being the superior race, has the right to enslave blacks, and nobody outside that culture had any moral basis to criticize that decision; individual rights are not prior to civil society, and neither is morality. If all of this sounds rather familiar, that's because, as Jaffa says, this politics "is shared by virtually all of the legal profession today, including nearly all

members of the Supreme Court." Unfortunately it is also shared by many libertarians; not long ago, *The Freeman* called Calhoun a great constitutionalist.

Walter Williams has bemoaned the loss of the "love, courage and respect for our Constitution [shared by] Thomas Jefferson, James Madison and John C. Calhoun." This is an odd grouping, since Madison spent the last years of his life denouncing Calhoun, and likening his constitutional theory to the serpent of Eden. Others praise the South even more extensively, reminding one of Adolf Hitler's lament that "Since the Civil War the American people have been in a condition of political and popular decay. The beginnings of a great new social order based on the principle of slavery and inequality were destroyed by that war, and with them also the embryo of a future truly great America." Libertarians should read Jaffa's critique before endorsing such shameful principles.

Jaffa is at his best when serving as gadfly, like his hero Socrates. And, like Socrates, Jaffa forces readers through an acidic re-examination of their foregone conclusions, whether historical or political. Even when he is wrong, he forces us to think deeply, carefully, and honestly. □

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*The Life of Thomas More*, by Peter Ackroyd. Doubleday, 1998, 447 pages.

*Lawrence: The Uncrowned King of Arabia*, by Michael Asher. Overlook, 1999, 419 pages.

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## *The Maverick and the Saint*

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Adrian Day

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Lawrence of Arabia and Sir Thomas More might be considered unlikely candidates for comparison: one an Army officer with a reputation for ferocious cruelty in battle, the other a Catholic

saint who persecuted heretics. Yet both men displayed characteristics of particular interest to libertarians. Each had a strong belief in self and in his own beliefs, and each displayed an attitude to authority that was not only skeptical but positively hostile. Each paid for his beliefs and attitudes: Lawrence with his

career, More with his life.

T.E. Lawrence was a remarkable man. Not everyone appreciated this; British army colleague Ronald Storrs called him "reckless, irresponsible, misleading, tiresome, exasperating, maddening" — and Storrs was an admirer. A loner, Lawrence tended to remain aloof, which might well have caused resentment and misunderstanding

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*Both More and Lawrence were complex men of ambition, who answered to higher authorities than those of the governments they served — More to his religion, Lawrence to his idealistic view of the Arabs.*

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among his colleagues; nor was he considered brilliant. When a professor made the assessment that there was "nothing which qualified him to be an ordinary member of society," it was not a compliment. Lawrence had such strong and often conflicting aspects to his personality that it would be easy to slide into pop psychology when discussing him. Michael Asher, in his brilliant biography *Lawrence: The Uncrowned King of Arabia*, avoids that trap, though he does offer suggestions on the underlying motives that drove the man. Asher is uniquely qualified to present Lawrence's story: an officer in the SAS parachute regiment, he was the first man to make a west-to-east crossing of the Sahara on camel and foot.

Much about Lawrence's early life — how he ran away from school and joined the army while underage, for example — comes primarily from Lawrence's own writings, which causes a problem: Lawrence was notoriously imprecise with facts. But what critics interpreted as falsehoods that proved the unreliability of his testimony, Lawrence considered mere embellishments. In one particular story, he variably claimed to have seen either 100 mules or a camel caravan. To Lawrence, the impressive sight itself remained the most important aspect of his account; the specific number or type of animals was irrelevant.

In spite of such unreliability from a biographical subject, Asher offers not merely a biography but a roaring good adventure. Lawrence instigated and led the Arab revolt during the First World War. He went places no Englishman had ever been and fought battles against a tough enemy in unfamiliar territory with only untrained fighters. His renowned crossing of the An Nafud is all the more remarkable for someone who, until halfway through the war, had never ridden a camel. The famous film "Lawrence of Arabia" is in most respects an accurate if somewhat romantic portrayal of this event. Asher's more factual account retains the dramatic flair of the desert crossing while providing full documentation.

Lawrence was not suited to being a low-ranking British army officer. He had great military instincts, both strategically and tactically, and was frequently at odds with superior officers, finding it easier to fight his own war out of their reach (sometimes deliberately out of reach). He was often put in the position of having to make risky promises to his government's Arab allies. Since the Arabs felt he represented Britain, and that his word was Britain's word, Lawrence felt personally betrayed when he discovered that Britain might not fully carry out his commitments. Later, he felt tortured about having made promises he knew would not be kept. In the end, he resigned from the army, and attended the Cairo Conference as an advisor to King Faisal. Subsequently, he joined the Royal Air Force as a private, using an assumed name. This was Lawrence's method of protest, and a way of removing himself from the world.

Another great dissenter, Sir Thomas More (known as "Saint Thomas" to Catholics), came from the professional classes at the end of the Middle Ages. Novelist Peter Ackroyd's *The Life of Thomas More* sets the political and social context well, with sufficient but not overwhelming detail. More was a lawyer and humanist, and the author of *Utopia*. After joining the court, he rose quickly to become Lord Chancellor, the most powerful figure in England, second only to the king.

For a time, Sir Thomas was a loyal servant, writing powerful polemics against heresy on Henry VIII's behalf, and himself pursuing heretics.

However, after the Act of Supremacy became law, More resigned as Chancellor rather than accept various anti-papal acts that had passed Parliament and take an oath confirming Henry's status as head of the Church in England. He did so quietly, but his resignation was widely considered a protest against the supremacy oath. In spite of the advice of fellow martyr John Fisher, who urged More to speak out on the grounds that "silence betokens consent," More maintained his silence almost to the end. He was arrested, imprisoned, convicted, and, in 1535, executed. It is quite appropriate that he was chosen by Pope John Paul to be the patron saint of politicians.

Both More and Lawrence were complex men of ambition, who answered to higher authorities than those of the governments they served — More to his religion, Lawrence to his idealistic view of the Arabs. Each man found that his conscience prevented him from taking full advantage of the glories and trappings at his disposal. Each carried self-discipline as far as self-flagellation. Even as Chancellor, More often wore a hair shirt under his gown and ermine, and frequently beat himself. Lawrence, who drove himself until he bled, arranged to be whipped. This strange self-discipline was a sign of personal independence.

In many respects, both More and Lawrence belonged to an age prior to their own. More was the archetypal late medieval humanist, out of place in the powerful new Tudor state. Lawrence continually harked back to the 19th century, and fought a war that could well have been Victorian. He did not enjoy modern warfare or the new realities of power politics; they seemed too impersonal. Each man stood against his age, and each suffered for his individualism. Their stories will be of great interest to modern individualists.

Fortunately, Ackroyd and Asher provide biographies worthy of their subjects. The writers clearly admire the men they write about, but avoid the common pitfalls of uncritical hagiography or character assassination (or, for that matter, the pseudo-Freudian analysis) that so often passes for biography today. Both books are exceptionally well-written, in addition to having as their subject matter two of the most fascinating men in history. □

## Letters, from page 36

of which McCarthy quotes, was caught lying some time ago when it intentionally underreported the incidence of partial birth abortions. There are always exceptions to every rule but it is the hallmark of modern newspeak, and bad logic, to reason from one exception to all or most cases.

McCarthy has no understanding of the underpinnings of the pro-life position. They wail about ravaged women and rape victims, ignoring the fact the person growing within the woman is an innocent party and must be treated as such. Killing the fetus cannot be a "means to the end" of saving the mother's life, although actions may be taken in difficult cases, which in all probability will kill the fetus, but this does not come under the umbrella of abortion, and is morally blameless to the physician and the pregnant women.

Patrick C. Carroll  
Elmont, N.Y.

## The Real Reason for the War on Drugs

What the drug warriors don't want anyone to know is that they secretly don't list victory as an objective in their war.

Just remember that the drug czars' jobs depend on the perpetual prosecution of, but *never* a victory in, the drug war. Also, remember that the politicians depend on the drug war and its rhetoric to scare up votes (by scaring voters). The politicians also rely on the drug war to sustain their constituent industries that depend on the economics of prohibition in order to make generous profits and campaign contributions that keep the drug warrior politicians in power and, therefore, keep themselves in business.

Remember what H.L. Mencken said: "The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary."

Myron Von Hollingsworth  
Fort Worth, Texas

## The War on Masculinity

The campaign against toy guns, would you believe it, is only the latest example of the feminist assault on mas-

culinity. (*Terra Incognita*, October & November)

Feminists ostensibly aim to help people, but, in reality, their main motive is to attack men.

When feminists claim that American women have been oppressed, they are wrong. William Dean Howells said long ago that American women "are far better educated, for the most part, than our men." Max Lerner wrote in 1957 that "the usual estimates are that women control up to 70 per cent of America's wealth." Oppressed? Come on, let's get serious!!!

The truth is, the country is a matriarchy! Unfortunately, many men, especially in the media, are feminized males. (It can be shown that even Rush Limbaugh could qualify as a feminized male.)

Robert E. Walters  
Winter Park, Fla.

## Shame!

This is to tell you how very disappointed I am in your printing of that stupid article, "The Best Little Whorehouse in Kooskia, Idaho" (November). That certainly lowered my opinion of all of you. And to think I was stupid enough to actually *read* it.

Let's not see any more *trash* in your paper. Give us something to *lift* our moral level — not lower it. *That* is what our government needs more than anything else — *morality*.

Hazel Hansen-Danielson  
Shoreline, Wash.

## Hare-Brained Politics

David Brin, in his essay "Left-Brained Politics" (December), provides a superb critique of Republican hypocrisy. However, his view of the Democrats is so naive as to strain credulity.

Does Brin really believe that Democrats are sincere seekers after a better world? If so, I've got a bridge I'd like to sell him. The historical record amply demonstrates that Democratic leaders are mostly hucksters inventing imaginary problems to scare the populace into letting the State take more power over citizens' lives. Think of the War on Drugs, the hype over school shootings, the groundless environmental scares. The fact that their tactics have succeeded in gaining them major support is no reason to respect

them. For that matter, even if the Dems are sincere and earnest world-improvers, that raises their moral stature not at all. The Nazis sincerely believed that they could improve the world by eliminating the Jews from it.

Brin also completely ignores the moral dimension of the statist "solutions" for which he credits the Democrats. It doesn't matter whether the FDA, OSHA, etc. are effective programs or not; they are *wrong*, because they violate people's natural right to make their own decisions. If the majority believes that it is acceptable to violate that right in order to "solve real, aching problems," then the majority is mistaken. Rather than pandering to the majority in order to get votes ("Look! The libertarian 'solution' has all the effectiveness with only half the evil!"), we ought to try to convince them of their error.

This was the strategy followed by William Lloyd Garrison, the great abolitionist writer and orator. His radical, uncompromising denunciation of slavery at first struck most people as a fringe "rant," but he kept at it. He explicitly rejected political action and denounced the whole political process as corrupt. Yet he (arguably) had more to do with the enormous change in American public opinion about slavery than his more conventional colleagues, who focused on "pragmatic solutions" like colonization and compensated manumission.

Today, the American welfare-warfare state holds citizens in a subjection that differs only in degree, not in kind, from the evil of chattel slavery. We ought to speak the plain truth about this, rather than worrying about "pragmatic solutions." Yes, comparing modern statism to slavery sounds like outlandish hyperbole to most people today. But the plain truth about the evil of slavery sounded like outlandish hyperbole to most people in 1835.

Nicholas Weininger  
Somerset, N. J.

# Liberty

... makes a great gift. For special holiday rates, see the back cover of this issue.

# Terra Incognita

## Roy, Wash.

Another dangerous criminal gets off on a technicality, as reported by the *Durham Spectator*:

A state judge overturned a citation issued against Lisa Alger for owning an unlicensed cat, "Patches." The citation was issued when a Humane Society monitor asked Alger's seven-year-old son the names of their pets. Patches is a stuffed animal.

## Washington

Interesting qualification for election to the high office of president of the United States, provided by Socialist Workers Party candidate James E. Harris for the *State of Washington Voters Pamphlet*:

"In February James E. Harris was part of a delegation to revolutionary Cuba that included six farmers and two members of the Atlanta Network on Cuba. The tour enabled farmers to meet fellow rural producers in Cuba and learn about the advances made as a result of the Cuban revolution."

## Vancouver, Canada

Unusual election tactic, reported by CNN:

New Democratic Party candidate Lorrie Williams was photographed nude for the "Dames Do It for the Homeless 2001" calendar, in an effort to raise funds for a women's crisis center.

## Wilkes-Barre, Pa.

Interesting disability claim, as reported by the *Wilkes-Barre Times-Leader*:

Stripper Patricia Ryan is suing the Cabaret strip club and its owner after she accidentally set herself on fire during a fire-breathing routine in her Sept. 15, 1994 act. Ryan claims that, despite the fact she was able to continue performing the night after the accident, that she had to undergo two-and-a-half years of rehabilitation, that her dancing and modeling career was ruined, and that she must now wear "non-fashionable, conservative" clothes to hide the scars.

## Kfar Shouba, Lebanon

The latest round of hostilities between Israel and her neighbors, as reported by Reuters:

Four Lebanese children have taken a cow hostage after it wandered over the Israeli border. The children have said that they will release the cow once several goats that have wandered into Israel are returned.

## Hong Kong

Advance in the science of economic forecasting, as reported in *Finance Asia*:

Trading on the Hong Kong stock market has become lighter in fear of the anticipated debut of the television show "Divine Retribution," featuring the character Ting Yeah. In what is described as the "Ting Yeah Effect," some traders maintain that previous shows featuring the character have correlated with drops in the Hang Seng index of as much as 5,300 points.

## Atlantic City, N.J.

Setback in the War on Crime, as reported in the *Legal Intelligencer*:

In response to a lawsuit filed by a group of card counters, a panel of judges has ruled that Atlantic City casinos' policy of reshuffling cards "at will" during blackjack games does not violate RICO laws.

## Oslo, Norway

Reality TV becomes even more real, as reported in the *San Francisco Examiner*:

When a man broke into an apartment used for a reality TV program and stole cash and perfume, he denied the act until staff members who apprehended him pointed out the 17 miniature video cameras used to film the program.

## New York, N.Y.

Advanced development in New York's gastronomic scene, as reported in the *New York Post*:

When the Division of Alcoholic Beverage Control attempted to take away the liquor license of La Maison de Sade after a waitress removed her underpants and stuffed them into investigator Mark Yallum's mouth, La Maison defended itself on grounds that "such behavior [is] expected" at the sadism-and-masochism-themed restaurant which features "spanking" and "humiliation" on its menu, and that "it's obvious Samantha didn't expose her genitals during the incident — otherwise Yallum would've noticed that 'she' was a he."

## Broken Arrow, Okla.

Advance in public health reported in the *Detroit Free Press*:

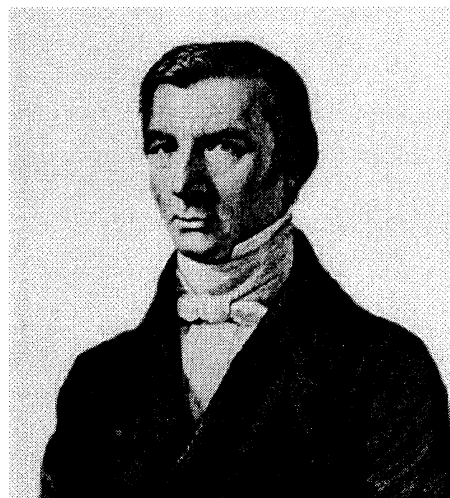
Union Intermediate High School suspended a student for 15 days for causing a teacher to become ill by casting a spell.

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or e-mail to [terraincognita@libertysoft.com](mailto:terraincognita@libertysoft.com).)

# The 20th Annual World Conference of the International Society for Individual Liberty 2001 Bastiat's Odyssey

Co-sponsored by Libertarian International  
and organized by Le Cercle Frederic Bastiat

## Help us celebrate the 200th Anniversary of Bastiat's birth in Dax, France – July 1-5, 2001



Frédéric Bastiat

**Libertarians!** Join with us in France this coming July to celebrate the "Year of Bastiat".

Jacques de Guenin, Mayor of Saint Loubouer, France, founder and president of Le Cercle Frédéric Bastiat, and host of the 2001 ISIL/LI world libertarian conference, invites you to join us in Dax, France (in the picturesque region just south of Bordeaux) to celebrate the 200th anniversary of the birth of the famous French 19th-century libertarian Frédéric Bastiat.

Part of the theme of this world event will revolve around the life and teachings of Frédéric Bastiat, who is probably best known for authoring one of the truly great classic books of libertarian literature – *The Law* – published in 1853.

As added bonuses we will enjoy a grand reception at Mugron where Bastiat spent most of his life, and visit his birthplace at Bayonne where we will place a plaque on his house.

### THE SITE

The conference will take place at the Caliceo Hotel in a suburb of Dax/Les

Landes. This is a sensational setting amid woods and lakes at one of France's leading spa resorts. Facilities include mineral water pools, jacuzzis, hydrojets, swimming pools. Bring your bathing suit.

### THE SPEAKERS

This event will feature a constellation of outstanding speakers. Here are but a few.

- **Henri Lepage** (author of *Demain Le Capitalisme/Tomorrow Capitalism*)
- **A Nobel Prize Winner in Economics** (to be announced) – on public choice
- **Dr. Donald Boudreaux** (US) president of the Foundation for Economic Education

- **Prof. Madsen Pirie** (UK) President of the Adam Smith Institute

- **Dr. Rigoberto Stewart** (Costa Rica)

- **Benoîte Taffin** (France) Mayor of the 2nd "arrondissement" of Paris and leader of the French taxpayer revolt

- **Anthony de Jasay** (Hungary) author of *The State* (named best book of the 20th century by Murray Rothbard)

- **Prof. Philippe Nataf** (Paris University), international expert on free banking

- Plus many, many more top libertarian luminaries from around the world (too many to list here).

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— Patrick Henry, 1776*

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