

Liberty

January 2005

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Lies, Damned Lies, & Election Analysis

Freedom:

What's Right vs. What Works

*A Symposium with Charles Murray, David Friedman,
David Boaz, and R. W. Bradford*

The Many Hatreds of Noam Chomsky

by Frank Fox

The Meaningful Derrida

by Jo Ann Skousen

Disease as a Force in History

by Bettina Bien Greaves

Also: Bruce Ramsey looks at the most wonderful drug of them all, Ted Carpenter puzzles over those who love liberty *and* empire, our editors dissect the election . . . plus other articles, reviews & humor.

"The manna of liberty must be gathered every day." — Wendell Phillips



Why do the worst get to the top?

In 1947, Friedrich von Hayek posed this question. While he explained the economics, he omitted the psychology of those driven to wield power. Shortly after, Ayn Rand suggested that producers stop playing host to parasites, but also missed identifying the motive force behind the parasitic need to control.

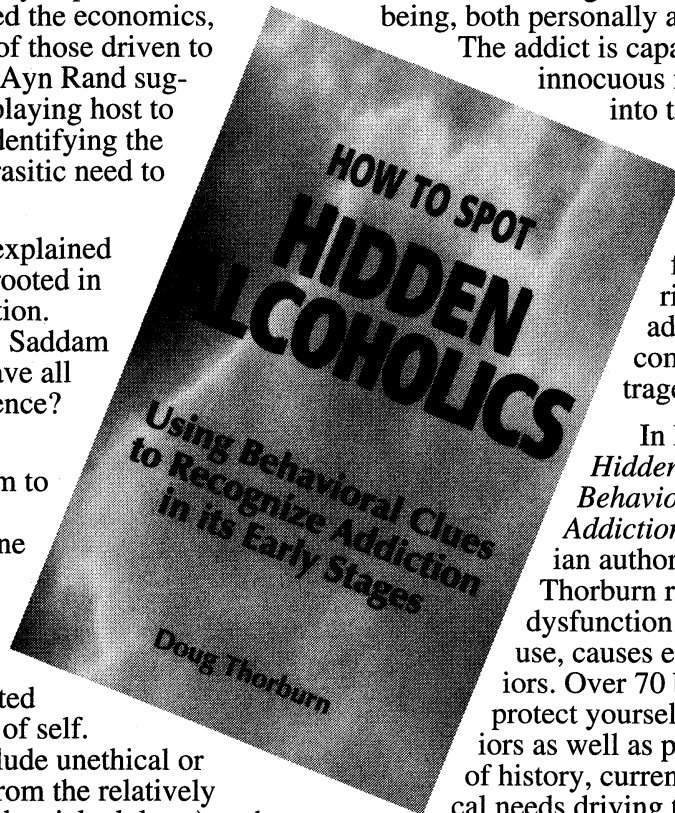
The psychology can be explained by a megalomania usually rooted in alcohol or other drug addiction. Stalin, Hitler, Mao Zedong, Saddam Hussein and Kim Jong Il have all been such addicts. Coincidence? Hardly.

Most consider alcoholism to be a "loss of control over drinking." Yet, this is but one symptom of the disease in its terminal stages. The early stage is characterized by a differential brain chemistry leading the afflicted to develop a god-like sense of self. Resulting misbehaviors include unethical or criminal conduct, ranging from the relatively innocuous (verbal abuse and serial adultery) to the extraordinarily destructive (mass murder).

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Author of *The Adventures of Jonathan Gullible*

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Letters

Galt's Glitch

I write in response to your "Does Freedom Mean Anarchy?" symposium (December). It seems logical that freedom can exist without the oversight of government if all parties share the same value system. Galt's Gulch is a good example of a society in which government was unnecessary because every member had the same moral values. Because of these moral values, protection of individual property rights was unnecessary. Galt's Gulch does not exist in the real world and people do not value individual rights in the same manner. As a result, these rights become infringed and a law-making authority is necessary to protect the individual and these rights.

Our Founding Fathers recognized this and attempted to create a government of limited authority based on enumerated powers to protect individual rights. This enumerated authority was designed to ensure the creation of a free nation. Today many feel these powers extend far beyond the framers' original intent. I believe that they indeed created a "more perfect union" but failed to recognize that being a congressman would become an occupation that one could pursue for a lifetime. Our Founding Fathers had families, farms, and businesses that they wanted to get back to, leaving the power of government to the next patriot. Now the career politician must continue to get reelected by showing what he has done for his constituents even if it means expanding the reach of the federal government beyond its purpose.

The erosion of freedom would not be reversed by removing government authority over individuals with differ-

ing values; however, understanding the causes of the erosion would help prevent it from happening further.

Steven P. Barth
Atlanta, Ga.

Freedom Means Neophily

"Does Freedom Mean Anarchy?" No. The free market is a self-regulating, self-governing process; and interference with it, interference with government, is not itself government but antigovernment.

Would a pure free market develop separate, competing law enforcement agencies within a community? No. It would develop separate, competing communities.

Does any of this really matter? No. The problem for libertarians is not telling a free market what to evolve into. The free market will figure that out by itself. The problem for libertarians is getting the world to permit a free market to evolve. And answering why has it not yet done so? It isn't because libertarians haven't yet resolved all the finer points of political and moral theory. "It's the economy, stupid," the desire for plunder and redistribution. And there will be no end to it until you show that it doesn't pay, that taking from the rich to give to the poor doesn't make the poor richer but poorer.

That is the only logical strategy; and the narrow minded, neophobic libertarians who can't be bothered with it are not leaders in the fight for freedom but irrelevant to it.

D.G. Lesvic
Pacoima, Calif.

Freedom and Baloney

Everyone involved in the discussion appears to wish to impose their

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own perfect "system" (or lack thereof) on everyone else. All appear to seek to solve the problems of the rest of humanity, instead of their own.

In other words, there is an underlying implication in this discussion of: "in order to solve my problems, and make me feel better, I need to change the rest of the world to my standards first," even from the "anarchist." Messrs. Friedman, Murray, Boaz, and Bradford are no different from any other philosopher, whether celebrated or obscure. They think: "If everyone did and thought as I do, my world would be perfect, and everyone else would be better off into the bargain."

What a bunch of baloney!

David Whiting
Savannah, Ga.

Keep It Simple, Stupid!

I read "Does Freedom Mean Anarchy?" and the authors did lots of discussing, but did not come up with the simplest answer. The essential thing we ask of government is protection from aggression. Is there a better way to protect myself from aggression than expecting government to do it? I suggest there is.

I suggest there should be companies selling protection. I suggest one be named We Protect Or We Pay. WPOWP. They would sell protection policies, like insurance companies.

How would WPOWP operate? Let's imagine a thief. Let's name him Luigi. Luigi, like everybody else, has bought a protection policy. Luigi is a burglar. He breaks into a house and steals the silverware. He has to sell it to convert it to money. He sells it to a pawn shop.

The victim reports the theft to WPOWP. They pay, according to the contract. Then they check pawnshops. The pawnbroker is also a customer of a protection company. He reports the sale as possibly a theft. It does not take long for WPOWP to recover the silver, and find Luigi.

Luigi's protection company would be notified. They would instantly cancel Luigi's protection policy. Luigi would be a dead man. He would be a bad risk.

Of course, it would not happen this way. The beauty of this system is

that theft would be prevented! Word would get around among the possible thieves that they could never get away with anything. Luigi would have to find an honest way to make a living.

A problem was suggested: suppose, in a no-government world, a protection company decides to go into the burglary business? I consider this extremely unlikely. Its customers would learn that it was not a nice protector, and cancel their contracts. After all, the vast majority of people do not like thieves.

Additionally, if a protection company became an aggressor, all the other companies would find it necessary to oppose it. Because their customers would be its victims, they would lose money. They would do their best to publicize the criminal activity of their competitor.

Since the protection companies are businesses, they would be run by businessmen, who are honest.

Of course, there are protection services you can buy, but they are hired only by people who fear getting assassinated. Bodyguards. What I suggest is for ordinary people, like you and me. I suggest this service instead of police and courts. Instead of government. Anarchy.

Somewhere I read that police service costs about \$20 per year per person. I bet the free market can do it for less and better.

Everett DeJager
Cincinnati, Ohio

Degrees of Separation

I just wanted to say that it is frightening to see Charles Murray in dia-

logue with some of the editors of Liberty. I just don't think Murray's writings are compatible with liberty, especially with Liberty editor Dr. Thomas Szasz's writings.

Murray's latest book "Human Accomplishment" is dedicated to Dr. Charles Krauthammer, the syndicated columnist and psychiatrist. Murray and Krauthammer have been friends for some time and play chess on Mondays at Krauthammer's home. Krauthammer is an outspoken critic of Dr. Szasz, and there is a chapter on Szasz in Krauthammer's Pulitzer Prize-winning book, "Cutting Edges".

Krauthammer, along with the late Gerald Klerman, is credited with discovering "secondary depression". But as Szasz has shown, since there is no such thing as "mental illness," Krauthammer and Klerman invented "secondary depression." Klerman debated Szasz at Harvard on suicide and psychiatric coercion. Dr. Krauthammer loves psychiatric coercion.

Murray was never able to see that the late Richard Herrnstein, co-author of "The Bell Curve," was a fake, as are all psychologists. Dr. Murray doesn't see that Dr. Krauthammer is a fake, as all psychiatrists are.

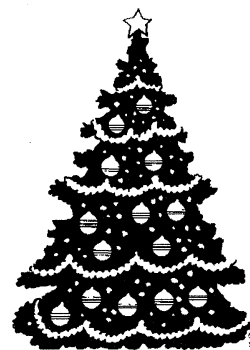
I don't know what Liberty is doing with Murray.

David Herman
New York, N.Y.

The editors respond: Let's see. We should all shun anyone who has a friend who is a critic of Thomas Szasz? We're sorry that Dr. Murray

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frightens you, but we'll continue to associate with anyone we think is intelligent and challenging.

A Great Hobby!

Researching the Fed is a hobby of a lot of people.

I think that there is indeed a conspiracy going on in this world. It's a conspiracy of people in governments to enslave us all. The people who started the Fed were led into it by government-minded people. The super-rich people at the time were motivated by greed and thought they had it in the bag. But, as always, when you play with the government you lose.

The Constitution of the United States makes no provisions for the government to be in the banking business so they found some suckers to bring it in the back door by making it a quasi-private entity. Just look at all the policing agencies that monitor banking at state and federal levels. That's a grip no one could escape. The Fed does belong to the government by proxy because they have long wanted the hammer to beat out their world as they see it.

Woolsey ("Who Owns the Fed?" October) makes it look as if the Fed is somehow harmless, because there is no mass super-rich conspiracy behind it. Woolsey should take off his rose-colored glasses.

M.D. Antee

Louisville, Texas

Whose Side Are You On?

Ari Armstrong ("Mr. Badnarik Goes to Colorado," November) and R.W. Bradford ("Dark Horse on the Third Ballot," August) seem to share the belief that whatever is ordained by the IRS is factual, and anyone questioning this assumption, even with diligent research, is misguided. What else would explain the constant badgering of Badnarik regarding his frank views concerning who owes federal income tax?

Robert L. Dean

Columbus, Ohio

Strangely Misplaced Tastebuds

Your distaste at our presidential candidate's views puts a bad taste in

my mind. Have you done any research on the subject of the so-called Federal Reserve or do you rely on something told to you in a 1970s sensitivity session?

The private ownership of the Federal Reserve is well known, although, as with libertarianism, it is largely a taboo subject with the media.

Better a candidate who believes such than one who tries to ape liberals in a pro-murder, pro-molestation, pro-disease stance.

Russell M. Jeffords

Houston, Texas

Who's Counting the Beans?

I was disappointed in your lack of a prediction for the number of votes to be cast for our candidate, Badnarik. Did you forget, or are you reluctant to predict a low number? Badnarik is a reasonable candidate (for us anyway), but if there ever was a justification for voting for the lesser of two evils, this election was surely the occasion.

My guess was less than 200,000. What was yours?

Richard Vajs

Franklin, W.Va.

The editors respond: please see p. 24 of this issue.

About Letters to *Liberty*

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

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Reflections

One more reason to regret a Kerry loss

— It's pretty likely that, at the end of a Kerry presidency, Teresa Heinz Kerry would *not* be absconding with White House furniture. — Ross Levatter

Jacquesboots — Riots break out in Ivory Coast, and France responds with military action. I don't understand why there was no clamor for UN approval of this unilateral action. I hope for the best, but I can't help but worry that the U.S. will be back to its traditional role of digging the French out of another military quagmire. — Tim Slagle

The new alchemy — It's the greatest thing ever discovered, a substance unparalleled in its potential to ease human suffering. It'll cure diseases, make the lame walk, and end the ravages of old age. Sure, it requires a bit of money for research, but that investment will be returned a hundredfold when the project gets off the ground. Whether "it" is stem cells, or the Philosopher's Stone, depends on how much television one watches.

With the rhetoric tossed around this election cycle, it's understandable to think that stem cells will cure every human malady from cancer to baldness. Shameless claims, like how Christopher Reeve would be alive and walking if only the country funded stem-cell research, overshadowed such questions as whether taxpayer dollars should be used as venture capital.

Science has never been free from politics, and never will be, but the treatment of government as the sole source of grant money is dangerous, especially when mixed with volatile campaign promises. The expectations placed on scientists will be enormous. In sociological studies, the findings can be fudged to reach whatever conclusion is politically astute at the time. That won't work for healing diabetes or stopping Alzheimer's. Still, with so much "political capital" at stake, will the scientists be allowed to fail?

California has approved \$3 billion for a stem-cell research facility. I expect that institute to develop into a standard bureaucracy within a few years, justifying its continued existence by proclaiming a series of small discoveries that never quite add up to a breakthrough. If the research flags, it'll be

because there isn't enough money in the coffers. When self-preservation becomes the highest end, success is the one unaffordable luxury.

The old alchemists sought to transform base materials into gold. The new alchemists have developed a less remarkable but much more effective process: turning taxpayer gold into the dross of broken promises and wasted potential.

— A.J. Ferguson

A beautiful day in his neighborhoods

There's his wife's Idaho retreat, a 15th-century farmhouse transported from England and reassembled on the banks of the Big Wood River, where he goes skiing.

There's her other home off the coast of Nantucket, Mass., where he windsurfs and sails in summer.

Then there's the couple's 18th-century townhouse in Boston where the kitchen is two stories high.

And the 23-room townhouse in Washington.

And the large Pittsburgh estate with its personal staff of six, including a number of caretakers and a cook.

Could it be that John Forbes Kerry is proclaimed a man of the people because he has so many neighbors?

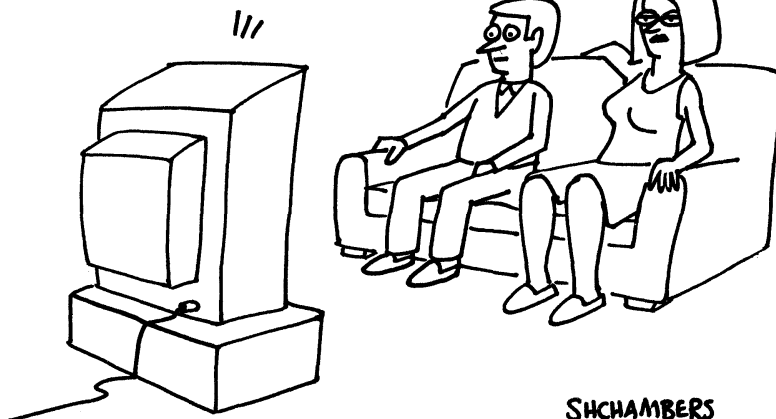
— Ross Levatter

CSI Palestine — Yasser Arafat passed away on Nov. 10, and CBS preempted the dramatic conclusion of a "CSI" episode to announce it. As you can imagine, the viewers were outraged, and emails and phone calls prompted CBS to apologize, rebroadcast the episode, and fire the producer responsible for the decision. I hope that, when I pass from this world, I am not so universally loathed that my death announcement is answered with, "Shh, not now, my stories are on!"

— Tim Slagle

The new New Dealer — He ran as a compassionate fiscal conservative. After he was elected, a national emergency forced him to make tough decisions, and he reversed his campaign rhetoric: he became one of the biggest-spending American presidents and took America to war. His administration violated civil rights, maintaining it had the right to detain people indefinitely, even American citizens, who had not been found guilty of a crime.

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I describe both George W. Bush and FDR.

The anybody-but-Bushers I know don't seem to have equal hatred for the father of the New Deal. The difference highlights the irrationality of the trendy hatred of Bush. Maybe history will one day regard Bush as a hero, or FDR as a villain. More likely, I think, is that the hatred against Bush derives mostly from the "R" after his name, his folksy accent, his propensity for malabushisms, and his belief in God.

I don't like Bush as a president. I didn't vote for him either in 2000 or in 2004. I dislike his outgoing administration, and I don't expect I'll like the incoming one any better. I don't like the way he keeps favor with his base through bad social policies and placates his opponents by compromising on important issues such as campaign finance and education. I have no quarrel with his personal faith, but I wish it wouldn't pop up so obviously and so often in his political decisionmaking. I dislike the way the war in Iraq has been conducted and I think going to war was immoral.

So it scares me that a lot of people are mad at me because I don't dislike Bush enough for their tastes. I wonder where that amount of misdirected rage is going to take us over the next four years, and where it will take us in 2008.

— Patrick Quealy

Loud mouths, big pocketbooks —

According to CNN (the morning of Oct. 23, 2004), 37 people provided 40% of the money spent by the partisan political action committees known as 527s. So, not only do we have most of the major media in favor of a redistributionist government operating far from the constitutional model, but now a very small number of people are producing a major share of political messages; and, judging from 527 messages, most of those 37 people are very leftist. This concentration of political speech has taken place as a result of the U.S. Supreme Court's abandonment of First Amendment protection for political speech in upholding McCain-Feingold.

— Sandy Shaw and Durk Pearson

Fraud as a research tool —

Marianne Bertrand and Sendhil Mullainathan report in the *American Economic Review* (Sept. 2004) on an experiment to detect labor-market discrimination against African-Americans. The researchers answered help-wanted ads in newspapers by sending out nearly 5,000 résumés, some showing good, and others poorer, qualifications for the jobs advertised. The fictitious résumés carried randomly assigned names suggesting black applicants (e.g., Lakisha and Jamal) or white applicants (e.g.,

Emily and Greg). Résumés with black names drew fewer responses than those carrying white names.

The broad research method is not new. Black persons and white persons have been hired to pose as job applicants. Studies of honesty — yes, honesty! — have featured phony episodes of lost wallets. However, the authors claim advantages for their method. One is that "relatively low marginal cost" permits sending out many résumés and achieving the statistical advantages of large sample size. But *for whom* is the cost low? It seems not even to occur to the researchers that they were thrusting onto the targeted employers the costs of handling many distractions that kept them from actually filling job vacancies.

I do not seriously doubt that the results mean what the authors think. Even so, I wonder whether the results do not in part illustrate an unintended consequence of antidiscrimination laws. I even wonder whether they do not in part reflect some employers' vague sense that some of the applications looked fishy.

Above all, I am struck by the researchers' unapologetic *lying* with their untruthful résumés and cover letters. They were drafting employers into the role of involuntary guinea pigs. They are parasites, feeding on the honest communication between employers and potential employees; widely practiced, it would impair both that communication and the method's own usefulness.

Confronted with these charges, the researchers might offer some excuse about the end justifying the means, or that fighting discrimination was more important than padding their own lists of academic publications. Yet the victims of the supposed discrimination were not real people, but merely fictitious ones.

Are standards of honesty considered less binding in social science than in the natural sciences? — Leland B. Yeager

Whaling on the courts —

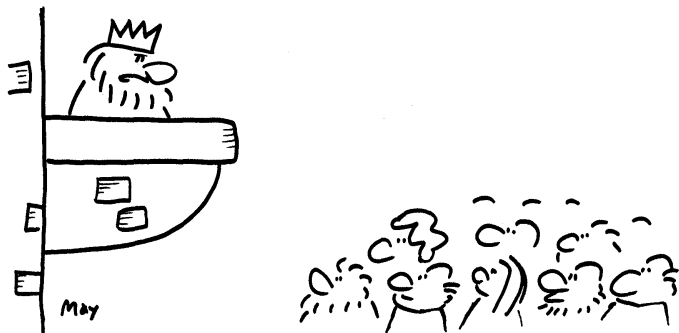
Far be it from me to suggest that moments of lucidity are rare at the 9th U.S. Circuit Court of Appeals, which has the distinction of being overturned by the U.S. Supreme Court more often than any other circuit (come to think of it, that might be evidence of too *much* lucidity). Whether rare or common, however, moments of lucidity are worth celebrating.

Thus it's worth a small whoop that Judge William A. Fischer, writing for a three-judge panel and affirming a lower-court decision, decided that the cetaceans of the world — whales, porpoises, and dolphins — have no standing to sue in the all-too-human courts of the United States of America.

Sometimes it's useful to grasp the obvious. If lawmakers "intended to take the extraordinary step of authorizing animals as well as people and legal entities to sue," Judge Fischer wrote, "they could, and should, have said so plainly."

The lawsuit wasn't actually filed by whales, of course. Lanny Sinkin, a lawyer in Hawaii, filed it on their behalf, seeking an injunction against the use of sonar by the U.S. Navy. He couldn't file it on his own behalf, because he hasn't been harmed by it. You could even make a case, if national defense is a "public good," that he has been helped by the use of sonar.

There is probably truth in the contention that sonar



"Okay, you can have freedom of speech, but watch your language."



*"Give Me **Liberty**
or Give Me Death."
—Patrick Henry, 1776*

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

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News You May Have Missed

Publishers to Writers: Drop Dead

NEW YORK — Arthur “Pinch” Sulzberger Jr., the publisher of The New York Times, S.I. “Si” Newhouse, the head of the Condé Nast magazine empire, and other powerful, if not very tall, publishing executives have announced that all journalistic writing jobs will be outsourced to low-wage workers in Bombay and other Indian cities, effective immediately. Young Indian girls like 20-year-old Bharati (“Cindy”) Rajnaputtee of Jaipur and 18-year-old Punjari (“Jessica”) Pandarandra of Poona, both previously employed as customer service representatives for major American electronics and cell-phone corporations, will use new computer programs drawing on the entire published outputs of the great journalists of the past, allowing their trademark styles to be reproduced and applied to current developments, while carefully eliminating any controversial ideas they might have had.

Thus a single worker with rudimentary English earning 90 cents an hour will be able to write about legislation bottled up in a Congressional committee with the exuberant wit of H.L. Mencken, cover the latest preordained collapse of the Chicago Cubs with the streetwise pungency of Jimmy Cannon or the urbane irony of Red Smith, and analyze the twisted psyche of Michael Jackson or the philosophical significance of Britney Spears with the magisterial, Olympian detachment of Walter Lippmann while churning out over 3,000 words an hour, which contemporary American journalists are unable or unwilling to do. “I am so very happy I do this now, is much, much better than try to calm down angry Americans all day,” said Ms. Pandarandra, sitting in front of a computer screen in one of several thousand identical cubicles in a gleaming new air-conditioned journalism factory in Bombay. “As Sahib Mencken put it so well and I am just writing yesterday in my op-ed column in New York Times, ‘Nobody ever went broke underestimating the intelligence of the American public.’”

“Look, we got nothing but respect for writers, but let’s face it, they’re insubordi-

nate bastards who miss deadlines and keep trying to sneak in opinions that don’t follow corporate guidelines, plus we gotta pay ‘em,” said the diminutive Newhouse, sitting atop three Manhattan telephone directories at his desk in his palatial, marble-walled, chandeliered office, modeled on Mussolini’s, in Condé Nast headquarters at 4 Times Square. “These kids in Bombay listen to me like I was Krishna or Vishnu or Vindaloo or one of them other funny Hindu-type gods with a lot of arms.” Sulzberger, commonly believed to have been nicknamed “Pinch” because his father, former Times publisher Arthur Sulzberger Sr., is called “Punch,” though female staffers at the Times are known to have a different story, added, “Thanks to the wonders of modern technology we can now return to the golden age of journalism by getting rid of journalists.”

Hundreds of newly unemployed writers could be seen lining West 43rd Street near the soaring Condé Nast tower and the massive Times headquarters just to the west, begging passers-by for spare change. But some have already found other work. Several former Vanity Fair writers were spotted pulling bait-and-switch cons on unsuspecting tourists outside Radio City Music Hall, inside of which some two dozen fetching ex-Vogue staffers have joined the high-kicking Rockettes, and a number of former Times critics have banded together to start a fundamentalist church, where they said they expect to make a comfortable living by sowing division, strife, and hatred, just as they did before while reviewing plays or books or restaurants. Quite a few of the newly obsolete writers, in fact, seem to have found religion. A disheveled man who gave his name as Eric Kenning and who claimed to be a former freelancer, for instance, said he had decided to join the cult of the Greek god Dionysus, an ancient religion whose fundamentalist form, which he said he strongly favors, strictly prohibits sobriety. He then hurried off to take the subway downtown to McSorley’s, the venerable saloon on East 7th Street, where he said he would join a worship service already in progress.

messes with cetaceans’ ability to hear and interpret natural sounds, and perhaps its use should be curbed. But Sinkin will have to pursue his cause through political channels rather than by making surrogate plaintiffs of Willie and Shamu.

Judicial restraint can be lovely. — Alan W. Bock

Outplanning the planners — Homebuilders are not like sheep meekly standing in line to be shorn. As the new urbanism, hostile to suburbs and the automobile, creeps into distant places such as the small town of Bozeman, Mont., homebuilders have figured out how to turn it to their advantage. The latest example is their response to Bozeman city planners who oppose snout-houses — the popular suburban-style homes dominated by garages. Planners want cars hidden in a garage located at the back of the house, approached through an alleyway.

So one new upscale development follows the letter of the regulation by making the garage a separate building, not exactly at the back of the house, but at an angle, so that you probably won’t see it from the front, at least not at first. The entrance to the garage is from a back alley, but this is like no alley I’ve seen. It is broad and paved, forming a cul-de-sac. You can have a block party back there. The only sign that it’s not a road is its lack of sidewalks. There are plenty of cars and trucks behind the homes, but they are all parked.

For some of the more expensive houses in the subdivision, the back entrance actually is on a road, not an alley. You can enter the home through the quaint traditional porch at the front, or you can drive around the block and park your car at the substantial rear entrance — which is where the house numbers are. That garage is almost always two stories, with a bonus apartment on the second floor. Homebuilders are

giving people what they want — living space, easy access to their cars, and plenty of parking — whether planners like it or not.

— Jane S. Shaw

Money pit — On Nov. 10, I saw a headline indicating that Boston's government-financed "Big Dig," a system of tunnels designed to ease traffic congestion and enrich contractors and politicians, is leaking profusely despite the expenditure of \$14.6 billion on the project: "The 8-inch leak that sprang up in September in the northbound lanes of Interstate 93 caused 10-mile backups."

As I always do when I read such statistics, I took out my calculator and tried to find the cost per capita. Dividing the \$14.6 billion by Boston's population in the 2000 census, I found that the Big Dig has cost almost \$25,000 per person — enough to give every four-member family either five new cars or several years of its own private chauffeur.

Who was checking the costs on this one, eh?

But there are worse examples. In the little Illinois town where most of my family has lived during the past 200 years, a new high school is being erected, with money provided almost entirely by the state, at a cost sufficient to build a brand-new subdivision in which every one of the 300 students could spend the day learning, watching TV, or whatever students do these days, in his or her own individual three-bedroom house. And that is a "conservative" American community.

— Stephen Cox

Oil for peace — The election results may have masked the situation temporarily, but the war in Iraq has divided the country and embittered a significant portion of the people. The best bet for the administration is to wind it down with as little embarrassment as possible. A best-case scenario: pulling off reasonably credible elections in January, having the security situation stabilize as potential insurgents see a possible alternative future, reducing U.S. troop levels gradually until full control is turned over to a broadly supported new government in late 2005 or early 2006. That would give the U.S. more flexibility and options for dealing with stateless terrorism and emerging challenges from Iran and North Korea.

It would take luck as well as skill and determination to pull off that timetable, and it's doubtful whether the current administration has any of those qualities. It's more likely the U.S. will have troops in Iraq for years to come. That could provide an impetus for the best long-term approach to jihadist terrorism: changing our foreign policy so we have less

direct political and military involvement in the Middle East. Let's face it. Middle Eastern countries sitting on huge pools of oil get no benefit from that oil unless they sell it. We don't need troops over there to ensure that they do. — Alan W. Bock

The Competing States of America —

There is talk of the blue states seceding from the red states. What a glorious idea!

The red states could impose more and more draconian laws imposing the majority's view of morality, and see their economies tank as, at the margin, productive individuals who happen not to share those moral views emigrate to the neighboring USA-Blue.

The blue states could impose higher and higher taxes on productive effort and see their economies tank as, at the margin, productive individuals who wish to keep their hard-earned wealth emigrate to the neighboring USA-Red.

And presumably two smaller nation-states would be less able and less inclined to police the world than the Leviathan we have today.

Hundreds of years ago, legal structures that enhanced liberty arose from the interplay of judicial decisions in areas of easily transferable allegiance: people moved from the papal court to the king's court and back to see who would provide more favorable rulings. One needn't believe in the intrinsic love of liberty of either pope or king to appreciate that competition between them led to each providing the populace with more liberty than either would have done alone with monopoly control. Similarly, competition among red and blue states if either group secedes would be a

blessing for liberty even though neither red nor blue leaders desire to provide liberty to their constituents. — Ross Levatter

Throwing the law out with the lawlessness —

A decision by U.S. District Court Judge Colleen Kollar-Kotelly to allow three detainees at the Guantanamo Bay detention center to have speedy and meaningful access to lawyers is not just correct. It's a big step towards restoring honor to the procedures developed by the U.S. government for handling these prisoners. The original decisions were shameful, but at least the courts have been somewhat responsible, and vigilant enough to begin to rein in the executive branch.

The United States has held about 540 people at Guantanamo — mostly captured during the Afghan war, though some were brought there under different circum-

WELL, I'M YOUR
FATHER AND I
DON'T APPROVE
THAT MESSAGE.



S.H. Chambers

stances — without filing charges or letting them speak to lawyers. By unilaterally declaring them “enemy combatants,” the government claimed it didn’t have to treat them as POWs under the Geneva Convention. Later it allowed some to talk to lawyers, but maintained that this was by permission, not by right.

This summer the Supreme Court ruled that the Guantanamo detainees have the right to challenge their imprisonment in U.S. courts. But the decision was a bit vague on the circumstances under which they could speak to lawyers and whether any federal court in the United States would have jurisdiction.

Michael Ratner of the New York-based Center for Constitutional Rights, which represents some of the detainees, might have overstated the case when he said the “government had dug in here as if the Supreme Court ruling did not exist,” but there’s no question the government was dragging its heels. It still claimed that speaking with an attorney was a privilege, not a right, and wanted to monitor and videotape all attorney-client conversations and review attorneys’ notes and mail.

Judge Kollar-Kotelly ruled that was an unwarranted abuse of the traditional attorney-client privilege. She addressed the government’s concerns that the prisoners might use conversations with attorneys to send messages to terrorist allies outside by ruling that all attorneys would have to get a security clearance, and that they would not be allowed to talk about their conversations with anyone, including members of detainees’ families.

That is reasonable. What is shocking is that in the midst of a fight that so many of our leaders want to characterize as a struggle between civilized societies that operate by the rule of law and vicious, lawless terrorists, the government has been so stubborn about wanting to take legal shortcuts that undermine the rule of law.

It would be unrealistic, even with new leadership at the Justice Department, to expect Judge Kollar-Kotelly’s decision to induce a policy of scrupulous respect for traditional legal procedures. But it should correct some of its more egregious enthusiasms.

— Alan W. Bock

Me llamo Jorge — From an AP release on election night: “Kerry also led among Hispanic voters, but the gap was closer and Bush appeared to have made some progress on that front. Kerry had a 15-point lead over Bush with

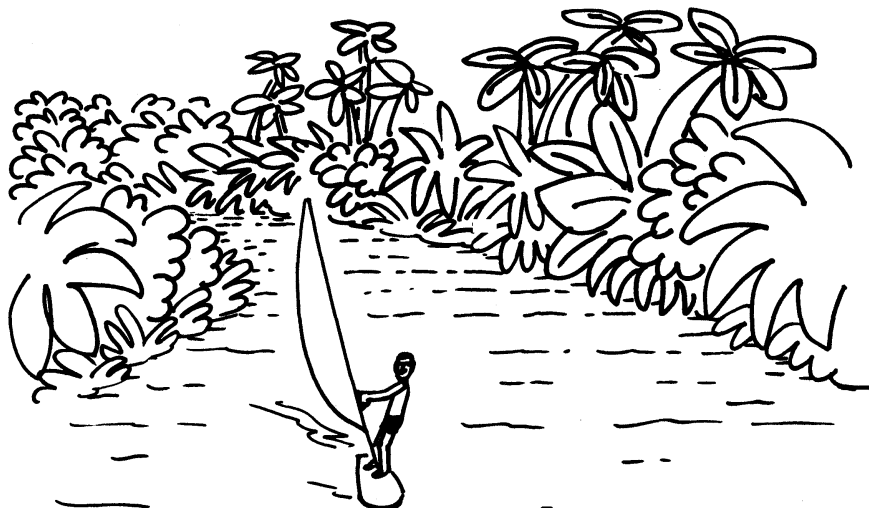
Hispanics — 56 percent to 41 percent — about half the margin that Democrat Al Gore enjoyed in 2000. Bush, a former Texas governor, actively courted the Hispanic vote in both presidential campaigns and speaks passing Spanish.”

Coincidentally, Bush also speaks passing English.

— Ross Levatter

Outervening in Iraq’s civil war — The last time we got stuck in a military conflict, the talk was that we’d made the mistake of intervening in somebody else’s civil war. But Iraq is no Vietnam and, no matter what you might think about our current leaders, they haven’t made the same mistake this time around.

This time around, we didn’t get involved because Iraq was having a civil war. This time, we got involved because it wasn’t having a civil war. It was because the Shiites and Sunnis and Kurds and other decent folks wouldn’t take up arms against their government that we felt like we had to do it for them. Those people may not have liked each other when our soldiers came streaming up out of Kuwait, but you can’t deny that their country was



CAMBODIA, 1968

S.H. Chambers

politically united.

While the actual war part of the war was going on, it was your classic regular war: Americans trying to kill Iraqis and Iraqis trying to kill Americans. For the next few months, it was still us against them, Iraqis trying to kill Americans and Americans trying to do whatever it was we were trying to do to Iraqis. But that was an unstable situation, and everybody knew it. What we needed was a way out before things turned sour. Luckily, we have a way out: get enough Iraqis shooting at each other, and we can make a graceful exit.

And it’s working. Just look at the progression of Iraqi-on-Iraqi violence. At first, nothing much more than revenge killings, and those seemed to spring more from personal grudges than from any organized political movements. Then a few rockets started landing in residential neighborhoods and blowing away little kids on tricycles. Now, we are creating an Iraqi army, and a national guard, and security forces, and policemen to give the rockets something better to shoot at.

Our current problem is that the Iraqis on our side don’t seem to be doing an equally good job of shooting back. But, the time will come. Given enough training and enough heavy weapons, our guys will be able to get a credible enough civil war going to let us to outervene with honor.

Don't tell me our leaders don't learn from history.

— William E. Merritt

Whose "Phantom Fury"? — The U.S. military has broadcast its intention to invade Fallujah so loudly and for so long that I suspect that, in the wake of their overkill, they'll find few antagonists there, especially since they have already allowed, as they claim, "innocent people to get out."

Doesn't anyone currently in the American military remember the lesson from Vietnam? As smart Davids when confronted by a clumsy Goliath, nationalist guerrillas can look like "innocent people" on one day and warriors on another. In the initial report from the AP appears this revealing sentence without any editorial comment: "The Marines reported that at least initially they did not draw significant fire from insurgents, only a few rocket-propelled grenades that caused

Word Watch

by Stephen Cox

If Word Watch (occasionally) has a focus, it's on the political uses of language. So I take it as my duty to comment on the adventures of words during the latter stages of the presidential campaign, together with its grand climax on Nov. 2.

Much of my report is predictable. It involves the persistence — sometimes the intensification — of tendencies previously lamented here.

I have to break the news to you that candidates kept using the imperial "we" ("We think the voters of Wisconsin are responding well to our campaign"; i.e., the suckers will vote for me).

I also have to tell you that candidates kept proclaiming their delight in "meeting and listening to the voters of this great country of ours" (i.e., bothering the patrons of every Denny's in Nevada by rushing in to shake their hands).

That silly woman on Fox News kept telling politicians, "But that begs the question . . .," which she took to mean, "I want to ask you," instead of, "You've just committed a logical blunder," which is what it really means.

Horror of horrors, the offensively useless sentence-ender "in this country" ("I want to see health care reform in this country") spread for the first time from Democrats to Republicans ("I want to see education reform in this country").

Pennsylvania, Florida, and Ohio were, as usual, "up for grabs"; New Jersey was, as usual, "more of a horse race than we thought it would be"; and Democrats were complimented, as always, because they were "working for [some vague, amorphous, undefinable] change." The culmination of that tendency appeared in Sen. Kerry's concession speech, in which he thanked "William Field, a six-year-old who collected \$680, a quarter and a dollar at a time, selling bracelets during the summer to help change America." Five-year-olds, I assume, are still struggling to safeguard "conservative values"; but six-year-olds have seen enough of the past — they're now working for change.

By the first Tuesday in November, verbal vitality had drained almost completely from "the electoral process." Even clichés like that seemed less in evidence than they were at the same point in previous election years. Perhaps the ever-bubbling optimism of the cliché spouter, who always believes that he is the first person to say such clever things, was yielding at last to the tension and fatigue of the "most important election of our time." Around 11 p.m. on election night, one of the network people assigned to keep track of the Kerry supporters assembled in Boston to cheer his victory speech

was asked by the anchor desk how the crowd was doing. "They're gettin' pretty bummed out now," the reporter said. That pretty well sums up the last two or three months of the campaign, on both sides.

Perhaps someone in future will remember "Vote or Die," the only resonant slogan of the campaign, although no one will be able to decide what it meant. Probably no one *today* knows what it meant. An occasional sprightly public utterance was heard. Ken Blackwell, Ohio's Secretary of State, was asked by a TV interviewer, "Are you afraid of lawsuits?" — to which he replied, "I had 23 lawsuits, and I won them all." Fun, but probably not one for the ages.

Of course, the election produced its share of purely dumb-ass remarks:

CNN's Candy Crowley, reaching for the immortal phrase to describe the challenger on the morning after his defeat: "This was the day when John Kerry woke up and discovered that he had a math problem — he just couldn't make the numbers add up."

Candy's colleague, Aaron Brown, eagerly competing with her in the bon-mot department: "George Bush certainly has a tiger in the tank!"

Ron Reagan, Jr., who seemed to be freshly lobotomized every time he appeared in public, speaking on Chris Matthews' show to urge the Democrats to repair their defeat by steering to the left with promises of nationalized medicine: "If," he said sarcastically, "universal healthcare is left-wing!"

Finally, however, it was Sen. Kerry who won my heart with his virtually incredible ability to spin out phrases completely devoid of identifiable meaning. "I just voted," he said. "It's the great gift of democracy." Think about that. Is he saying the same thing twice ("voted" . . . "democracy"), or is he saying anything at all? You can't tell! Empty . . . yet mysterious! What an effect.

Try another Kerryism: "In an American election, there are no losers, because whether or not our candidates are successful, the next morning we all wake up as Americans." Hmmmmmm. . . . What can that mean?

The more I think about it, though, the more I think that Kerry's running mate might have had a better angle on the patriotic theme. In his concession speech, John Edwards attempted to inspire his erstwhile followers by telling them, "We are Americans, so we *choose* to be inspired!" Well, if you say so, boss. But by the same logic, I suppose I can just as well choose not to be inspired. That's why I won't waste your time by reporting on the winners' speeches.

no casualties." Perhaps there is no longer an enemy there. Phantom Fury is the name not just of the mission but a description of the antagonist.

How easy it is for American military chiefs to predict victory, no doubt at great expense (including rebuilding the destroyed city afterwards). Likewise, how easy it is for skeptics to predict that victory in Fallujah will have little effect upon insurgencies elsewhere in Iraq.

One excuse for pursuing this invasion is unearthing "foreigners," which is to say non-Iraqis, presumably from elsewhere in the Arab world. Has anyone ever established an actual number of these? "Foreigners" become the convenient American explanation for continued anti-American resistance, which can't be blamed on the Iraqi natives who are supposed to be eternally grateful to us. Little can equal the chutzpah of Paul Wolfowitz's declaration that the problem in Iraq is "too many foreigners," apparently not counting Americans among them.

The destruction of Fallujah will not make our enemies in Iraq disappear, but it will provide another occasion for critics of American arrogance to receive favorable coverage. Meanwhile, those wishing to continue the occupation of Iraq, emboldened by a presidential victory, have dug themselves into a deeper ditch.

— Richard Kostelanetz

Back in the sanitarium — Her voice was calm, polite, well-modulated, her diction clear, precise, educated without self-advertisement. It was the kind of voice a good teacher uses. There were none of the warning signs of hysteria or other mental disturbance. She was phoning C-Span to comment on its post-election interview with two report-

ers, one of whom had covered the Democratic campaign, the other the Republican.

"I'm just calling to let you know," she said, "that everyone here in Portland is aghast at this election. I want someone to tell me, how could Bush have won, when he told nothing but lies? He is exactly like Hitler. I want to say that I am a Christian, but I worship the Prince of Peace, not the God of George W. Bush."

There was more of it, but that's enough. Listening to it, attempting to record it, was embarrassing, in the same way in which any mental breakdown, witnessed in public, is embarrassing.

"They would not have allowed such things to happen to me," says the protagonist of one of Borges' stories, "back in the sanitarium."

In which sanitarium is it that people are sheltered from the idea that a Christian might possibly resort to war? Where is it in this country that the memory of Wilson and Roosevelt is kept from the populace at large? In what secluded district of Multnomah County, Ore. (votes for Kerry: 246,000; votes for Bush: 93,000) did "everyone" vote for Kerry? Where is it on this earth that otherwise sane people actually believe that George W. Bush, standard American middle-of-the-road politician, is exactly like Adolf Hitler?

The answer is, the modern liberal enclaves of America, where one can live for many a day, as in the Big Rock Candy Mountain, without the faintest contact with political reality.

You don't have to be an admirer of President Bush to see that America's islands of left-liberal culture have detached themselves from their moorings and are drifting slowly, slowly off toward the horizons of sanity. This in itself is an

News You May Have Missed

Fictional Characters Welcome O'Reilly, Limbaugh, Bennett

BOSTON — The Tartuffe Society, an organization of hypocritical characters drawn from the world's greatest literature, has voted to admit Bill O'Reilly, Rush Limbaugh, and Bill Bennett as its newest two-faced, sanctimonious members. It marks the first time that the society, named after Molière's unctuous, conniving religious dissembler Tartuffe, has ever admitted real people.

"Actually, their public facade is so blatantly phony that they're essentially fictional characters just like the rest of us," said the Rev. Elmer Gantry, who joined after being invented by Sinclair Lewis in the 1920s. He was seconded by Uriah Heep, a member since the mid-19th century, who said, "Dickens made me up out of thin air, but these American Uriah Heeps made themselves up out of hot air."

All three of the new American mem-

bers are known for the thundering, hectoring self-righteousness of their public pronouncements and their published books. After Bennett, the author of tracts and well-paid speeches berating contemporary Americans for their self-indulgence, admitted last year to being addicted to gambling after losing millions of dollars in Atlantic City and Las Vegas over a ten-year period, and Limbaugh, who has called for severe punishment of drug users, confessed to being addicted to painkillers that investigators believe he may have obtained illegally, O'Reilly, the seething, frothing host of "The O'Reilly Factor" on Fox News, was accused by a female producer at Fox of sexual harassment, consisting of repeated phone-sex calls to her in which he seemed to be obsessed with vibrators, lesbian scenarios, and masturbation.

Several long-time members have

quietly resisted admitting the three noisy Americans into the exclusive society. "At least I was discreet," said one of the first Americans to join, the Rev. Arthur Dimmesdale, who qualified after his treacherous role in Hawthorne's classic "The Scarlet Letter." "And I was thoroughly ashamed of myself," he added. "These bums are brazenly trying to continue their careers as if nothing happened." And the Rev. Davidson, the South Seas missionary who succumbed to Sadie Thompson's charms after relentlessly denouncing her in Somerset Maugham's story "Rain," was also critical of the new members. "This club is supposed to be a quiet place where snakes like us can slink away, out of the public eye," he said. "Can you imagine having to come here and listen to these blowhards ranting all day about how right they are? They're going to give hypocrisy a bad name." — Eric Kenning

unfortunate event, because the denizens of those islands include some of the country's genuinely intelligent and respectable people, people whose occupations naturally allow them to influence others: teachers, journalists, managers of institutions.

It is also unfortunate because others find it so hard to come to terms with these people's intellectual plight that they unconsciously adapt themselves to it, like conscientious children trying to cope, day after day, with the whims of a delusional parent. The two intelligent gentlemen on C-Span didn't blink an eye at the caller's ravings. They didn't reprove her, as they undoubtedly would have if she had gotten on the phone to say that she was glad Sen. Kerry lost, because she didn't want to see a man exactly like Stalin in the White House (but that is a much rarer thing to hear, one that people are not accustomed to adapting themselves to). They didn't agree with her, mind you; they just commented in a polite, well modulated way on political generalities. Never a hint that the words they were hearing were just plain nuts.

These phenomena, I think, have not been seen in standard American politics since the days immediately before the Civil War, when distinguished members of both political parties literally believed, without any evidence worthy of the name, that their opposite numbers were trying to *take over the world*. The hysterical fears of the educated classes led to a civil war in which more than half a million people died. Most of those people didn't share the delusions of the extremists. But they adapted to them. They went along.

I don't predict anything like that for the present. Basically, only the Democratic Party is infected by the unreality disease, and that far from wholly. (The Republicans have other problems.) Yet I am afraid that the Democrats' delusions are institutional and therefore resistant to treatment. They come from a baffled sense of entitlement to power, rising in turn from the power of the modern state, whose servants and dependents (administrators, journalists, teachers, all tending strongly Democratic) are educated to believe that people like them *should* have special power and influence over public opinion. They are the intelligent, the respectable, the moral part of the population; what they don't know isn't knowledge; what lacks their anointing is illegitimate. No wonder they respond with baffled hatred when someone — even such a weak reed as President Bush — stands against them.

And you who also dislike the president, on other ideolog-

ical grounds: don't be quick to say, "Oh, he can take care of himself!" If you disagree with these people, they will come after you, too; and you won't have the power of the presidency to protect you.

— Stephen Cox

Many are called; few are frozen — A few months back my alcoholic next-door neighbor informed me she might be moving to Canada if George Bush won the presidential election. At the time I assumed she had thought this up all on her own — I should have known better. As we've heard many times by now, the Canada Ho! movement has become all the rage among unhappy Kerry supporters.

Daily inquiries to the Canadian immigration authorities skyrocketed from the usual 20,000 to 115,000 the day after Bush was re-elected. Salon.com featured a piece entitled: "So you want to move to Canada? All you need to know about

becoming a legal resident." A noted Bay Area columnist talked about "the people on my side who are going to Montreal" (where my neighbor is supposedly headed). Michael Moore even produced a map showing the combined blue "United States of Canada" versus red "Jesusland." The man is a genius.

For all the talk, something tells me this impending yuppie diaspora will not be counted among the great migrations in history. I believe very

few will actually go, and of those even fewer will stay. But man, do they love to talk about it. And I think that's really what it's all about.

A reporter covering the Democratic convention back in July said it seemed more like a VFW meeting, what with all the American flags and tough speeches about war. That's not the left wing I know. The left wing I know is the Berkeley Fire Department being barred from flying the American flag after Sept. 11th because it "might upset people." Or a good friend of mine who once said in an argument about something or other: "The difference is, you love this country and I don't!"

What does this have to do with Kerry-ites for Canada? I just think, in their hearts, many on the Left get a visceral charge out of indulging their disdain for America, and all this happy talk about leaving gives them yet another outlet for it, nothing more. Michael Moore and the Dixie Chicks may get the headlines, but I've been hearing the same drumbeat from the rank and file my whole life. "New York is like a European island off the coast of America," said one wannabe emigre to a European friend recently. I haven't heard the inside dope on why Montreal seems to be the hip choice



for asylum-seekers; maybe that English language spoken in the other parts of Canada would remind them too much of themselves and where they come from.

This Canada thing has the bonus attraction of a nostalgic association with the draft resistance days of the '60s. I respect that movement much more for the legal implications and potential life-and-death choices for those who went. And I respect the fact that they went. The current fad has such an air of phony posturing about it, I sense little more than sour grapes over one side having lost an election.

Speaking of which, I don't blame anyone for being mad as hell about losing an election — I too think Bush deserved to be tossed for the Iraq mess alone (though I could stomach the thought of Kerry even less). The Republicans, as we know, were equally disgusted by Clinton, but they simply got mad and took their country back. I don't remember much talk about them leaving the country during the nineties. The Democrats could make it with a better candidate some day; 150,000 more Ohioans would have put even Kerry into the White House this time.

Maybe the whining faddists will prove me wrong by actually leaving the Great Satan in great numbers; if nothing else, making the long-anticipated Bay Area real estate crash a reality. I'm not holding my breath on that one.

— Michael Drew

Predator and prey — A recent paper in *Science* on what caused the extinction of large North American canids (wolf-like carnivores) is startlingly parallel to what is happening to the government of the United States and its constituent states and leads us to a hypothesis concerning the death of democracies.

The paper reports that during the past 50 million years, successive branches of large carnivorous mammals have diversified and then gone into extinction. The authors argue that "energetic constraints and pervasive selection for larger size (Cope's rule) in carnivores lead to dietary specialization (hypercarnivory) and increased vulnerability to extinction." They explain that Cope's rule — the evolutionary trend toward larger size — is common in mammals because larger size makes it easier to evade predators and to capture prey. Moreover, larger size improves thermal efficiency, thus increasing the potential range of habitats into colder areas. As the size of carnivores increases beyond about 45 pounds, the amount of nutrition obtained from small prey becomes inadequate to cover the energy used in capturing them. Thus the larger carnivores became what the authors call "hypercarnivores," which hunt only large prey (as large as or larger than themselves). A plot of the index of hypercar-

nivory (PCI score) against estimated species duration shows that none of the hypercarnivorous species persisted for more than 6 million years, as compared to other, more omnivorous species that lasted as long as 11 million years. Hence, the authors propose, the hypercarnivores are more

In Detroit, because deceased voters haven't been removed from the rolls, there are more registered voters than people of voting age.

vulnerable to extinction. The researchers also note that hypercarnivores reverting to a more generalized diet and morphology was rare.

Reliance upon a smaller number of large prey increases the statistical variation in the nutritional intake. Moreover, the larger the carnivore, the lower their population density. Both of these are factors that increase the risk of extinction.

It is interesting that the government of the United States and of its constituent states are moving rapidly in the direction of targeting large prey, with an increasing statistical variance in the yearly revenue from these relatively small number of prey. The federal government relies heavily on a steeply progressive income tax (with the well-known result that the bottom 50% of income earners pay only 4% of income taxes). Relying upon the fat targets at the highest levels of earnings has resulted in greater statistical variation in revenues, as well as increasing demand for government services from those paying little or nothing for them. Worse yet, today's government is already preying upon the fat targets of the future by rapidly increasing government debt, something canids never had the option to do.

We suggest, therefore, that hypercarnivory may be one reason that democracies don't last much longer than about 200 years. If we start counting from the passage of the 16th Amendment on Feb. 3, 1913 (which provided the means to target most of the large prey via unlimited progressive income taxation) rather than from 1787, the United States theoretically could last another century or so, though for reasons given below we think it unlikely.

— Sandy Shaw and Durk Pearson

Be sure to wear some flowers in your hair —

Shortly after the election, the San Francisco Chronicle ran a story quoting local artists on "how President Bush's reelection, as well as the nation's attitude on social issues . . . would influence their art." A musician known as "Fat Mike" responded: "When I run into a tourist with a southern accent, I tell them to get the f— out of San Francisco. We're at a culture war. I'm angry at them. We live in a country shrouded in ignorance." The headline just above Fat Mike's words read: "Whether in shock or mourning, artists look for ways to reach out." I'll say.

I really don't care whether Fat Mike and his pals remain shrouded in the kind of ignorance they claim to abhor, a fairly common condition in the world. But it never ceases to amaze me how the leading guardians against "hate speech"

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in our progressive community, including the media, are so quick to honor and promote the worst kind of bigotry so long as the target happens to be white, male, Southern, Christian, conservative, or God forbid, all of the above.

For solace I turn to the words of another local artist, documentary filmmaker Dayna Goldfine: "It's a dark time, but it's important to keep doing our jobs because we're the ones who create things of beauty." — Michael Drew

What if they held an election, and nobody won

— Here's one way to get a dictatorship: when you can no longer determine who won an election, because of large numbers of legal suits overwhelming the courts. Even if the courts were able to make decisions in all of the suits, democratic processes would no longer be determining who wins elections, courts would. The rule of judges has already been tried in ancient Greece as a method of political rule. But it didn't work out well because of the almost immediate corruption of judges.

We have some immediate problems with elections that stand to paralyze the process for determining who holds political power; problems such as errors, fraud, and even the basic question of who should be allowed to vote. For example, many demented patients in nursing homes are being signed up to "vote." In Detroit, because deceased voters haven't been removed from the rolls, there are more registered voters than people of voting age.

Having judges decide who wins an election is bad enough, but what happens if there is no way for the courts to make a timely decision to determine (in their view) who won the election? We may be seeing the last presidential election that is ever won by something resembling the one-man-one-vote democratic process. Hence, the future of the United States as a relatively free country where there are basic rules (such as a Constitution) that are generally agreed upon is limited for that reason alone. We can imagine after one of these so-called elections in which no decision results or the decision is made after an extended judicial process, that there is massive rioting in the inner cities; for example, by those unhappy with the election outcome and thinking themselves disenfranchised. (This is especially dangerous in cities where people have been disarmed.) We ourselves will be disenfranchised by this process and it is difficult to see any strategy that could possibly reverse this. Perhaps those

who believe that voting is already a waste of time will be satisfied with this result, but it seems to us that rule by judges is an even worse outcome.

It would be ironic if the United States were to follow the ex-Soviet Union into oblivion after only a relatively short time by breaking up, but separating into a large number of small political units might be the only solution to the hyper-carnivore state (see above).

We do live in interesting times.

— Sandy Shaw and Durk Pearson

The second time around — F. Scott Fitzgerald said there are no second acts in American lives, but that has turned out to be ridiculously untrue, as Bill O'Reilly is only one of the most recent to prove. What might give lovers of

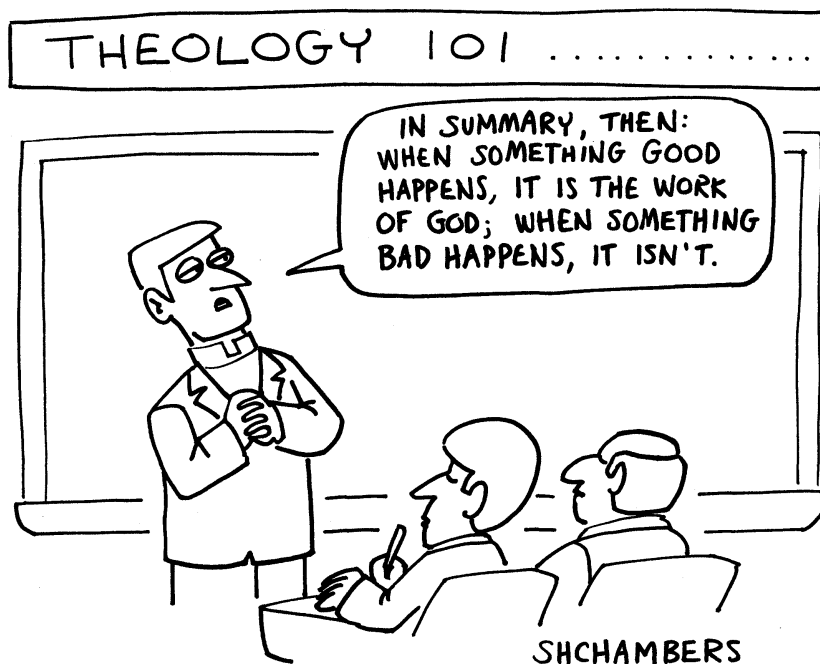
liberty at least a glimmer of hope as we contemplate the Imperial City for the next four years, however, is that second terms in American presidencies are almost always at least mildly disastrous for the president in question. There are reasons to believe that George W. Bush is unlikely to break the pattern.

We all remember Watergate in Nixon's second term (though some might not have had Republican friends at the time, as I did, who were utterly convinced

Nixon was really going to reform and reduce government once reelected). Reagan's second term brought Iran-Contra and Clinton's ushered in Monicagate. If LBJ was really JFK's second term (which could be argued) it was disastrous. Even Ike had a recession in his second term and a Democratic sweep in the 1958 congressional elections.

The track record of second terms wasn't much better before the 22nd Amendment term-limited presidents. Woodrow Wilson's second term saw not only a war but the collapse of the Democratic majority. Because FDR won a third term thanks to the next war, we tend to forget that his second term featured the court-packing fight, a 1937 recession, and GOP victories in 1938. Truman had problems — McCarthyism, scandals, congressional opposition — in his second term, and his retrospective rehabilitation rests mostly on what happened in his first term.

President Bush has an ambitious set of plans for his second term, but he is unlikely to be able to focus enough attention on any one of his projects to bring them to completion — though I wouldn't mind if he really did take a baby step toward privatizing Social Security and simplified the tax



code. Iraq is likely to remain a thorn unless he decides to declare victory and get out. To be sure, presidents accomplish most of that they do by delegating, but success on major projects generally requires some personal presidential attention. One man has only so much attention to give.

Second terms are often marred by the surfacing and maturing of scandals that began in the first term. The list of potential scandals that could ripen to the spoiling stage during Bush's second term includes the possible AIPAC-Israeli acquisition of secret documents, the new CIA report on how 9/11 happened and the response to it that has been kept under wraps until after the election, and new investigations into the failure to find "weapons of mass destruction" in Iraq. Perhaps Republicans, less constrained by the imminence of an election, will be more willing to search for something resembling truth.

Conventional wisdom holds that Bush has two years — maybe 18 months — to ring up some accomplishments before the political world becomes transfixed by the 2006 and then the 2008 elections and sees him as yesterday's news. I suspect several problems will reach up to bite him before then.

— Alan W. Bock

Yasser Arafat, RIP — Highlights from the life of a statesman:

- 1929: Born in Cairo.
- 1965: Forms Fatah guerrilla movement.
- 1966: First successful Fatah attacks against Israeli civilian targets.
- 1969: Becomes chairman of the PLO.
- 1970: Quoted in the Washington Post saying, "The goal of our struggle is the end of Israel, and there can be no compromise."
- 47 people are killed when SwissAir flight 330 is bombed by a PLO group.
- PLO terrorists attack an Israeli school bus with bazookas, killing nine children.

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1972: Eleven Israeli athletes are murdered at the Munich Olympics by a Fatah group.

1974: Addresses the UN General Assembly, referring to Israel as a "racist camp predicated on the destruction of civilization, cultures, progress, and peace," while comparing Zionism to Nazism.

- 21 children are killed by PLO terrorists at Maalot school.

1975: The PLO's destabilizing of Lebanon and support for the Marxist rebels contribute to the outbreak of civil war. The PLO persecutes and kills thousands of Lebanese civilians.

1978: Fatah terrorists take over a bus and kill 21 Israelis.

1980: Quoted in the Venezuelan *El Mundo* saying, "Peace for us means the destruction of Israel. We are preparing for an all-out war, a war which will last for generations."

1985: The *Achille Lauro*, an Italian cruise ship, is hijacked by Palestinian terrorists. Leon Klinghoffer, an elderly, wheelchair-bound man, is shot and thrown overboard.

1988: Renounces terrorism and acknowledges Israel's right to exist.

1993: Signs Israel-PLO accord on Palestinian autonomy, known as the Oslo Accords. He pledges to stop incitement and terror and to foster co-existence with Israel.

1994: Awarded the Nobel Peace Prize.

1995: States on the Voice of Palestine, "The struggle will continue until all of Palestine is liberated."

1996: States in Stockholm, Sweden to a gathering of Arab diplomats, "You understand that we plan to eliminate the state of Israel and establish a purely Palestinian state. We will make life unbearable for the Jews. . . . I have no use for Jews; they are and remain Jews! We now need all the help we can get from you in our battle for a united Palestine under total Arab-Muslim domination."

1997: Says on Palestinian TV, "It is important that we organize our homes and our movement so that we can more and more and more endure the coming battle, which we shall initiate."

1998: States in the Palestinian Authority newspaper *Al-Hayat Al-Jadeeda*, "O my dear ones on the occupied lands, relatives and friends throughout Palestine . . . my colleagues in struggle and in Jihad . . . intensify the revolution and the blessed Intifada. . . . We must burn the ground under the feet of the invaders."

2000: Meets with Israeli Prime Minister Ehud Barak at Camp David and turns down his offer to withdraw Israeli forces from 97% of the West Bank, 100% of the Gaza Strip, dismantle most of the settlements, and create a Palestinian state with East Jerusalem as its capital, telling him to "go to hell."

- Second Intifada, incited and encouraged by the Palestinian Authority, begins. To date, 750 Israeli and over 1,000 Palestinian non-combatants have been killed.

2003: The International Monetary Fund estimates that Arafat has diverted at least \$900 million in Palestinian aid to private bank accounts, and *Forbes* lists him as the sixth wealthiest among the world's "kings, queens and despots."

2004: Dies in France.

— Andrew W. Jones

Lies, Damned Lies, and Election Analysis

by R. W. Bradford

Whether it is mainline pundits or Libertarian Party leaders offering election analysis, the results are the same: idiotic claims that ignore obvious facts.

The morning after Kerry conceded the election, one of Liberty's editors was rather upset. "All over the media," he said, "there are reports that Bush won because ballot measures banning gay marriage brought out new voters who supported Bush." He was upset by this because he had voted for Bush and thought this was the usual left-wing attempt to smear opponents as bigots.

I told him that I doubted this theory was correct. "For one thing," I said, "so far as I can recall, the anti-gay marriage measures were mostly on the ballot in states that were strongly pro-Bush anyway. And one was on in Oregon, which is pro-Kerry anyway. The only battleground state that I can recall it was on the ballot is Ohio. But Bush won Ohio by almost a quarter million votes, and I doubt that the measure brought that many new voters to Bush there. Anyway, checking this out is a simple enough matter. All you have to do is see how Bush performed in states where the measure was on the ballot in comparison to his performance in states where it wasn't."

After a few minutes on the net, I had my answers.

There were no data that supported the notion that Bush gained votes because of the gay-marriage ballot measures, let alone that the measure had won the election for him. In fact, the data suggested that he would have done better if the gay-marriage proposals had not been on the ballot.

In states that voted on the gay-marriage ban, Bush increased his vote share from 53.33% in the 2000 election to 54.17% in the election just past. That's an increase of 0.84%. In states where gay-marriage bans were *not* on the ballot, Bush increased his vote share from 48.82% to 50.78%. That's

an increase of 1.96%. Bush's vote share rose more than twice as much in states where voters didn't have a chance to ban gay marriages.*

The evidence suggested that the gay marriage measures actually hurt Bush — and hurt him substantially. And this makes a lot of sense, if you think about it. Sure, the gay marriage measures may have brought more religious anti-gay voters to the voting booth, and these voters may have voted mostly for Bush. But it is just as likely that it brought a lot of other new voters to the ballot box: young, urban gays who were offended by the proposed ban on gay marriage. And these young voters may very well have influenced others: virtually all gays have heterosexual parents, and although these parents may not be crazy about their progeny's sexual orientation, they also may strongly prefer that their offspring get involved in more-or-less monogamous relationships, if only for health reasons. These groups and their families may very well have outnumbered anti-gay-marriage Christian voters.

* These numbers are slightly different than those I calculated at the time because I have used updated vote totals. In both cases, I used two-party totals because fringe party totals were not yet available and wouldn't substantially change the outcome.

This hypothesis may be wrong. But at least it is consistent with the evidence. The hypothesis that anti-gay-marriage ballot measures helped George Bush is not consistent with the evidence.

Yet on the cable news channels, in major newspapers, and on broadcast political shows the theory that the anti-

For ten days, political analysts repeated the claim that anti-gay-marriage ballot measures had increased Bush's vote, without bothering to look at the actual evidence, which inconveniently showed that Bush's vote share in states without the marriage ban on the ballot increased more than twice as much as in states where voters were invited to ban gay marriage.

gay-marriage measures had helped Bush continued to be stated, almost as if it were a fact.

In a sense, this is easy to understand. Two political groups had strong motives to propagate the groundless theory. The anybody-but-Bush crowd, most of whom believed that Bush was such an evil man that voters would surely reject him, found solace in the theory because it explained why their prediction was wrong, and it explained it in a flattering way: they had miscalculated because they had failed to appreciate how many small-town and rural religious bigots exist out there in the red states. Not only did it let them off the hook, but if they happened to earn their living from leftist politics in general and anti-Bush or anti-GOP politics in particular, it gave them an excellent way to raise funds. "We must fight against religious bigotry!" is an excellent battle cry for rallying their troops and getting donors to cough up cash.

Opponents of gay marriage, and anti-gay people in general, also had a strong self-interest in the hypothesis. It flattered them. It proclaimed them victors in the culture war. Not only were they so successful that they passed every measure banning gay marriages, but they also saved the president! It certainly wouldn't hurt their fund-raising abilities either.

But what is strange about this is that for more than a week, the theory was treated as gospel by much of the political class, and virtually no political analyst, commentator or pundit bothered to look at the actual evidence, despite the fact that the hypothesis was child's play to check out. Those who challenged the thesis were content merely to disagree; with a single exception, none bothered to look at the data.

That exception was a feature on Slate.com, which examined the vote totals and arrived at the same conclusion that I did. Unhappily, this analysis provided little detail and made a claim that was contradicted by the actual data, viz., that Bush's "vote share averaged 7 points higher in gay-marriage-banning states than in other states (57.9 vs. 50.9)."

In actual fact, Bush's vote share in the states with ballot measures was 3.39 points higher than in other states (54.17 vs. 50.78).

It also claimed that in the 2000 election, "Bush's vote share was 7.3 points higher in these same states than in other states." This also is false: Bush's 2000 vote share in the states that had the ballot measure in 2004 was 53.33, versus 48.82 in other states, a difference of 4.51 points.

Finally, ten days after the election, syndicated columnist Charles Krauthammer examined the evidence, arrived at the obvious conclusion, and wrote a column debunking the theory.

Why the long delay?

Politics in the United States has become a sport. Like sports journalism, political journalism has remarkably little interest in looking at actual evidence. And this is fine with most political activists, as it is with most sports fans. Consumers of political punditry seem more than satisfied by the moronic, highly partisan analysis offered by Sean Hannity or Michael Moore. They actually prefer it to the more reasoned (dare I say nuanced?) analysis of Charles Krauthammer or, say, me.

For their part, political activists, reporters, and even campaign managers would rather work themselves up over theories than attempt to verify or disverify them, in exactly the same manner as sports fans, reporters, and managers.

Consider the case of the sacrifice bunt, a tactic once widely employed in baseball. The theory is this: with a runner on first with no men out, the batter should bunt, in hopes that the infielder who gets to the ball will throw to first to retire the batter, enabling the runner to get to second base, where he can be driven home with just a single. In effect, you trade an out for a one-base advance.

From the 1890s until the 1980s, this tactic was very widely employed. It never occurred to anyone who believed in it that it could easily be proved or disproved. All one had to do was examine what happens when it is tried and when it is not tried: add up how many runs are scored in innings in which a runner makes it to first safely

Political activists, reporters, and even campaign managers would rather work themselves up over theories rather than attempt to verify or disverify them, in exactly the same manner as sports fans, reporters, and managers.

with no one out and a sacrifice bunt is used, and how many runs are scored when a batter is allowed to try to get a hit.

Finally, sometime in the 1980s as I recall, a group of baseball scientists did just that. They quickly discovered that in innings when the bunt was tried, fewer runs were scored on average, and fewer innings failed to produce a single run. Many other old strategic controversies in baseball have been similarly resolved by the simple examination of evidence.

A lot of baseball fans, commentators, and managers

oppose this sort of analysis and feel nostalgic for the good old days when they could argue endlessly about various tactics and strategies — the same way that many political fans, commentators, and managers prefer to argue endlessly about simple questions like whether gay marriage proposals helped or hurt Bush. But whether in sports or in politics, ignorance of this sort, be it willful or the product of intellectual laziness, is just plain stupid.

Political reporting and sports reporting are both inherently meretricious. Reporters in each domain depend on access to public figures — sports figures and politicians —

Like sports journalism, political journalism has remarkably little interest in looking at actual evidence.

which often leaves them reluctant to make any serious criticism at all, unless they are extremely partisan, and then their criticism is as predictable as it is tedious.

Reporters and commentators in both fields have a powerful interest in making the events they cover seem both closely competitive and crucially important. If they do not, the audience loses interest. Political journalists have even adopted the language of the sports page: closely competitive elections are “real horse races,” attractive candidates are “real contenders,” etc.

I just read Newsweek’s special election issue, which will be expanded and published as a hardback bestseller within a few weeks. It is sports journalism, pure and simple, an account of a close race, with inside details about the managers, players, and strategies, and distaste for outsiders, like the Swift Boat veterans, who might disrupt the game.

Politics is like sports in other disquieting ways. Consider the huge importance that partisans in both fields attach to victory. Every time you hear the word “historic” in a sports story, you can be sure that the utterer actually means “trivial,” as in the Boston Red Sox’s “historic, come-from-behind victory” over the Yankees after falling behind three games to zero.

Whether the Red Sox beat the Yankees is of huge importance to fans, but trivial in reality. Is the slim victory of George Bush over John Kerry any more significant? It’s obvious that whichever man won the presidency, the republic would survive more or less unscathed. While Kerry has a record as a left-liberal spender (a record any Massachusetts politician must have if he is going to win elections) and Bush has a record as what’s now being called a “big-government conservative,” as befits any successful politician from Texas, there is no reason to believe that government spending would be less under Bush. Indeed, based on past experience, the evidence is that spending will be higher under Bush — but not disastrously higher. There was little perceptible difference between the candidates even on the issue of the war in Iraq, despite the claims of idiots like Michael Moore. In fact, a case can be made that

Kerry proposed a set of policies that was even more pro-Iraq War than those of Bush.

The American republic is a remarkably robust political institution: it survived twelve years of Franklin Roosevelt, a Civil War in which 5% of its entire population was killed, eight years of Bill Clinton, and more nonsense in its public discourse than an imaginative novelist could concoct. It can certainly survive another four years of George W. Bush or even eight years of John Kerry.

And political commentary and analysis remains about 97% bullshit, pure and simple. The people like it that way. Charles Krauthammer will not be honored by his fellow professionals for pointing out that they’ve been talking pure BS. Some will simply ignore the evidence and go on prattling about the brilliance of getting anti-gay-marriage initiatives on the ballot. Others will simply drop the issue, and move on to other spins. And I shall move on too.

Deconstructing the Libertarian Party Performance

As fairly complete election returns became available the morning after the election, libertarians like me had reason for elation. Libertarian Party candidate Michael Badnarik had apparently captured around 390,000 votes, bettering the total of 2000 candidate Harry Browne and coming surprisingly close to his much better known competitor Ralph Nader, who captured about 407,000 votes — only 4% more than Badnarik.

I was surprised by Badnarik’s strength and close showing to Nader, and figured that it might indicate that the Libertarian Party was coming out of a long electoral funk. Given the tightness of the presidential race, the widely-held why-waste-your-vote sentiment among voters, and the lack of resources of the LP campaign, this seemed a very impressive showing.

But, as is my custom before I arrive at conclusions, I examined the evidence as closely as I could. I looked at state-by-state data, actual matchups between Nader and Badnarik, and kept an eye out for correlations that might help me understand what had happened, and why.

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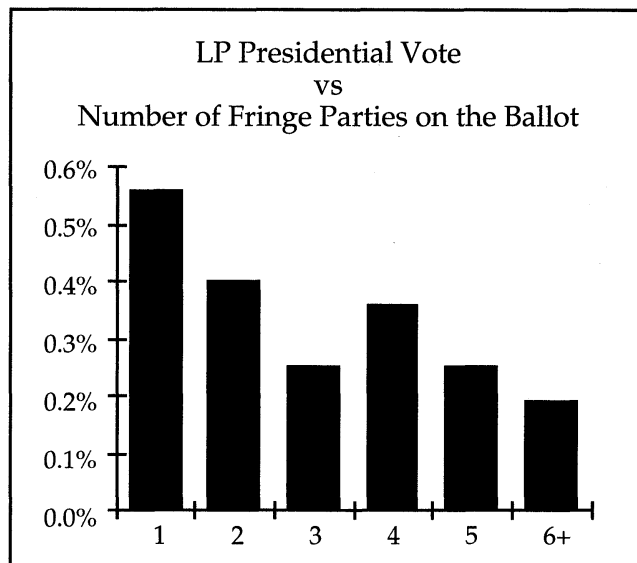
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The results were not pretty. In every one of the 34 states in which both Nader and Badnarik had been on the ballot, Nader beat Badnarik by substantial margins. Badnarik came closest to Nader in South Carolina, where Nader beat him by 49%. Nader had his widest margin in New York, where he garnered more than eight times as many votes as Badnarik. In states where both were on the ballot, Nader got more than three times as many votes as Badnarik.

So how did Badnarik manage to finish a relatively close fourth to Nader in the national totals? He did so largely because his name was on the ballot in 15 states where Nader's was not. In those states, Badnarik got almost 70% of his own vote total.

This suggested to me that a good share of Badnarik's total vote may have come as a protest from individuals who disliked both major candidates and were willing to vote for any alternative. If that were the case, we'd expect Badnarik to do best in states where he had the least third-party competition. So I sorted the states by the number of presidential candidates who adorned their ballots, and totaled Badnarik's vote share in each state. The results are illustrated in the graph below.



Obviously, there is a very strong correlation between Badnarik's vote share and the number of other fringe parties on the ballot, suggesting that a substantial share of Badnarik's vote did indeed come from voters seeking any alternative to the major parties and not particularly enamored or even aware of the Libertarian message.

What about the Badnarik campaign's much touted strat-

*There was a -.504 correlation coefficient between the percentage of votes that Badnarik received in a particular state and the number of presidential candidates on the ballot in that state.

I realize this sounds like technical gobbledygook to people unfamiliar with statistical analysis. A correlation of this sort explains the dependence of one variable on another in the following way: if you square the coefficient of correlation you get the level of dependence. In this case, the square of -.504 is .254, which means that 25.4% of the variance of Badnarik's vote share in each state is accounted for by the number of fringe candidates on the state ballot.

egy of concentrating its resources in four "battleground" states? Did the substantial expenditures for television advertising in these states pay off?

The four states were Nevada, New Mexico, Arizona, and Wisconsin. The results can be measured by comparing the LP candidate's vote share in 2004 to the LP candidate's vote share in 2000, when resources were not concentrated in those states.

In Arizona, a party split meant that 2000 presidential nominee Harry Browne did not appear on the ballot. Here are the results for the other three states:

States	2000 vote	2004 vote	Change
Nevada	.365%	.331%	-9.3%
New Mexico	.544%	.385%	-29.2%
Wisconsin	.256%	.216%	-15.5%
All three states	.316%	.262%	-17.0%

And how did Badnarik perform this year compared to the LP candidate in 2000 in the other states, where resources were not concentrated? His vote share fell from 0.364% to 0.333%. That's a drop of 8.4%.

In sum, LP vote share dropped 17% in the states where the 2004 campaign focused its money and energy, while dropping only 8.4% in other states. Think about it: the Badnarik campaign did twice as well in states that it ignored than in states where it concentrated its resources. Needless to say, this does not support the idea that heavy spending on television advertising had a positive impact. Indeed, it suggests that perhaps the more voters know about the Libertarian candidate, the less likely they are to vote for him.

There's another way to gauge how the LP fared in the election. The presidential race was widely portrayed in the media as extremely close, and the why-waste-your-vote argument was very much in evidence. Perhaps this factor drove down the LP presidential vote totals in general and

The LP vote share dropped 17% in the states where the 2004 campaign focused its money and energy, while dropping only 8.4% in other states, suggesting that perhaps the more voters know about the Libertarian candidate, the less likely they are to vote for him.

in the battleground states in particular.

So let's take a look at how the LP did in its races for the House of Representatives, where such arguments were not much in evidence. There are 91 seats in Congress for which the LP fielded candidates against both major parties in 2004 as well as in 2002. The LP vote share rose in three of those races. It declined in 88. The LP vote share in all 91 races declined from 2.24% to 1.95%. That drop of 12.7% exceeds the drop at the presidential level of 7.7%.

In sum, the election results were very disappointing for proponents of the LP. After contesting nine presidential elections, running thousands and thousands of candidates

for lesser offices, spending tens of millions of dollars and untold hours of volunteer time, the LP presidential vote share is down more than 68% from its 1980 showing. That share at the presidential level has declined in every election

In the presidential race, the LP finished 7.7% worse than in 2000. In congressional races, LP candidates finished 12.7% behind the 2002 totals. It was the worst finish for the LP in any election ever, aside from 1992's dismal performance, when its candidate was dodging bill collectors and refusing to speak to the press.

but one since 1988.

Of course, you won't get this impression from the Libertarian Party's website, where the election results were actually given as evidence of growth. Its lead feature was headlined "More than 20 Libertarians elected to office this year." A careful reading of the feature revealed that not a single candidate was elected to a partisan office.

The second lead concerned the presidential election. "Mr. Badnarik's campaign touched millions of voters and helped to increase the size and strength of the Libertarian Party," executive director Joe Seehusen told LP members. Seehusen credited Badnarik's unexpectedly close finish to Ralph Nader to the "media coverage that is showered upon celebrity candidates." He made no mention of Badnarik's huge advantage in ballot access or the huge margin by which Nader trounced Badnarik in every state in which both were on the ballot. Nor was any mention made of the 12.7% decline in vote share at the congressional level or the 7.7% decline at the presidential level.

Next up was a story about the Badnarik campaign's efforts in battleground states. No mention was made of Badnarik's dismal performance in these states.

Candidate Michael Badnarik was as optimistic as the LP

executive director. "We are the new refounding fathers and mothers and we will restore liberty," he told a student newspaper twelve days after the election. "We are making incredible progress. We will use this [election] as a springboard for future success. The campaign was a huge success." He also said he planned to run for president again in 2008.

Libertarian Party professionals, of course, get their livelihood from funds raised by the party and have a powerful vested interest in convincing the faithful that their contributions were effective. Like other political professionals, they spin stories and propagate interpretations that make no sense upon examination. They are simply doing their jobs. Which is exactly what I am doing when I debunk their claptrap.

I suppose Libertarians can take solace in the fact that other third parties did even worse. Nader finished almost 40% below his 1996 vote total — and he didn't even campaign in 1996. The Greens, without Nader on their ticket, got only 112,000 votes, finishing in sixth place, though they did manage to finish ahead of the LP in six states, as did the Constitution Party. It was a bad year for third parties all around — but even within that context, it was a bad year for Libertarians.

Note on Sources

Vote totals for the 2000 election are from the Federal Election Commission's website (<http://www.fec.gov/pubrec/2000presgeresults.htm>). For the 2002 congressional vote, I depended on <http://www.fec.gov/pubrec/fe2002/2002fedresults.xls>. For 2004 presidential votes, I used USA Today's website (<http://www.usatoday.com/news/politicselections/vote2004/nationalelectionresultsbystate.aspx?oi=P&rti=G&cn=1&tf=1>). For 2004 congressional returns, I used <http://news.yahoo.com/electionresults>. Raw third party presidential vote totals came from Ballot Access News' website (<http://www.ballot-access.com>).

I would like to thank A.J. Ferguson and Sara Jones for assistance with researching this article.

The Election

Fun with numbers — The days after the 2004 election provided a wonderful opportunity for those of us who spend time online to watch the process by which rumor arises from the combination of wishful thinking and mathematical incompetence. My favorite example was a graphic widely offered around the net as proof that Bush stole the election by the use of rigged voting machines. It consisted of nine sets of bar graphs comparing exit polls to final vote counts — one each for nine states. Three were labeled paper

ballot states, and in those three Bush did at best a little better in the vote count than in the poll. Six were labeled machine ballot states, and in each Bush did much better in the final vote than in the exit poll. So far as I could see, not a single one of the people citing that as clear evidence of vote fraud bothered to wonder just how the nine states being shown had been selected by whoever put together the graphic — clear evidence that not enough people have read "How to Lie With Statistics."

— David Friedman

Feeling sorta blue — In the state of Washington, voters went for John Kerry and reelected a liberal Democratic senator (Patty Murray). But they also reelected an avowed libertarian, Richard Sanders, to the state supreme court despite a smear campaign by a law-and-order judge who claimed that Sanders was a friend of criminals. Voters rejected an anti-corporate populist candidate for attorney general, and elected a populist conservative, Jim Johnson, to an open seat on the state supreme court.

Find some order in that.

Washington is one of the strongholds of the initiative and referendum. This year its voters took the advice of the teachers' unions and decisively rejected a charter school referendum for the third time. The argument was that charters would take precious money away from public schools. Washington has no charter schools and, of course, no vouchers. Voters also rejected a one-percentage-point increase in the sales tax even though its entire purpose was to give money to the public schools. The main reason for the second vote was that the sales tax in most of the Seattle area would have gone to 9.8%.

As I write, the race for governor is essentially a dead heat. If Dino Rossi wins, he will be the first Republican governor elected since 1980, and the first conservative governor in this state since people started pumping their own gas. If he does not win, Washington will be a state with two Democratic women senators (Maria Cantwell is the other one) and a Democratic governor, Christine Gregoire. The world of Democratic dominance will have been saved,

barely.

— Bruce Ramsey

This is CNN — On election night I sat back and watched the returns for ten hours straight, flipping back and forth between the cable stations the whole time. Nearby at the Parkway Theater in Oakland, a group of 300 Kerry supporters kept CNN on the big screen the whole time. "We wanted to be with like-minded people, either to get excited or weep," said one at the gathering. "The alternative was to be in a living room." I prefer a living room. But if their goal was to keep the party going all night long, the Kerry folks made a prescient choice in sticking with CNN.

As the night wore on, not much of interest happened until CNN, contradicting the early exit polls favoring Kerry, announced unexpectedly heavy Bush returns across the bell-

CNN legal analyst Jeffrey Toobin then tried to clarify the situation: "Kerry's chances appear to be nonexistent . . . but it's awfully close!"

wether I-4 corridor in Florida. At this point I thought CNN was doing the best analysis, though they, Fox, and MSNBC were all behaving fairly on the whole. Following those early trends in Florida, all three cable stations eventually called the state for Bush, which was important because winning Florida was a huge step toward his reelection. CNN lagged behind the others on calling Florida, but arguably called it within a reasonable amount of time. Then the strangest thing started happening.

At 12:41 a.m. Eastern time, Fox called Ohio for Bush, followed by MSNBC a short time later. It seemed all but over, with Bush needing only one more victory out of a group of swing states he appeared to be leading in: Iowa, New Mexico, and Nevada. At the time of Fox's Ohio call, Bush led by about 120,000 votes in the state with 83% of precincts counted. Analyst Michael Barone's reasoning was that, although a sufficient number of votes remained uncounted for Kerry to turn it around at that point, so many of them were in traditionally Republican strongholds there was no reason to think Kerry could make up the difference.

A Democratic operative soon appeared on CNN to lay out a possible Ohio victory scenario. The Democrats thought that, as the remaining votes were counted, Bush's margin might tick down to less than 50,000, at which point the large number of outstanding provisional ballots could still put Kerry over the top. That possibility kept the drama alive for a while. But as the 83% of precincts reporting ticked up to 97% by 3 a.m., Bush's lead increased to 145,000, with about the same number of (non-provisional) votes left to count.

The wild cards at this point were the uncounted provisional ballots, which nobody

Handicapping the Presidential Race

Predicting the vote total of Libertarian Party presidential nominees is a notoriously difficult task. As is customary, on election eve, R.W. Bradford invited Liberty's editors and contributors to predict the total vote that the Libertarian nominee for president would get the following day.

Here are their predictions:

Larry Sechrest	23,000
Tim Slagle	200,000
Bill Kauffman	205,000
R. W. Bradford	260,000
Douglas Casey	385,000
Michael Drew	395,947
Patrick Quealy	430,000
Stephen Cox	500,000
Bruce Ramsey	845,000

The most accurate prediction came from Douglas Casey. Curiously, Casey tells us that he is terrible at making political predictions. Last election's winner, by the way, was Bruce Ramsey, who seems to have been overwhelmed with a fit of optimism this year.

We also asked our "experts" to predict the winner of the presidential election and his winning percentage. Stephen Cox predicted George W. Bush with 51% of the popular vote. He was so accurate that we shall save the remainder of Liberty's "experts" the embarrassment of seeing their predictions in print.

had an exact handle on; estimates of the number of provisional ballots ranged anywhere from 100,000 to 250,000. Even so, in the 2002 election the provisional ballots in Ohio wound up breaking roughly along the lines of the overall vote count. On what basis could we therefore expect this random sampling from around the state to break so lopsidedly for Kerry to give him the win? For an answer, let's turn to CNN.

When asked why they hadn't called Ohio with 99% of precincts now in and Bush ahead by 140,000, Judy Woodruff confusedly explained that "we're looking to see if there's any way mathematically he [Kerry] can still win." Of course, if the races were called based on mathematical certainty there would be no need for projections by the vaunted "decision teams" of statistical and political experts hired by the networks to enlighten us. Something smelled here. CNN legal analyst Jeffrey Toobin then tried to clarify the situation: "Kerry's chances appear to be non-existent . . . but it's awfully close!" I see. Even with 100% reporting in later and the lead largely unchanged, still no call.

CNN's inexplicable delay in declaring the obvious was significant in this case, since the network had earlier called Nevada for Bush, meaning with Ohio added they would have had to call the election. Meanwhile, Fox still had Nevada listed as "too close to call" (a key difference from CNN's analysis on Ohio being that Nevada was actually close).

The next day Kerry conceded anyway, but the CNN-Ohio projection mystery continued, at least for me. CNN's Candy Crowley reported: "John Kerry woke up and found out he had a math problem; there was no way he could make the numbers add up." Wolf Blitzer added that "John Kerry simply did not have the votes to overcome" the deficit in Ohio.

Really? Then why was CNN making those preposterous statements to the contrary in the wee hours, staring at the very same "math problem" to which Kerry had conceded?

To cover their asses with an air of false objectivity, CNN ran a story the following day stressing that "caution was the watchword" in this election after the debacle of 2000, going so far as to deride Fox's Ohio call for Bush as a "stretch"! Never mind that Fox made the right call based on objectively defensible analysis, provided publicly on the spot, a call that got "righter" as the night went on. No, the mother of all stretches was CNN's non-call, and now we finally know why.

It turns out that after Fox's Ohio declaration, Kerry staffer Howard Wolfson told others in the campaign "boiler room" that they had 30 seconds to stop the other networks from calling Ohio. Several Kerry men got on the phone to ABC, CBS, CNN, and NBC begging them to hold off, and they mostly did. It's unclear based on the timing of events whether NBC simply ignored the Kerry people, or had already called Ohio, but it's quite clear from the farce I observed which course CNN chose. By deliberately stalling public confirmation of the election's outcome at the Kerry campaign's request, CNN allowed the Kerry team time to weigh its nonexistent legal options through the night. A race genuinely close enough to recount or otherwise challenge legally would have been a different story, but this one was no contest by late Tuesday.

It's not the media's job to tell a candidate when to concede an election. It is their job to honestly report the facts as they see them and let the candidates and the public draw the necessary conclusions. Kerry should have conceded Tuesday night based on the numbers in the "math problem," and probably would have had CNN (and the others) kept their analyses and proclamations honest, in the process telling the legions of Kerry supporters watching their network — and the world — the truth. I can't believe this isn't a bigger story.

By the way, even after Kerry conceded the next day, CNN's website listed Ohio as too close to call.

— Michael Drew

The political do-si-do — For libertarians, the most interesting thing about the election is that it may persuade the Democrats that they need to broaden their coalition. The Republicans have largely abandoned both libertarian and traditional conservative positions, offering a number of opportunities for the Democrats. Their problem is how to get new voters without losing too many of those ones they already have.

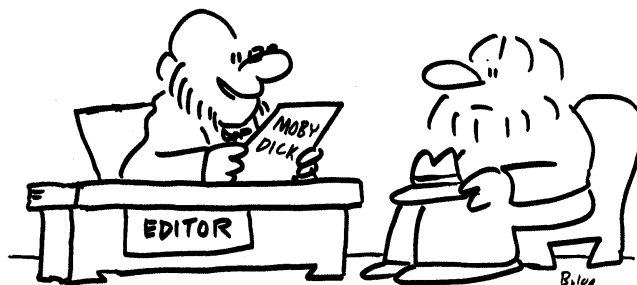
One intriguing possibility is for the Democrats to come out in favor of the federal government going along with state laws permitting medical marijuana. Not only is that a relatively mild and politically popular step in the direction of scaling down the War on Drugs, it also lets them pick up the banner of federalism and decentralism — what used to be called "states' rights," although that isn't a likely label for the Democrats to use — which the Republicans have dropped. I was struck, watching the election returns, by the results in Montana. Bush carried the state with over 60% of the vote. So did a medical marijuana initiative.

Another possibility is for the Democrats to shift to supporting homeschooling and vouchers. That's much more risky in terms of internal party politics, since it would offend the teachers' unions, probably the most powerful faction within the party. But it is also likely to appeal to a lot of voters. One can imagine a candidate for the nomination in the next presidential election using that position to differentiate himself from the other Democrats.

— David Friedman

Another vote for AuH₂ — Until election day I did not know whom to vote for. I hated the lies and slander committed by the anybody-but-Bush crowd so much that I was tempted to vote for Dubya. But then again, I don't like how the administration has increased federal spending or gotten us into the Iraq war, so I wanted to send a message to the GOP.

With that sentiment, I should have voted Libertarian,



"Nice, but let's change the whale to a kangaroo."

right? But I'm tired of the sheer zaniness that is the Libertarian Party. The 2004 LP presidential candidate hates the state so much that he drives his car without a license. No thank you, Libertarian Party. Please, put up a good market liberal next time.

My only option was to write in a candidate. That way, I'd be sending both the Republicans and the Libertarians a message — and the Dems, too, if they would only listen.

At my polling place, a poll worker pointed me to the new touch-screen voting machines. A man in a suit explained the apparatus. I dove right in and started typing the name of my write-in choice. When it reported back my "write-in," it read "Barry Goldwat." I asked the man in the suit if this would be a problem. He looked at the screen perplexed, perhaps at the glitch in the computer, or perhaps at my choice in candidates. He walked over to the election official to consult. Meanwhile another poll worker butted in, wanting to help and also to know what was going on. He looked at the screen and then at me with puzzlement and disbelief. I sensed he thought, "How could you waste your vote in our precious democracy!" I wanted to yell "voter intimidation!" but all I felt was voter humiliation. Finally I got the all-clear thumbs up from the man in the suit, and I cast, as far as I know, the only vote in my county for a dead candidate.

— James Barnett

Double the pleasure —

Whatever else you might think about the outcome of Nov. 2, at least one of those guys isn't going to be president. The sense of relief I feel about this makes me glad our country was settled by Englishmen. If we'd been settled by Austro-Hungarians, our political roots might extend back to the Dual Monarchy. I'm not sure how something like that would have worked in practice, but it gives me the cold shudders to think about waking up on Nov. 3 to the news that both Bush and Kerry had been elected.

— William E. Merritt

Blue jeans vs. blue blood — The résumés of George Bush and John Kerry reflect similar men from similar backgrounds. The only real difference is that Bush has a slightly higher IQ and did a little better on the SAT.

But intelligence or political philosophy has nothing to do with why people vote for a candidate; people vote on their gut instinct. I can summarize quickly why I think Bush won over Kerry: everybody loves a cowboy. Even though W was from an old-money, East Coast, blue-blooded family, and I've never even seen him on a horse, he has the swagger of a hero from an old western.

To put it in marketing terms: Bush is Marlboro; Kerry is Benson and Hedges. Bush is chaps and spurs; Kerry is long boots and an English riding cap. George Bush is married to a

lovely woman who looks like a schoolmarm, and has two coltish daughters. Kerry is married to a woman who conjures an image of a Valium prescription, and the only contact Kerry ever seems to have had with his children is their letters from boarding school.

John Kerry is Europe and the United Nations, the Ivy League, restaurants where you need reservations, movies with subtitles, and books you display on your shelf but never bother to read. Bush is America, hot dogs and chili, John Wayne movies and paperback novels.

It should be of some consolation to libertarians that the rugged individualist image won over the condescending socialist. Even though George Bush opposes libertarian thinking on matters like a balanced budget, military interventionism, and serving more pork than Bob Evans, at least America voted for the man who *seemed* libertarian.

The other reassurance is that Bush promises to nominate judges who believe in a strict interpretation of the Constitution. Some suggest that he may nominate Clarence Thomas, my favorite Supreme Court justice, to be chief justice if William Rehnquist were to resign. There is no chance of the United States signing the Kyoto Accord or joining the International Criminal Court for at least another four years. Meanwhile, we can expect that the tax cuts made in this term will become permanent, and a new round of deeper cuts is on the way. When Fed Chairman Greenspan's current term expires in 2006, Robert Reich will not be nominated as a replacement.

Badnarik didn't win, but there is
— Tim Slagle

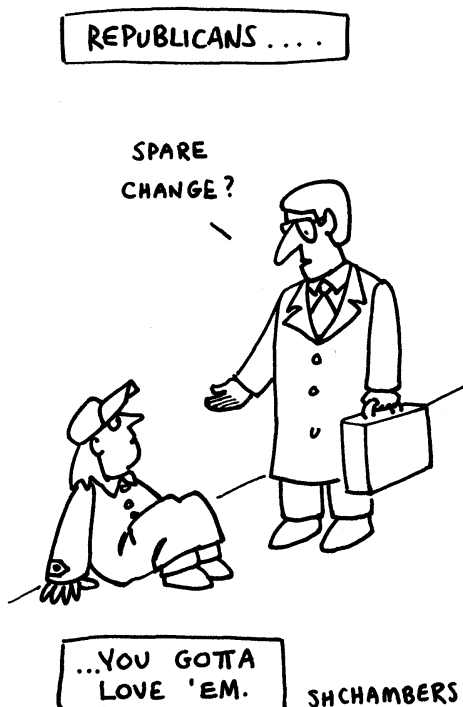
reason to celebrate.

Why hast thou forsaken me? — The first presidential election since 1988 to give one candidate more than 50% of the popular vote was reviled by many as a "betrayal of democracy." For a party whose name openly proclaims their allegiance to the principle *Vox populi, vox dei*, this is no mere political difficulty: it's a theological crisis. By their mewling protests, their impotent fury, and their hand-wringing self-pity, Democratic partisans have made themselves like Job, scratching their sores in the ashes. Unlike Job, however, they don't hesitate to curse the god who failed them.

— A.J. Ferguson

Looking backward — The three biggest mistakes of the LP's national campaign:

1. Michael Badnarik's campaign staff estimated that it could raise \$5 million dollars for the campaign during the five months between nomination and election. That's substantially more than Harry Browne, who was a master fundraiser, managed to raise in more than six years of hard fundraising for his two presidential campaigns. This was just



plain idiotic. In fact, as of election eve, the campaign raised just under \$1 million.

2. Acting on its idiotic assumption, the campaign signed a contract agreeing to pay film director and Libertarian activist Aaron Russo \$250,000 to produce television commercials. This amounted to a quarter of the total funds raised by the campaign, and didn't include the purchase of any air time. Because of a contract dispute, the campaign paid Russo only \$115,000 — still, that's 11.5% of all the money it raised.

3. The party nominated Richard Campagna for vice president mostly because of his promise that he could raise \$500,000 for the campaign. There was nothing in Campagna's background to indicate that he possessed this ability, and there was a lot suggesting that he was more or less a flimflam man. In fact, he raised about \$2,000.

— R. W. Bradford

Another disappointment — The campaign of Judge Jim Gray, the LP standard-bearer, against entrenched incumbent Barbara Boxer in heavily Democratic California was also very discouraging. Gray is a proven vote-getter, an elected judge and an articulate and attractive candidate with a relatively well-financed campaign who faced an incumbent who was obviously going to be reelected with a huge majority. He was probably the best candidate the LP fielded in any race, and certainly would have been a better presidential candidate than any of the three men who sought the LP nomination. He finished fourth in the race, with only 2% of the vote.

— R. W. Bradford

Not all the news was bad — Washington state Supreme Court Justice Richard Sanders won reelection with more than 60% of the vote. He is an explicit libertarian and has been an extremely articulate and effective jurist. Republican Congressman and former LP presidential candidate Ron Paul was reelected without opposition.

Non-party libertarians generally fared much better than Libertarian Party candidates. So did Libertarian Party members running for nonpartisan office. Perhaps it is time to consider the possibility that the LP is an albatross around a candidate's neck, and that libertarians who seek public office should abandon the LP.

— R. W. Bradford

Queer studies — On what issue do activist gays and lobbyists for right-wing churches agree? On this proposition: the 2004 election was won by an enormous turnout of conservative evangelical Christians voting in favor of "moral values," which was a code phrase for "opposition to gay rights."

On what issue do modern-liberal media such as the New York Times and conservative commentators such as Rush Limbaugh agree? On this proposition: the first proposition is nonsense.

And the second group of strange bedfellows is right.

The sole evidence for the first proposition comes from exit polls indicating that 22% of voters listed "moral values" as their chief concern, that these voters tended to vote for President Bush, and that he carried most of the states in which anti-gay-marriage measures showed up on the ballot.

Do you sense a slip between the evidence and the conclusion?

When you compare returns from the election of 2000 and the election of 2004, you find that Bush got an average of 2.5% more votes in 2004 from states that had anti-gay-marriage ballot measures. But that's approximately the same percentage that his nationwide vote increased. Bush ran an average of 15% behind the anti-gay-marriage vote in the states that had it, and none of the anti-gay-marriage states changed its presidential preference from 2000 to 2004. Those that favored the Republicans continued to favor the Republicans; those that favored the Democrats continued to favor the Democrats. Further, exit polls revealed that while Bush voters were more opposed to gay marriage than Kerry voters, they were marginally more in favor of gay civil unions.

And here is Slate.com on the gay marriage issue: "It's true that states with bans on the ballot voted for Bush at higher rates than other states. His vote share averaged 7 points higher in gay-marriage-banning states than in other states (57.9 vs. 50.9). But four years ago, when same-sex marriage was but a twinkle in the eye of the Massachusetts Supreme Judicial Court, Bush's vote share was 7.3 points higher in these same states than in other states. In other words, by a statistically insignificant margin, putting gay marriage on the ballot actually reduced the degree to which Bush's vote share in the affected states exceeded his vote share elsewhere."

Conclusion: the gay issue was electorally insignificant.

What about the general issue of "moral values"?

Here is Gary Langer, director of polling for ABC News, commenting in the New York Times: "Preelection polls consistently found that voters were most concerned about three issues: Iraq, the economy and terrorism. When telephone surveys asked an open-ended issues question (impossible on an exit poll), answers that could sensibly be categorized as moral values were in the low single digits. In the exit poll, they drew 22 percent. Why the jump? One reason is that the phrase means different things to people. Moral values is a grab bag; it may appeal to people who oppose abortion, gay marriage and stem-cell research but, because it's so broadly defined, it pulls in others as well. Fifteen percent of non-churchgoers picked it, as did 12 percent of liberals."

Langer adds that "just 8 percent" of voters "said they were mainly interested in a candidate with strong religious faith."

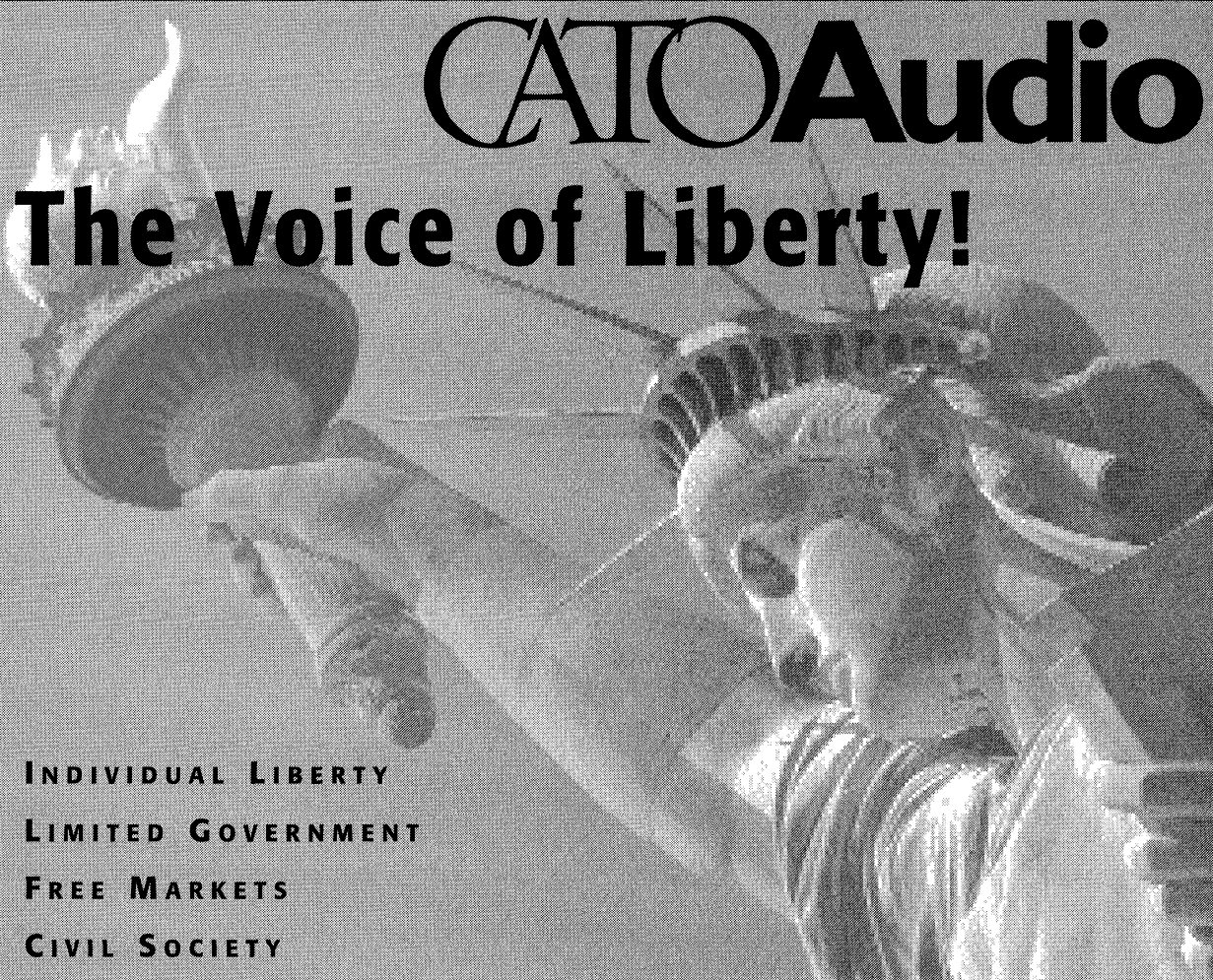
So there you have it. No matter what hysterical or opportunistic people at each end of the political spectrum prefer to think, there was no "right-wing Christian revolution" at the polls, much less an anti-gay revolution.

— Stephen Cox

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Liberty and Empire

by Ted Galen Carpenter

Sometimes, a good reason isn't good enough.

It is increasingly evident that libertarians find foreign policy a very difficult and divisive matter. Most libertarians oppose the Iraq war, but a substantial number of libertarians supported it, and a smaller, but still significant, number embrace a policy of trying to expand freedom in the world through military force. I find this profoundly troubling. Foreign policy should not be such a difficult issue for libertarians.

Advocates of liberty and constitutional government should be united in opposition to the promiscuously interventionist foreign policy that the United States has today. And if one doubts that it is a promiscuously interventionist foreign policy, consider that the United States has used large-scale military force or the threat of large-scale military force on nine separate occasions in the scant 15 years since the end of the Cold War, in places as disparate as Somalia, Haiti, the Balkans, and Iraq. That seems to be a bit excessive for a country that is merely protecting the security interests of its population.

By interventionist foreign policy, I refer to the coercive measures taken by the U.S. government — CIA covert operations, economic sanctions, blockades and military assaults. I do not mean trade relations or diplomatic positions, or even governmental education or propaganda campaigns to try to advance liberty in the world. One might debate the wisdom of such measures, but they are separate issues.

I'll grant that in the security arena there are individual hard cases. No strategy or policy is self-executing; judgments have to be made. Reasonable people can disagree about whether a threat exists, or how serious a threat might be, or if a threat requires coercive, or even military, action. But that is different from an argument that all of foreign policy is a

gray area and that libertarian principles teach us nothing about what kind of foreign policy is appropriate. Nonintervention should be the default position for a constitutional republic.

I had a discussion about this with a hawkish colleague of mine a few weeks ago, and he conceded that nonintervention should be the default position — unless there is a “good reason” for it not to be. That is the wrong standard. A “good reason” isn't good enough; there has to be a compelling reason. It has to be a situation in which virtually any alternative course of action is worse than taking coercive measures.

There is also the matter of burden of proof when it comes to military action. One of the most annoying features about the debate leading up to the war against Iraq was the attitude of the pro-war faction that the burden of proof was rightfully on those who wanted to remain at peace. The burden of proof should be on those who want to use military force — those who say that in this specific case, there is a compelling argument to take this republic into war.

More troubling than some of the disagreements about individual foreign policy cases are those libertarians who believe that it's possible to have a libertarian crusading state — a global interventionist foreign policy designed to free the unfree — while having a constrained state at home. Such a

position is wholly illogical.

Liberty and Empire

Among other things, libertarians who embrace that view seem to assume that domestic policy and foreign policy operate in hermetically sealed compartments. They don't. To be blunt, if we continue our current interventionist foreign policy, we won't be able to maintain government even in its cur-

The burden of proof should be on those who want to use military force — those who say that in this specific case, there is a compelling argument to take this republic into war.

rent, far-too-large, incarnation. We certainly will not be able to downsize it. That's because there are inherent requirements of a global interventionist foreign policy and there are inherent results.

One of the requirements is that the country must have a very large, very expensive military. There is no way around that. The United States cannot be intervening willy-nilly in various parts of the world with a small military. We are finding that out in Iraq now. Even with the large military we have, it is not large enough.

One can see the financial requisites of a hyperactivist foreign policy in the defense budget. We spend more than \$400 billion a year on the military. The country with the second largest military budget spends \$55 billion a year. Most modern industrial states spend somewhere between \$20 and \$40 billion a year. Talk about opportunity cost. That vast disparity in military spending is the imperial premium. It is the premium for having a global interventionist foreign policy instead of one dedicated solely to self-defense.

There are also very important social and political consequences. With an interventionist foreign policy, there are inevitable changes in the structure of the political system. Power flows inexorably from the private sector to the governmental sector. Within the governmental sector, it flows from the local and state governments to the federal government. Within the federal government itself, it flows inexorably from the judicial and legislative branches to the executive branch.

This isn't some nefarious conspiracy by "evildoers" or even power-hungry politicians. One can't have a global interventionist foreign policy if every initiative is going to be debated at length by Congress. An interventionist power must have a policy that is predictable, efficient, and reliable. And that requires the concentration of decision-making authority in an imperial presidency. It's no accident that the imperial presidency has developed during the era of global interventionism.

A key result of a global interventionist foreign policy is that it increases America's risk exposure. For instance, as a result of our alliance with the European countries in NATO, we have extended security commitments to Russia's neighbors. Now, I'm very fond of the Estonians, Latvians, and Lithuanians. But I'm not willing to take this republic into

war to defend them if Russia turns expansionist again. One can apply the same principle to our commitment to Taiwan. That security commitment creates a very real risk of a war someday between the United States and the People's Republic of China. Our risk exposure is substantially greater when we have an expansive foreign policy.

The War on Terror

America's risk exposure has also increased as we have alienated the Muslim world with an "in-your-face" political and military presence. We can debate whether U.S. foreign policy is the proximate cause of the rise of radical Islamic terrorism, but it certainly is a significant factor, and it may well be the dominant factor.

Now, what about the terrorist threat? It is a very real danger, but it's also important to put the threat into perspective. We're facing a force of several thousand fanatics. They certainly can do damage to us, but compared to the existential threat that existed during the Cold War, when one serious misstep by the United States or the Soviet Union could have led to a civilization-extinguishing event, the terrorist threat is relatively modest. We should be concerned about it, but we must not panic, or toss our principles overboard in combating this menace — as some libertarians are tempted to do.

It is perfectly reasonable as a matter of self-defense to go after terrorist groups that have attacked America. But that is different from an amorphous war on terror. Terror is a tactic, not an entity. It has long been the weapon of the weak against the strong; it is not a new phenomenon. We can and should go after specific groups that have used terrorist tactics against us, but we must recognize that we are never going to be able to eradicate terrorism from the face of the earth.

As a practical matter, we can't launch attacks on every group that uses terrorism as a tactic — there are too many such groups. Most of them, though, do not direct their attacks against the United States. Other enemies are the target of their wrath. Going after every terrorist group — and thereby making every country's enemies our enemies — simply is not in our interest.

A war against specific terrorist groups is dramatically different from launching a moralistic, Wilsonian crusade to

It's no accident that the imperial presidency has developed during the era of global interventionism.

overthrow tyrants and force-feed the blessing of democracy to populations around the world. That is an inappropriate role for a restrained constitutional government, much less a libertarian government.

The Cost of Crusade

Libertarians, even more than other people, ought to understand the distinction between what may be proper conduct for private individuals and groups, and what is proper

continued on page 53

Freedom: What's Right vs What Works

*by Charles Murray, David Friedman,
David Boaz, and R. W. Bradford*

Perhaps the most persistent fundamental argument among libertarians has been between those who believe that freedom is a good thing because of its consequences — because it creates a more prosperous or a happier society — and those who believe that freedom is a good thing because it is entailed by objective morality, which instructs us that it is always wrong to initiate physical force or to engage in fraud.

Generally, libertarian thinkers who hold the moralist view are led to anarchism because no government can exist without taxation, which violates the non-aggression imperative. Those libertarian thinkers who hold the consequentialist view are not boxed in quite so tightly, and some see justification for a state with minimal power.

At the Liberty Editors' Conference in Las Vegas on May 15, two panels were held to look at this issue. The first focused on the question of the plausibility of a society without government, and the second on the question of the morality of government and of its anarchist alternative.

The participants were Charles Murray, author of "What It Means to Be a Libertarian"; David Boaz, author of "Libertarianism: A Primer"; David Friedman, author of "The Machinery of Freedom"; and R. W. Bradford, editor of *Liberty*. Stephen Cox moderated both panels.

A transcript of the first panel was published in the December issue of *Liberty*. What follows is a lightly edited transcript of the second panel.

Moderator: Here we continue our discussion of liberty and anarchism, with a slightly different emphasis. I've asked Bill Bradford to begin with a brief statement of what we're talking about here.

R.W. Bradford: Ultimately, everybody answers the question: why do you favor liberty? It seems to me that there are basically two answers to this question. One is: I favor liberty because the consequences of liberty are a society in which human beings flourish and maximize their happiness. This answer, I believe, is either explicit or implicit in the writings of Ludwig von Mises, Milton Friedman, and Friedrich Hayek.

The other position is that liberty is a good thing because human nature is such that we have an obligation to respect the life, liberty, and property of others. This is the position of such influential libertarians as Ayn Rand and Murray Rothbard. When I first wrote about this view, I called it moralistic. I've since gone to calling it deontological, a considerably more accurate term. But I fear it is too abstruse a term for most people to grapple with.

When I initially proposed this program I called it something like "Deontological Libertarianism vs. Consequentialist Libertarianism," and I figured that title would draw about three people into the room, [laughter] all professional philosophers. So I don't mean to suggest that it's dumbed down one whit when it's changed to

"What's Right vs. What Works."

Moderator: Thank you. Charles, would you like to follow up?

Charles Murray: I will say very quickly that I firmly believe that minimal government could work. But I also think that the following is the only way to justify minimal government.

Suppose it turns out — sadly I'm sure it will — that very large segments of the human race are not crazy about freedom as we understand the word. They would like to have freedom in some respects, especially the opportunities that freedom brings. But most people also like security. You can explain all the ways in which their real security would be greater in a free society than by relying on government programs, and all the rest, but many will still want the kind of security that government programs claim to provide. In short, I am pretty sure that even under the best of circumstances, a large number of people in the world will always prefer to live under systems that we would find noxious in terms of their philosophical underpinnings.

That leads to a problem. If it were possible, would it be appropriate to impose a system on people that they do not prefer, just because it is a morally correct system? Especially if the alternative is a system that is morally inferior, but one that leaves me pretty much alone to live my own life as I see fit?

We live in the real world, in the United States of America, where I think you have to make the case for the most minimal government that can still command the support of a majority of the population. Or in other words, you have to be pragmatic and focus on what works as opposed to what the morally appropriate role of government is. If you don't, you're never going to get anywhere.

Moderator: David Boaz?

David Boaz: As I said earlier, I do come at this personally from an a priori and moral point of view. I think it's wrong to initiate force. When I was a kid libertarian, I remember at summer camps and things, libertarians used to say to each other, "Would you support libertarianism even if it meant we would all be poor and racked by social conflict?"

But our task is not to convert the whole world to thinking the way we do, because we ain't gonna do it. Our task is to find refuge and sanctuary some place.

And somehow the correct answer was supposed to be "Yes, yes I would! Liberty though the heavens fall!" And I think that critics of natural rights libertarianism think that's what the natural rights position is. But I think the real position — the real problem with this question — is that there's no real conflict, and if there were a real conflict, we'd have a problem. Murray Rothbard once wrote that it was a happy coincidence that the protection of individual rights leads to the greatest social prosperity, widespread happiness and so on. Even Rothbard, who is probably the most

aprioristic libertarian philosopher, only wrote that once. And Jeff Friedman's Critical Review likes to refute that sentence, but I don't think Rothbard meant it that literally. He didn't mean it was a happy coincidence; of course it's not. I do think critics of natural rights libertarianism who want to say, "No, we should talk about consequences, not natural rights or something like that," are saying basically that you think natural rights and the non-aggression axiom are a categorical imperative, and if you believe in that, you're not allowed to have any reliance on anything other than that bare moral principle. And I think that's wrong. In the

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first place, not all moral principles are categorical imperatives. They're not all principles that must be followed in all circumstances regardless of the consequences. They're rules, they're guides, they're moral principles that you're supposed to follow, and the central reason that you follow them is that they have the best consequences, but they're not something you follow in all circumstances. Liberty once did a poll and one of the questions asked was: if you fell off a 50th floor balcony and you grabbed onto the 30th floor balcony and were hanging on for dear life, and the owner of that apartment came out and said, "Get off my property," [laughter] would you let go? Well, of course you wouldn't let go, you'd be an idiot. And the implication is, well, if you wouldn't let go, then you really don't believe in natural rights. Because if you really believed in property rights, when the guy told you to get off his property, you would. Well, I think that's the difference between a moral principle and a categorical imperative. You're not obligated to do it in emergency situations, in unusual situations. It's a guide for living. Also, I think it is important to realize that when we make the case for natural rights, even if we may put it in these a priori terms, in extremely moral terms, even if we are inclined to say, "Yes, you bet I would believe it even if those were the consequences," we derive these arguments for natural rights from human nature. We believe they are the rules that are suited to human nature. Nobody would suggest that bees or cows follow a system of natural rights. Now, if we encountered another race, from another planet of rational beings who were much like humans in that regard, then we might very well say they have rights, or at least we should interact with them as if they had rights. But it is because they're suited for human nature, and suited for human nature means suited to the peaceful, prosperous flourishing of human beings, that makes them right for us. And we talk about natural rights, we talk about deriving them morally, we talk about deriving them a priori, but we also ought to look at history, eco-

nomics, reason, the study of human nature, and all of those in my view lead us to essentially the same conclusion. As I said, we'd have a real problem if we developed an a priori theory and then said, "But gee, history, economics, and reason point us in a different direction. History and economics teach us that central command and control organizations will bring about prosperity on the scale of the U.S., whereas laissez faire will bring about prosperity on the scale of Cuba." Well, then we'd have a real problem to debate here on this panel. But since that's not the case, I think it's sort of a triply redundant system that tells us we can be more confident that we're right, because the evolution of law, history, economics, and reason all lead us to the same conclusions.

Moderator: David Friedman?

David Friedman: I think there are three different questions we're asking. One is, "Why am I a libertarian?"; one is, "How do I explain it to other people?"; and one is, "How do I persuade people?" In trying to figure out why I'm a libertarian, I ask myself how I would feel if I believed that the implication of the pure rights theory, as best I could make it out, was some horribly unattractive set of consequences — if respecting rights completely led to almost everybody being miserable and dying early and all that stuff, whereas if we had just a little bit of violation of rights everything would be fine. The answer is that in that world I would think it a good thing to have a little bit of violation of rights. So I cannot be a pure-rights libertarian, I cannot be somebody who says the only thing I make my decision on is, to what degree do we respect rights.

I then turn the question around and try to imagine what I would do if I had the opportunity to take an action that was clearly, by my moral standards, unjust, immoral, and violated people's rights, but when the dust cleared, the people who had been made happy by it would be made a little bit more happy than the people who were unhappy were made unhappy. On consequentialist grounds, that would be a good thing, so would I do it? And the answer is, of course, no.

So I have to conclude that I cannot be either a pure consequentialist or a pure rights-based libertarian, since either position would lead me to support a change that produced

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a tiny gain on one scale in exchange for a huge loss on the other. And that's not in fact how I feel.

I have a second problem specifically with the a priori version of rights theory, although there are some related ones with the consequentialist version, and that is that when I try to think through the a priori version it turns out

to be much harder than most believers in it think. That realization comes partly from studying law. Categories such as coercion, and ownership, and things of that sort, turn out to be very complicated ideas. It is not at all clear how one initially gets the rights, such as ownership of land and things, that one claims to be entitled to use force to defend. I find that although I have both moral intuitions about how one should act and objectives I would like to achieve, the

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intellectual tools at my command can do a better job at figuring out how to achieve the objectives than they can in figuring out the implications of the moral intuitions.

We now come to an interesting observation about the objectives, and moral intuitions, that people actually have. When a libertarian argues with a socialist about rights, in my experience, they can never agree about the facts of their hypothetical. The question is something like: does a poor man, if he's hungry, have the right to be fed by a rich man?

In the libertarian's hypothetical, the two men started out perfectly equal, going out into an empty wilderness. The rich guy worked hard and cut down trees and made a farm and grew food and fed himself and his kids, while the poor guy was sitting there lazily, occasionally picking a few wild asparagus stalks to keep himself alive. After all that was done, the poor guy went to the rich guy and said, "Aha! I'm poor, you're rich, we're all equal, support me."

The socialist's version of the hypothetical is a little different. His poor guy worked very hard cutting down trees, clearing things, making a farm. The rich guy then came and swindled him out of all of it, and now he's claiming [laughter] . . . I'm exaggerating a little bit, but not very much.

If that description of the argument is right, it suggests that the libertarian and the socialist have rather similar moral intuitions — not identical, but similar enough so if they really agreed on the facts, one or the other would have a hard time defending his position.

Furthermore, I observe that consequences matter to both sides. I've never met the socialist who says, "We need socialism because it's just. It's true people will be hungry, and be miserable, and die of diseases, and they'd all be happy and healthy and such if we only had capitalism, but capitalism is unjust and it's exploitation, so we need socialism." I have not met that socialist yet.

It looks to me as though the people who say, as I might have said a very long time ago, "I'm in favor of liberty because it's right," wouldn't hold onto that position if they really thought liberty was catastrophically bad in its consequences. And I get the feeling that the socialist who says, "I'm for socialism because it's right," wouldn't hold on to his position if he thought the consequences of his system

were catastrophically bad either.

That leads to a final conclusion, a tactical decision I made a long time ago: on the whole, while arguing moral philosophy can be entertaining and occasionally enlightening, you ought to spend most of your time arguing economics and history and such instead, because the chance of persuading other people to agree with you, or their per-

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suading you to agree with them, is a whole lot better.

It is better for two reasons. One is that, on the whole, most people's objectives are pretty similar. They differ, of course, in one important way: I want good things for me and you want good things for you. But when you get beyond that, most of us hope that other people will be well-fed and healthy and all that nice stuff, and most of us really don't like seeing people ordered around, except maybe when we do it. There are, of course, disagreements about the details, but more agreement than disagreement.

If I and the guy I am arguing with have about the same objectives, that eliminates one problem in coming to agreement. In addition, we live in the same real world, we both experience that world. When we make predictions that turn out to be false we can see that we are making a mistake. So there's at least some hope that we can come to some agreement about what the consequences are of real-world alternatives.

If we agree on the consequences and have some mechanism for reaching at least some degree of agreement on what leads to what consequences, there's a hope that one or the other of us can eventually give the other arguments with which he will later persuade himself, and so bring us to agreement. So it seems to me that on the whole, arguing

on a consequentialist basis is a more useful way to spend one's time than arguing on an aprioristic basis.

Moderator: Bill?

Bradford: I see David has a list of three items, and I do too. I noticed his have Roman numerals and mine have Arabic numerals. I'm not sure of the consequences of this. [Laughter.] Or the significance.

The first problem I have with rights theory, and the first issue that I think is involved is: Is the logic of rights philosophically rigorous? Now, I won't go into it here, but I'm convinced that rights theory as I read it in Rand and Rothbard — and for what it's worth, I can't find anything in Rothbard that isn't really in Rand, I think Rothbard is more or less derivative of Rand — is not rigorous at all; in fact, it's indefensible.

I had the good fortune, as an undergraduate and a hopped-up Objectivist, to have a professor of philosophy who was an Aristotelian, a neo-Thomist. And we agreed on almost every philosophical issue, we had the same philosophical "base" as Ayn Rand would say, but when it came to the political consequences of this philosophy, we differed considerably.

So, I decided to sit down and write out in rigorous, syllogistic form the derivation of rights. I spent a good deal of time at it, and I came to two conclusions. One, the real thing we're deriving is not rights — what we're deriving is the non-aggression imperative — and two, the derivation was fallacious. I'm not going to go through all the considerations I did, but I suggest that anyone here who is interested in this issue study "The Objectivist Ethics," examine Galt's speech and Rothbard's "The Ethics of Liberty," and try to come up with a rigorous defense, or rigorous derivation of this proposition. I don't think it can be done. If you get it, for God's sake, Liberty would like to publish it — for Rand's sake, I guess. [Laughter.]

At the time, that left me pretty much in the consequentialist camp. That is, I'm for liberty because liberty is good for me and good for people. The problem with this is, that when I finish saying it, that no matter how much I think about it, I'm lying. By that I mean, if we walk out of this casino onto the street, and I see a guy beating up another guy — and I see no reason to think this is defensive or retaliatory — I'm going to conclude that the guy who's beating him up is a bad guy. I think in a very fundamental

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I'm convinced that rights theory as I read it in Rand and Rothbard is not philosophically rigorous at all; in fact, it's indefensible.

level, in my gut, that initiating force is almost always wrong. One thing David didn't mention when he was talking about what we call the "flagpole" issue around the office is that was one of several theoretical questions we asked people, and the difference among them was that the consequences of sticking with the nonaggression principle were much higher as you went through the list.

It's sort of like, if you absolutely believe in property rights, you have put up a "No Trespassing" sign and a little girl comes wandering onto your yard chasing a butterfly, do you have a right to blast her away? [Laughter.] My answer is: you don't. I mean, we have these gradations and as we go through them, we need some kind of method of

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sorting them out. And I don't think that the noninitiation imperative is much more than a starting place.

And here's why: I sorted through Rand's discussion of this really thoroughly, and her basic answer is that it's an absolute imperative except when it isn't, except in situations where it isn't. Well, the whole purpose, at least according to Rand, of why you need a moral rule, is so that when you get in tough issues, you'll have a way of deciding it. Well, if I get in a tough situation, it doesn't help me a bit if she's got this caveat saying that I can abandon it.

This reduces the question of what's a tough situation, what's an emergency, to use the term she used. And that's a question she doesn't address very well. She goes on about metaphysical conditions inappropriate, or abnormal for human life or something like that, but this doesn't really address the issue.

So while I agree with the noninitiation principle, I treat it not as an imperative — although I think many libertarians do treat it as an imperative, as a way of solving virtually any issue — I treat it as a general rule.

Now, I realize this is all a little fuzzy. But I don't see any way to get around the fuzziness. One of the reasons I'm charmed by the institution of juries is that juries offer a practical way of getting around this. I mean, you did something that under ordinary circumstances would be wrong, you have an opportunity to explain to your neighbors why you did something that under ordinary circumstances would be wrong, and if they say, "Gosh, he's sort of got a point there. Maybe it's okay to hold onto the flagpole and not drop and kill yourself, and to actually trespass on this other property owner's property."

I realize this is not a philosophically rigorous answer, but it has appeal to me. For one thing, it doesn't claim to be philosophically rigorous, so it's hard to criticize it for that. More importantly, as a practical way to get through life, it's a very good guide.

Moderator: Let's open up for questions and further discussion. Alec?

Audience member: Like most people here, I more or less used to be of the type that thinks automatically that it's not right. I'll argue that it doesn't work either, but it's not right and that's just undoubted and that's a secure thing to sit on, no

matter how rough the ride is, on any issue. But, on further thought, it seems that morality is based on consequentialism, natural rights is based on consequentialism. What's the root of morality? Well, natural rights. But why do we have natural rights? Well, because of our nature. All virtue and value must be directed toward maintaining life and making it better. Well, those seem like consequences of our moral actions, they seem like the reasons we're for those actions in the first place. They are not utilitarian moment by moment, but in the long run, they will work better and let humans prosper and flourish. However, they are consequentialist. You're focusing on the consequence of the concept in your real life. The philosophic evidence of the nature of man determines what action will better lead to consequences like quality of life. What do you think of the idea that consequences actually are at the root of natural rights morality in the first place?

Bradford: At least in my own experience in introspection, that just isn't the case. I mean, I didn't just sit down — I have no memory at any point in my life thinking: the reason that I don't like seeing what I would call crimes, I mean the initiation of force, occur, is because I've analyzed the consequences of it.

There's something much more visceral. That's my own experience. Now maybe other people were smarter when they were little kids, I don't know. But you know, in retrospect, I have to say that I believed that initiation of force was wrong before I ever read Ayn Rand.

Friedman: My views of rights have nothing to do with Rand. As I said, I respect her, but I don't agree with her on lots of things. But the view that one ought to follow those general rules that result in maximizing the happiness of people already has a name. It's called rule utilitarianism. It's one of the variants of classic 19th-century utilitarianism. And as far as I can tell, the kind of talk that one often hears which says, "Well, you can't make this distinction because . . ." really involves defending natural rights as something like rule utilitarianism, and I always find it hard to figure out what's supposed to be the subtle distinction. And if people want to say that, fine, but then they ought to say that they're consequentialists who prefer rules to case-by-case decisions, and I don't see why they want to call themselves

If you say that my right not to be killed means my right to have people stop other people from killing me, that requires positive actions and is a claim against other people, just as my right to eat would be.

natural rights believers except there's a shorthand for a particular conclusion from rule utilitarianism.

Boaz: Who defines what works?

Friedman: You're asking me?

Boaz: Yes.

Friedman: I'm defining it in terms of what outcomes I think are desirable.

Boaz: But we will all have —

Friedman: Utilitarianism strictly speaking defines it in terms of either what maximizes the average happiness of mankind, or what maximizes the total happiness of mankind, again depending on which variant.

Boaz: I'm just wondering how you deal with the routine objection to utilitarianism of any kind, the objection about who gets to be the definer of what works.

Friedman: Well, of course, the way I deal with it in practice, as I thought I already said, was to observe that most people have a very large common element as to what they see as desirable objectives. And that's large enough, since my guess is that anything radically far from what I want would do badly enough in its outcomes so that almost any plausible human set of objectives would prefer the outcome of the institutions I want to the alternative.

Bradford: The extreme case in this is Mises, who argues that his praxeological analysis of society is totally value-neutral, and the economic system that he recommends is one that, generally speaking, fulfills the subjective desires of the people who want prosperity, well-being, and happiness.

But if, for example, you wanted to work out an economic system that instead produces death and destruction, you could design that. He's just not particularly interested himself in designing that kind of system because most people he runs into seem to favor wealth, health, and happiness to disease, destruction, and death. [Laughter.]

Moderator: The gentleman in the back of the room?

Audience member: I wanted to ask the panelists if any of them had read Steven Pinker's new book "The Blank Slate," which is all about human nature, what it is, and what it is not.

Friedman: I haven't read the new Pinker book. I was very favorably impressed by "The Adapted Mind," which is a work on evolutionary psychology. I have an article on economics and evolutionary psychology that is webbed on

time explaining. I think that evolutionary psychology is a fascinating field, it's one that appeals to economists because the logical structure of evolutionary biology is very much like that of economics, but I haven't read the Pinker book.

Moderator: Charles, is this in your territory?

Murray: The findings in books like Pinker's actually lie behind my remarks earlier. I remember that in my own book on libertarianism, which was published in 1996, I had a sentence to the effect that freedom is as essential to happiness as oxygen is to life. At a dinner party with

If it were possible, would it be appropriate to impose a system on people that they do not prefer, just because it is a morally correct system?

Irving Kristol — who in fact threw the dinner party for the book, bless his heart, him being a neocon [laughter] — he said that was the silliest sentence in the whole book. I bristled at that, but I guess I would have to say in the years since then, partly because of evolutionary psychology, partly because of the empirical findings in psychology, I have this sinking feeling I was wrong for a large part of the human population. It was a silly sentence after all.

This is going to sound much more pessimistic perhaps than I intend it, but I'll say it and then try to qualify it. There are a lot of people for whom freedom is as necessary to happiness as oxygen is to life. I am one of them, and everybody in this room is one of them, and we need to have a place where we can live and where we can function. But our task is not to convert the whole world to thinking the way we do, because we ain't gonna do it. Our task is to find refuge and sanctuary some place. And that's what makes me, as far as my advocacy goes, a consequentialist. That's separate from my visceral beliefs. Bill, I thought your statement about viscerally being attracted to freedom is absolutely right. I did not come to the conclusion that free societies worked better in a pragmatic sense. I started out with exactly the same kind of assumption about the initiation of force that you did, and I bet everybody in the panel did to some extent.

Moderator: Let me call on the gentleman in the back of the room.

Audience member: When I find myself in discussions like this, it seems to me that everything started with natural rights. Once you write this down, the question always comes around, well, what about more? Why can't I just add more? Why can't I reinterpret this to make it broader? Why can't I do this?

And every time that happens to me, I always wind up saying something like, "Well, you better assume this because if you don't, there will be major consequences."

Friedman: I would say that I don't have to assume rights

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my web page and coming out in somebody else's book. It is not really about libertarianism at all; it's trying to see whether, if you substitute the evolutionary psychologist's version of rationality for the economist's version, you can explain any of the puzzles that economists have a hard

since I already intuitively believe in them. As I said, I'm neither purely for one form or the other. I'm not inclined to try to get other people to believe in natural rights because I don't have any very good arguments for them, and I try to limit myself to persuading people of things I have good arguments for.

I should say that my critique of Rand — which is based entirely on Galt's speech — is on my webpage, if anybody's curious.

Boaz: The criticism of the idea of adding a Bill of Rights to the Constitution was: if you enumerate the rights of man, it's impossible to enumerate them all, so therefore some will be left out. They tried to deal with that by adding the Ninth and Tenth Amendments. Nevertheless, it is an issue. There is one fundamental right, it seems to me, which is the right to take actions, to live your life in the way you choose, so long as you don't interfere in the equal rights of others. Now, there are complications to

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that statement, but I think that's the one.

And I think it is true that ultimately, the natural rights argument, even in Rand, is a consequentialist argument. It is: these are the rules that are necessary for man to flourish as man qua man. But it's also true, as Bill said, for me, that I viscerally believed it was wrong to hit people and take their stuff before I read the philosophical argument for why it's wrong.

Moderator: Yes, Bruce.

Bruce Ramsey (from the audience): This is a question for Charles Murray. Last summer I attended Jeff Friedman's seminar about libertarian ideas, and one of the arguments we got into was an argument from your book, about liberty and the average person, the common person who just makes a living and struggles. And under a free society, if that person can support a family, do their simple role in life, they have this immense satisfaction of having faced the obstacles and the odds and succeeded. And in a welfare state, all of that is stripped away, and basically that person has achieved nothing that they couldn't have had provided to get them back to zero.

And Friedman called that a very smug or self-satisfied argument and he thought it was ridiculous, and I thought it was convincing. I wanted to ask you, whether you've dealt with an attack on that argument for the record, and whether you have found others who have found it convincing or not convincing.

Murray: Actually, that's the argument that I would say most people intuitively agree with. When I say that somebody may have low income, but if he has worked hard and sup-

ported a family, he can get to be 70 years old and look back on who he has been and what he has done and take pride in it — that's a statement that usually moves people who are not libertarian. They look at their own lives, or the lives of their parents, and they know how immensely proud a person can be of those kinds of accomplishments. I'm glad you took my side in your argument with Jeffrey.

Moderator: Yes, the gentleman in the white shirt there.

Audience member: Suppose you have a degree of doubt about whether a particular item is a natural right or not. For example, suppose there's a debate about whether you have a natural right to vacation with pay, to take the occupation of your choice, the kind of things found in the United Nations Declaration of Human Rights. You have a very considerable disagreement between people about what constitutes a natural right and what doesn't. My question is, if you have some disagreements, what criteria do you use to resolve them?

Boaz: Well, I think it depends partly on where you're having this argument — are you having it on "Crossfire," are you having it at a philosophical seminar, are you having it over the dinner table? — that determines what kind of arguments are appropriate.

I think when an argument like that is put forward, you have to try to analyze, what does it mean to have a right? And the obvious point that we would make in response to those things is: well, you're talking about rights that have to be provided by someone else. The kind of rights I'm talking about — the right to free speech, the right to the property that you have created, the right to make your own decisions and live your own life — we can all equally have those rights. But when you talk about a right to education or a right to health care, then you're saying other people should be required to provide you with that right. And that is not the same order of thing. Now, you can make an argument for it, but it's not the same kind of thing, and there's a problem: it involves taking something from other people, it involves using force against them.

That isn't always persuasive to people, but I think that is the rational distinction. And ultimately, it is our job to persuade enough people of enough of the case for rights that we can in fact live together in a peaceful and prosperous society. And I think we've done a reasonably good job of that. We've talked up here about our visceral reactions; well, I think one of the important points about libertarianism is that most people instinctively live by it. Most peo-

One of the important points about libertarianism is that most people instinctively live by it.

ple know that what you create is yours, that it is wrong to hit other people and take their stuff, that it is wrong to break your promises, and they live by that. It's only when you complicate it, when you bring in government, that

you sort of obscure the issue of who's paying for those prescription drugs, who's paying for that education, that people get confused. But if we can bring people back to the heart of the matter, we can all live together peacefully, and we do. We don't go around taking each other's property in our neighborhood, we don't go around hitting

I think in a very fundamental level, in my gut, that initiating force is almost always wrong.

each other. Then you can build from that to the explanation of what rights are, but that doesn't mean that you're always going to convince people.

Moderator: Let's see. Well, Durk, you haven't had a chance yet.

Durk Pearson (from the audience): There's a lot of different ways of deriving things. I got to libertarianism when I was a high school student by studying Norbert Weiner's book on cybernetics. When you apply what he showed about control and communication within complex systems to politics, to the complex systems of society, you see that the socialist nostrums are unworkable.

But there's another way that I think is a very profitable way to libertarianism, and that is game theory in experimental economics. I've written a couple of articles on that in Reason in the past . . . excuse me, Liberty, sorry about that. And I think you can read them and see that it leads inevitably in the direction of a libertarian worldview. There's a lot of publications on game theory and experimental economics being published in Science and Nature, and I don't know whether they're being published in there because the editors understand where these things are leading, or because they're completely oblivious to where these things are leading.

Moderator: Bill?

Bradford: Something that's been talked about by a number of panelists and some people in the audience that I haven't gotten my two cents' worth in, and that's the nature of man.

Moderator: Oh, you have to raise that.

Bradford: I agree that it's very relevant, and my own thinking on this subject has changed a lot over the years. I started out very much with Rand and Aristotle, that man is the rational animal. I have begun to suspect that the salient characteristic of human beings is not their rationality, but their adaptability.

Now, the two issues are not unrelated, I'll agree to that, but I just want to put this out as a notion for people to think about, that it seems remarkable that human beings can live in the wide array of physical environments that they live in. No other animal really lives everywhere from the frozen wind-swept arctic conditions to the hot steamy

tropics and every place in between. Man's the only one that manages it, and it's quite a remarkable feat.

Similarly — now, part of the reason he does that is because he's rational, mankind has found ways to protect himself from the environment — secondly, similarly, he's able to survive in a lot of different social environments. It seems remarkable to me that people in Russia survived Stalin. I mean, this is a real tough situation. And when you start looking at varieties of primitive societies, we see such a wide array of cultural arrangements that are truly awful. I think this is something that should be taken into account. Where I think this leads is to the conclusion that all kinds of human societies are plausible and sustainable, which actually more or less coheres with what I've observed in the world, although it's something that libertarians often frequently disagree with, and what we're really talking about is what type of society you'd like to live in.

Moderator: The gentleman in the blue shirt at the very back?

Audience member: This question is for Bradford or Boaz or anyone. What would one think of splitting the natural right theory, so you have necessary natural rights, and sufficient natural rights, and then conditional natural rights.

Bradford: I'm not sure what you mean by that.

Audience member: Well, say, like conditional natural rights, something that would work in principle in a couple situations, but gets to a point where it fails and you have to use something else.

Moderator: David, would you like to take that?

Boaz: That doesn't really sound like a system of natural rights to me, I think natural rights, if they mean anything, are supposed to be rules for action in all normal circumstances. And we've talked a little bit about emergencies — Rand wrote an essay on the ethics of emergencies, Rand said, correctly I think, you don't write your ethics for life-

You don't write your ethics for lifeboat situations because we don't normally live in lifeboats.

boat situations because we don't normally live in lifeboats. I personally have gone more years than I care to admit without finding myself hanging on a flagpole on a 50th floor balcony. [Laughter.]

So these rules work in virtually all the circumstances which we will encounter. Now, I kid Bill about these crazy questions about breaking into cabins and things, but there are some more real circumstances; for instance, if I knew that rounding up all the Muslims in the United States would be a way of forestalling a nuclear weapon going off in Chicago, would I do it? Well, I'm not going to give an a priori answer, "No, absolutely never" — if I

knew that would prevent the explosion of a nuclear weapon in a major American city, then I think you may be getting into the ethics of emergencies, but that's not the world we normally live in. Rules shouldn't be built on the basis of odd or marginal cases, and so I think that when deciding whether claims are natural rights, they either are

If you absolutely believe in property rights and you have put up a "No Trespassing" sign and a little girl comes wandering onto your yard chasing a butterfly, do you have a right to blast her away?

or they aren't; I don't think they are going to be necessary or conditional.

Bradford: One of the problems that we have here is that most of our political opponents see emergencies where we don't. [Laughter.] I mean, they don't have to be in a lifeboat to be in an emergency. We suddenly have an unemployment emergency, or we have a homeless emergency, or an energy emergency. That's one of the reasons why I think it's an important task for libertarian thinkers to put a little more energy than we have into defining what constitutes an emergency.

Boaz: Well, I think that's fair, but you know, a phrase that I sometimes use is, just because there are hard cases doesn't mean there aren't easy cases. But here I'm going to say, just because there are easy cases like — look, just because you have less money than Bill Gates, that ain't an emergency — doesn't mean that there aren't also hard cases.

Moderator: Charles, would you like to comment?

Murray: No. [Laughter.]

Moderator: We actually have time for one more, and I want somebody who's new, and it's the gentleman at the very far — yes, you.

Audience member: Why do libertarian policies come across as uncompassionate?

Murray: They come across as uncompassionate because the arguments for them are indirect. If you say you are against children being hungry, and you are in favor of a government program to feed hungry children, you are off the hook. It makes no difference whether you will have fewer or more hungry children after that program than before. At least you can say to yourself that you're trying.

When instead someone like me says that I don't like children to be hungry either, but the way that you have the fewest hungry children is to get rid of all social welfare programs to feed hungry children, I am making a complicated argument. Very few people will stick with you through that argument. So once you say that the operational solution is to get rid of food stamps, the operational solution is to get rid of WIC and the rest of the

programs that are supposed to feed hungry children, you have already defined yourself as not caring. Because, then as you go on ahead to say these programs don't really work, they create negative incentives whereby you have more children born into families which can't feed them, etc., etc., other people listen to this and say, "Well, this is just an elaborate rationalization to avoid doing the right thing, which is trying as best you can to feed hungry children."

Moderator: David Friedman.

Friedman: Let me see if I can respond to something closer to the original question about rights, because it seems to me that there are really three interesting categories of rights here.

An example of the first category is that you have a right not to be killed, meaning I have an obligation not to kill you. That is the normal, negative rights, libertarian approach.

An example of the second sort of right, which some libertarians accept but I am reluctant to, is again the right not to be killed, but meaning this time that someone has an obligation to protect you from being killed, to stop anyone else from killing you. If you follow through on the logic of that kind of right you conclude that taxes are justified, because the taxes are being used to pay for the police. You have a right to be protected from crime, and therefore I don't have a right not to contribute to the police.

People don't usually make the argument in that form, but that really is the logic of it. If you say that my right not to be killed means my right to have people stop other people from killing me, that requires positive actions and is a claim against other people, just as my right to eat would be.

The third category is the one you are raising. The first two are both rights that you have against me, your claim that I am obligated to not murder you or to stop him from

There are a lot of people for whom freedom is as necessary to happiness as oxygen is to life. I am one of them, and everybody in this room is one of them, and we need to have a place where we can live and where we can function.

murdering you. The third category is not a claim that you have against me but an obligation that I recognize that I have to behave in a certain way — an obligation owed as it were to myself, not to you. You have no right to demand that I feed you, but if you are starving and I readily can feed you, I am a bad person if I don't. And I suspect most libertarians believe that. Rand might not admit that she believed that, but I think she did.

Moderator: I'm afraid we don't have time for any further responses. Thank you, everyone. □

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The Meaningful Derrida

by Jo Ann Skousen

Jacques Derrida's right wing critics dismiss him as subversive of reason. He is far from that.

Jacques Derrida (pronounced with accents on the first and last syllables), one of the leading voices in modern literary theory and founder of the concept of deconstruction, died Oct. 8 in Paris. Derrida's influence reached far beyond literary theory to impact philosophy, theology, sociology, history, and politics. His work is probably as significant as Freud's and Darwin's in its influence, and yet it is largely misunderstood by laymen who seem to think the word is synonymous with "destruction." Paul Harvey made this mistake on his radio show recently when he talked about the "deconstruction" of some old office buildings that are being torn down.

Like Harvey, many armchair philosophers and intellectuals think that "deconstruction" and "destruction" are virtually interchangeable, and accuse Derrida of setting out to destroy Western culture. Although that has indeed been the goal of some of his misguided and overzealous followers, and probably explains to some extent the French distrust of the dominant American culture, "destruction" is not the inevitable result of "deconstruction." The root of deconstruction is not "destruct" but "construct," a word Derrida used in its noun form (accent on the first syllable), to mean a model, pattern, or framework upon which other ideas are built. He exposed the construct of Western culture by taking apart each building block and examining all its sides for additional layers of unspoken meaning. As a very simple example, "red" is both red and "the absence of everything that is not red." That may seem silly and self-evident, but when one is the woman or minority who is "the absence of everything that is not man," Derrida's discovery begins to

take on great significance.

The term "private property" implies both "this is mine" and the equally important "this is not yours." Why is this important? Because it eliminates the "finders keepers" rule. In our home, even while raising five children, money can sit around on a counter or desktop for weeks and no one will take it. Eventually the owner will pick it up, or someone will finally say, "Does anyone own this money?" Only after thoroughly checking for the rightful owner will the claimant pocket the money. We never consciously decided on this rule. It just arose naturally from our family's construct of the principle of private property. My son has taught his roommates these same rules of private property, resulting in a peaceful coexistence in the refrigerator. Imagine living in a world where everyone respected the concept that "mine" is also "not yours"!

Heralded as a new paradigm, deconstruction focused on the "other" that was largely overlooked by the dominant culture. Like an earlier French philosopher, Frederic Bastiat, Derrida focused on the unseen rather than the seen. Deconstructionists thus challenge the "constructs" of a society, the cultural framework upon which assumptions and

stereotypes are constructed. These building blocks often begin with phrases like "Everyone knows" or "It's human nature to . . ." and conclude with a blatant and widely accepted stereotype. Instead, Derrida would say "everyone

that is as bad as the previous marginalization of minority cultures. I don't think this was the intent of Derrida, who rejected the dualities of good and evil, black and white, master and servant. But it has been the result.

Deconstruction can be a valuable tool for decoding language and facilitating communication. For example, when my oldest son was a teenager, he and his friends suddenly discovered camping. My own "construct" of camping included such building blocks as hunting, fishing, hiking, cooking on an open fire, sleeping under the stars, communing with nature, and having long philosophical discussions about God and the universe. In other words, "camping" had positive, wholesome connotations for me, and I was delighted when my son developed an interest in it. Of course, when I deconstruct my camping model for my college students, they invariably laugh at my naivete. To their generation, the building blocks of "camping" include drinking, smoking, goofing off, and hooking up, with no phones and no parental access. In the 21st century, even that construct of camping is changing, as cell phones have made teens accessible wherever they are and many parents have made their homes available as a safer place for drinking and sex. But the point is this: Derrida challenges us to deconstruct the codes that are embedded within our language, to understand not only the denotations of words but also the connotations, and to realize that the denotations

Deconstruction can be a valuable tool for decoding language and facilitating communication.

themselves are replete with connotations. (See also George Orwell's masterful essay, "Politics and the English Language." And while you're at it, deconstruct that word "masterful"!)

Thinking deconstructively opens one's eyes to the possibilities of language. Just as I was drawn to examine my unconscious use of the word "masterful," I am also drawn to muse on the use of parentheses, boundaries which simultaneously marginalize and emphasize the words within the frame (a dual function served by quotation marks as well). Our enjoyment of puns and other figures of speech relies on the assumption that another person will understand our multiple layers of meaning, meanings that are often lost on members of other cultures who do not use the same symbols or word associations. Even our humor marginalizes and isolates the "other" implied by the "absence of those not in the dominant culture."

By examining the constructs that underlie the core values of a dominant culture, Derrida discovered unspoken layers of meaning that, when examined further, contribute to a more complete and honest understanding of the human experience. Like Frederic Bastiat before him, Derrida discovered that the unspoken and the unseen are just as powerful and important as the spoken and the seen. □

The root of deconstruction is not "destruct" but "construct," used in its noun form (accent on the first syllable), to mean a model, pattern, or framework upon which other ideas are built.

in the dominant culture assumes" or "it's Western cultural nature to . . ." He insisted that people examine their biases and preconceptions before assuming that "everyone believes" as they do.

Derrida discovered through this examination an obvious but important truth: Western culture is built upon a construct of philosophy and history that focuses on the white males who recorded it. What immediately comes to mind when you think of British history? Probably a list of monarchs, wars, and imperial conquests. When deconstructionists examined the history that mainstream Western historians did not much discuss, i.e., the aspects of British history that are not made up of kings and conquerors, they discovered a rich history that focuses on the everyday lives of ordinary individuals: women, servants, immigrants, and others. The result is a whole new approach to history, literature, religion, politics, and philosophy.

The upside of Derrida and deconstruction is that it gave rise to examination of the "other" — the alternate, non-dominant cultures that live side-by-side with the dominant culture, contributing unacknowledged meaning and value to a society. Feminism and multiculturalism are two important offshoots of deconstructionism, and I applaud the new approach to history and literature that is taught today, an approach that is not centered on war. The downside of deconstruction is that these "others" were pushed into becoming the new dominant culture, simultaneously marginalizing the white male as the "new other." This led to our current climate of legally enforced "political correctness"

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Reviews

"The Anti-Chomsky Reader," by Peter Collier and David Horowitz. Encounter Books, 2004, 260 pages.

The Many Hatreds of Noam Chomsky

Frank Fox

"The Anti-Chomsky Reader" is a recently published collection of critical essays, edited by Peter Collier and David Horowitz, on Noam Chomsky's political philosophy. It includes chapters on Chomsky "Whitewashing Dictatorships in Communist Vietnam and Cambodia," "Chomsky and the Cold War," "Chomsky and the Media: A Kept Press and a Manipulated People," "Chomsky's War Against Israel," "Chomsky and Holocaust Denial," "Chomsky and 9/11," and "Noam Chomsky's Anti-American Obsession." There are also a couple of chapters that question Chomsky's standing among linguists.

The book's cover is an apt one. It features Chomsky's face as a photographic negative, his eyes quizzically peering from behind aviator glasses, his wide mouth arranged in a shape that is at once a self-satisfied smile and a ghostly sneer. The arresting image is fitting, evocative of the many unanswered and troubling questions about this controversial intellectual figure.

The volume examines a variety of controversies that have swirled

around the famous scholar and anti-American propagandist. While it challenges his veracity on a number of issues and his reputation as a pioneer linguist, it does not provide a satisfactory explanation for Chomsky's unremitting attacks on the land of his birth. Whence comes Chomsky's great hatred of America, a country that has afforded him and his family a lifetime of comforts? In words penned in 1979, he described Washington as the "torture and political murder capital of the world" — this at the time when cruel communist regimes, particularly that of Cambodia's Pol Pot (whose murderous reign Chomsky was unwilling to confront), were responsible for the genocidal deaths of millions. His views on America have not changed. He considers the 9/11 attacks a justifiable and overdue response — America is to blame. Only an Islamic fanatic could match Chomsky for such vehemence and vitriol.

Just as perplexing are the origins of his equally great hatred for Zionism, an ideology he once admired, and for Israel, a country for whose welfare he struggled as a youth. He has described as "Nazi-like" the actions of Israel fighting for

its survival. There can be no more hateful expression against the land and people of Israel than to brand them with that label.

"The Anti-Chomsky Reader" tells the hitherto untold story of Chomsky's journey from Zionism to contacts with neo-Nazis, from philosophical discussions to a one-sided view of the world in which the United States and Israel are considered the world's preeminent enemies of peace. His life is a story of betrayals. One betrayal is of his family and its strong Jewish roots: Chomsky may aptly be called a "self-hating Jew."

Those of us who met him as fellow students at Gratz High School in Philadelphia in the early 1940s remember a very bright teenager in a class taught by his mother, Elsie, the principal of the Hebrew School. She was by some accounts a domineering woman (some described her as "tyrannical") in contrast to her passive husband, William, an authority on Hebrew grammar. They lived in Philadelphia's East Logan neighborhood and owned a car, a sign of affluence in those days. Noam attended the exclusive Oak Lane Country Day School. "He was not in the mainstream with the rest of us guys," a

contemporary recalled. "He didn't play football or baseball."

Long before he acquired a reputation as one of the world's bitterest critics of Israel, Noam had a keen interest in pioneering Zionism. He joined a radical Zionist group, Hashomer Hatzair ("The Young Watchman"), and spent some time as a teenager working on a kibbutz. The Jewish academic community in Philadelphia was not strongly pro-Zionist, but all of Noam's friends were, and those who knew him then cannot understand "what happened to Noam." But surely an important clue lies in the intemperate views on America that he has imparted to audiences all over the world. These have caused much confusion, particularly among youth for whom Chomsky and his radical ideology have become a lightning rod for hatreds and disappointments. He has become an icon whose views have even been espoused and recited by rock stars at concerts.

The second betrayal is an example of Chomsky using personal vendettas to settle historical scores. It is a story of unrequited love, albeit of an intellectual variety. The ideas of Professor Ellis Rivkin, a gifted and respected scholar who has praised America's leadership in the world, influenced the young Chomsky, but Rivkin's name is missing from the indexes of books dealing with the foremost radical of our times. The differences between young Chomsky and Rivkin became an intensely personal conflict, one in which the student, whose admiration for his mentor was

unbounded, eventually devoted his entire life to contradicting his teacher's view of history.

Rivkin received his training at the Johns Hopkins University, where he specialized in medieval history and Biblical studies. But he was principally interested in the dynamics of change. Where Noam was convinced of the evils of the American system, Rivkin was trying to explain to him the dynamics of change within that system.

The controversy with Rivkin formed an early pattern in Chomsky's life. Many who knew him in his formative years are gone, but some measure of the deep hurt he caused to those closest to him may be gauged by the fact that the family of Professor Selig Harris, a mentor of Chomsky's at the University of Pennsylvania, refuses even to discuss Chomsky, convinced that his ideas on grammar were originally those of Professor Harris. The names of those two influential scholars, like the likenesses from the Soviet hierarchy after Stalin's purges, are missing from the many works that deal with Chomsky's life.

Rivkin knew Chomsky when Chomsky was in his teens. It was because of Rivkin's offbeat, dialectical approach in dealing with themes in Jewish history, and his emphasis on economic forces, that Chomsky contemplated studying history. Rivkin discussed the despotic aspects of the Soviet system long before the Cold War. His knowledge of Marxist thought was grounded not only in the original ideas of its founders but in

the many splinter groups that accompanied the expulsion and eventual assassination of Leon Trotsky. I remember sitting in Rivkin's class soon after the war and hearing for the first time about the "wreckers and saboteurs" in the Soviet Union a decade earlier.

Those of us in the service who were exposed to Ilya Ehrenburg's wartime harangues, sent courtesy of the Soviet Embassy, knew little about these matters. Stalin was, after all, our ally. Rivkin made us aware of the critique of those trials by the philosopher John Dewey and others.

Chomsky and Rivkin talked before classes, took long walks, and sometimes had dinner together. They were both disillusioned with Stalinism, but for different reasons. Chomsky was intent on seeing how a "purer" Marxism could be achieved, while Rivkin wanted to understand the growth of the free-enterprise system. Rivkin's knowledge of Jewish history provided him with a starting point for creating a new view of the world and the forces in it. He saw the Jews as occupying a crucial place in the evolution of capitalism, from its inception to its present global influence. According to Rivkin, the history of Jews departed from that of other societies because of the Jews' religious concept of unity, an idea he was to develop fully in his important work "Shaping of Jewish History: A Radical New Interpretation" (Scribners, 1972). In this extraordinary book, Rivkin undertook a study of the importance of developmental Judaism and developmental capitalism. It was an intellectual tour de force which Chomsky would not acknowledge and whose import he has ignored for more than half a century. His attacks on Rivkin's ideas about democratic capitalism have not mentioned the name of his former professor and close friend.

Rivkin's book is a history of changing forms, but always has at its center a key element: the concept of unity that generated diversity. Rivkin saw the idea of unity in the universe as the underpinning of all progress — a contribution from Jewish tradition — as a tool for interpreting all history. Emancipation of Jews was always part of economic, social, and political movements. To Rivkin, the rise of Nazism was a result of the stagnation of nation-state capitalism in Germany. The Holocaust, in his opinion, resulted from "an entrapped nation state." America, on the other hand, was a society in a state of "permanent



"I used to work on a farm, but I got tired of all the rush-rush-rush."

revolution" (a Trotskyite expression never intended to describe a system of developmental capitalism).

Rivkin argued that America could fashion a global system in which the profit motive would serve a global society. This would be of crucial

Whence comes Chomsky's great hatred of America, a country that has afforded him and his family a lifetime of comforts?

importance to Jews, who found a home in every age and in every land in which there was economic progress. When a society was in a state of growth, it drew on whatever the Jews had to offer. Remove the economic growth, Rivkin argued, and anti-Semitism would flourish. Conversely, when capitalism prospered, Jews were safe.

Rivkin recalled many years later the shock that Chomsky expressed in 1955 when he told him that he was going to accept a position at Hebrew Union College in Cincinnati and that he was talking about the future of capitalism rather than class struggle. "I thought he was going to drag me into the Charles River," Rivkin recalled. "Noam's focus was on the evils of our system. I could understand why he would raise questions," Rivkin said, but "I could not understand why he would get angry." But then the followers of Marx were known for their intemperate expressions, as when Marx referred to Ferdinand Lassalle, the German Social-Democrat, as "Nigger Lassalle."

Chomsky was committed to a pure Marxism, but Rivkin was not. In contrast to Lenin, who considered imperialism the last stage of capitalism, Rivkin saw imperialism as a cage erected by nation-state capitalism. It kept alive the world of cheap, replicating labor; it did not bring about the efficient capitalism that a global economy demanded. Chomsky could not see this. He didn't understand that those who were driven by power

rather than profit motive would enslave others in the name of some "ideal."

Rivkin often referred to the writings of George Marlen (a pseudonym for George Spiro) and had been a keen follower of Marlen, a self-taught radical in New York and one of the many small players in the splintered Trotskyist movement in the 1930s. Marlen was an advocate of an analytical method that Rivkin had found useful and that Chomsky eventually used to the exclusion of all others: to analyze "the game of nations" based on memoirs, newspaper clippings, and little-noticed items in the press that somehow escaped the average reader's scrutiny. In one of the most revealing essays in the "The Anti-Chomsky Reader," sociologist Werner Cohn, who wrote the pioneering work on Chomsky's contacts with Neo-Nazis ("The Hidden Alliances of Noam Chomsky," 1988) and has repeated his accusations in the essay "Chomsky and Holocaust Denial" in the Collier-Horowitz volume, has explained the influence of Marlen on Chomsky's *modus operandi*. Chomsky was "fascinated" as a teenager by the ideas of the Marlenites, a group he must have learned about from discussions with Rivkin. These were founders of "Council Communism," who under such leaders as Rosa Luxemburg fought against the "dictatorship of the proletariat." Of all the essays in "The Anti-Chomsky Reader," Cohn's is most damning, particularly on Chomsky's contacts with Robert Faurisson and other Holocaust deniers. Chomsky excuses his ties with deniers by appeal to the "right of free speech," but the roots of Chomsky's hatred are shallow in their intellectual import, deep in their long-standing animosities, and harmful in their effect on susceptible minds.

Chomsky has continued his drumbeat of hatred. In a lengthy profile by Larissa MacFarquhar ("The Devil's Accountant," New Yorker, March 31, 2003), there are telling sentences that show his approach to problems now facing America. The author is struck by the manner in which he addresses those issues. She talks about his

"rage," how his "sentences slice and gash . . . envenomed by a vicious sarcasm," and says his writing is "as ferocious as the actions he describes." Chomsky's world is one in which his native country is ever ready to commit new atrocities. If America wars against Iraq, the reason could not be the intent to topple a tyrant because, according to him, we managed to get along with other tyrants in the past.

Chomsky moralizes about the failings of America, but in his pursuit of incriminating evidence he neglects some of the least understood factors in the histories of nations and the lives of their leaders: instances of chance, accident, miscalculation, or plain stupidity that have influenced events. These are not part of Chomsky's worldview. At age 75, he continues to search in political systems for the kind of symmetry that he sought to find in language structure, oblivious of the fact that human beings often behave in unexpected ways. Inspired by idealistic communists, he seems to have

Those of us who met Chomsky as fellow students at Gratz High School in Philadelphia in the early 1940s remember a very bright teenager in a class taught by his mother, Elsie, the principal of the Hebrew School.

forgotten Karl Marx's famous comment that men make history, but not in the way they intend it. He ascribes the worst motives to America, never willing to consider the generous character of a land that continues to be a beacon of hope for many in the world, and a land of opportunity, as it has been for him. What a waste! □

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"Ray," directed by Taylor Hackford. Universal Pictures, 2004, 153 minutes.

Saturday Night and Sunday Morning

Jo Ann Skousen

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The story pays tribute to Ray's mother, Aretha, a young woman who

At once joyful and heartbreaking, "Ray" tells the Ray Charles story without the sugar coating of a typical biopic.

refused to coddle her son when he lost his sight, probably to glaucoma (Although I wonder if those eye drops

did more harm than good.) "Don't you be a cripple," she urged him as she sent him away to a school for the blind when he was only seven. It credits Ray's realistic and long-suffering wife, Della Bea, who said of his drugs and his women, "Just keep it on the road. Don't be bringing it into our home." It also demonstrates his painful, and successful, determination to overcome his heroin addiction without the use of additional drugs.

Ultimately, though, "Ray" is about the music, glorious music that keeps the audience tapping and nodding throughout the movie. Twenty-five songs in 2½ hours — you do the math. It's a concert with a storyline. And what a concert it is! Almost every aspect of the story is told in the context of one of his songs, and all of the recordings are performed by Ray Charles himself, including some concert tracks that were in Charles' private collection, never before released. As we see the many innovations Charles brought to music, the crossovers between gospel and pop, the creation of country and soul, the development of new technologies, we come to understand why Frank Sinatra said of him, "Ray Charles is the only genius in our business."

Although it is Ray Charles' voice we hear (a wise choice; a musical biography earlier this year, "De-Lovely," was ruined by the decision to let Kevin Kline sing Cole Porter's songs), Jamie Foxx is not merely lip synching. A pianist since the age of 3, Foxx is an accomplished musician who went to college on a piano scholarship. He spent several hours at side-by-side pia-

nos with Ray Charles, learning the nuances of Charles's unique style. Consequently, Hackford did not have to resort to the usual tricks of strategically placing a microphone in front of the actor's mouth or cutting from a stand-in's hands to the actor's face. Foxx performs each number, playing and singing, his fingers on exactly the right keys with exactly the right expression, allowing Hackford to take long luxurious shots of concert scenes that would not have been possible with a lesser actor. Far from merely impersonating the celebrity he portrays, Foxx seems to actually be Ray Charles. It's uncanny; they really don't look alike, yet Foxx seems to look exactly like him.

Jamie Foxx is having a great year. This summer, as a taxi driver in the movie "Collateral," he stole the show from Tom Cruise (not such a difficult feat, in my opinion) with kudos from all the critics. He has come a long way

"Ray" is a concert with a storyline. And what a concert it is!

since his start as a regular on "In Living Color," a comedy ensemble created by the Wayans Brothers in 1990 and often described as "Saturday Night Live" without the music and news and with more than the one obligatory black. (In fact, Jim Carrey had a role there as the "obligatory white.") The Wayans brothers are still playing a version of that lightweight TV show, with their latest movie, "White Chicks," rushing quickly from theaters to video stores with a dismal 13% approval rating on rottentomatoes.com (one of my favorite movie rating services). Meanwhile, Foxx has honed his craft to become a legitimately praiseworthy actor.

The rest of the cast are equally as gifted, especially the hauntingly beautiful Sharon Warren as his mother and Regina King as Margie Hendricks, one of the original Raylettes and one of Charles' "road wives." I don't much care about the Oscars any more because they have become so commercialized, but at least now I have a film to root for this year. □

"Plagues & Poxes: The Impact of Human History on Epidemic Disease," by Alfred Jay Bollet. Demos Medical Publishing Inc., 2004, 237 pages.

"Pox Americana: The Great Smallpox Epidemic of 1775–82," by Elizabeth A. Fenn. Hill & Wang, 2001, 370 pages.

"The Great Influenza: The Epic Story of the Deadliest Plague in History," by John M. Barry. Viking Books, 2004, 546 pages.

Disease as a Force in History

Bettina Bien Greaves

History books usually report the doings of kings, presidents, armies, and governments. Important as these are in the lives of every one of us, the real history of mankind, or rather the real history of actual people, is the history of ideas men live by and what they do as a result of their ideas. History is a record of what people accomplish individually and in cooperation with others, how they live, work, produce, trade, alter their environment, and cope with accidents, natural catastrophes, and disease. These three books all describe historical events that have affected diseases and diseases that have affected historical events.

Plagues and Poxes

Alfred Jay Bollet is a physician and writes with a physician's understanding of diseases and how they spread. In writing about diseases through history, he keeps in mind how each disease might be used today as a biological or chemical weapon of mass destruction.

By the end of 1494, Naples had been under siege for months. Among its defenders were men who had sailed with Columbus in 1492 on his historic voyage to the "New World." Reportedly, some of them had con-

tracted syphilis there and carried it back to Europe. Hoping to infect the French forces that held them under siege, the Neapolitans forcefully drove women, especially the beautiful ones and the harlots, out of town. The French, "gripped by compassion and bewitched by [the women's] beauty," took them in. By the time the siege ended on Feb. 21, 1495, both the invading French and the Neapolitans were infected by syphilis (Bollet, p. 67).

Bollet describes outbreaks of bubonic plague, including the notorious Black Death of mid-14th-century Europe. Rats were soon identified as the cause, but eliminating rats did not stop the plague. Only in the late 19th century was it discovered that fleas were the real culprit; when the rats were exterminated, the fleas found new hosts and new victims among people.

"Cholera," explains Bollet, "is an infection of the gastrointestinal tract that can cause more deaths, more quickly than any other epidemic" (91). People rarely transmit the disease directly to

other people, but it "can be carried on hands or soiled clothing and introduced into food by flies or nightsoil, although the most important transmitting vehicle is contaminated drinking water" (95). Contaminated rivers used both for ritual bathing and for "drinking or cooking, bathing or waste disposal" (92), such as the Ganges in India, have caused cholera epidemics. Cholera follows "along lines of travel by caravan, ship, or airplane, primarily through contaminated water or food supplies" (91). Bollet writes, "The opening of the Suez Canal on November 17, 1869 greatly enhanced the opportunity for cholera to spread by ship from its home base on the Indian subcontinent to the Mediterranean and Europe" (97).

As the Industrial Revolution gathered steam in England, landowners improved production techniques and grew more food. People lived longer, the population increased and more and more people crowded into London, where people still relied on wells for their drinking water. In August 1854, a terrible outbreak of cholera occurred. In three days, 127 people living in one small section around Broad Street died. John Snow (1813–1858), an obstetrician, suspected that "undrained cess-pits beneath old houses . . . were draining into wells and contaminating the water." He finally traced the source of the cholera outbreak to a baby who "had been taken ill with cholera symptoms" and whose diapers had been rinsed in a well three feet from the Broad Street pump. As an experiment, Snow had the pump handle removed. "[N]ew cases of cholera stopped appearing" (98–99).

More difficult to explain than diseases caused by filth, fleas, infections, bacteria, and viruses are those caused by a nutritional or vitamin deficiency. Bollet explains that beriberi arose



among rice-eating populations in Japan when new technological advances in processing rice, which were introduced in about 1870 to increase its caloric and protein content and keep it from spoiling, also removed the rice grain's vitamin-rich germ or embryo (147). Similarly pellagra developed among Southerners whose diet con-

The Neapolitans drove the beautiful women and harlots out of town. The French took them in. By the time the siege ended, both the French and the Neapolitans were infected by syphilis.

sisted primarily of cornbread, grits, molasses, and bacon when around 1900 an improved method of processing corn was developed to keep cornmeal from spoiling. The new processing method also eliminated the germ in the corn kernel, which is high in important lipids, enzymes, and cofactors, including nicotinic acid (169).

During the 15th and 16th centuries, sailors who spent months at sea without access to fresh foods were bound to become afflicted with scurvy, a seriously debilitating disease. Among other explorations, Vasco da Gama's and Ferdinand Magellan's were cursed by scurvy. Scurvy was due to a lack of vitamin C, but vitamins were then unknown. Through trial and error, Dr. James Lind (1716-1794) recognized oranges and lemon juice as scurvy preventatives (178-179), and in 1795 Lind's recommendations "suddenly killed naval scurvy" in the British fleet (180). In 1804, when Napoleon was gathering his forces to invade England, he ordered one of his admirals to sail across the Atlantic and entice British Admiral Horatio Nelson to follow. Napoleon expected Nelson's forces to

succumb to scurvy on such a "Long Chase" across the Atlantic and back; before Lind, a sea-going fleet had to be relieved every ten weeks if the crew were to be able to fight (180). When the French admiral reached the West Indies he landed a thousand sick sailors, soldiers, and marines and buried many others, while Nelson's men remained healthy. Nelson obtained in the West Indies 20,000 gallons of lemon juice to supplement the regular issue of 30,000 gallons. When the French admiral set sail eastward to Spain, Nelson followed, rejoined the English fleet, followed the French to Cadiz, waited at sea while the French were in port, and engaged them when they emerged (Oct. 21, 1805). In the Battle of Trafalgar that ensued, Nelson was killed, but Napoleon was badly defeated and gave up all thought of invading England (182). Thus, Lind's victory over scurvy determined the British victory in the Battle of Trafalgar.

Bollet also discusses malaria, yellow fever, smallpox, the great flu epidemic of 1918-1919, poliomyelitis (infantile paralysis), rickets, gout, anthrax, botulism, and SARS.

Pox Americana

Elizabeth A. Fenn wrote a paper as a college undergraduate about native American Indians in the Hudson Bay fur trade. In the course of her research, she ran across accounts of a devastating outbreak of smallpox in Canada in 1781-1782. Later she came to realize that this was only the tip of an iceberg — the 1775-1782 smallpox epidemic that wreaked havoc on soldiers, both American and British, during the Revolution.

Smallpox played an important role in the American Revolution. The epidemic started in Boston when the British occupied the city right after the Battles of Lexington and Concord. Washington isolated anyone among his Continental forces suspected of harboring the disease. Then in the summer of 1776 he withdrew his army southward. The disease spread after the siege of Boston ended and communications and travel in and out of the city resumed, but by that time Washington and his men were gone.

Benedict Arnold took smallpox with him when he led an army of

Continental soldiers north in an attempt to conquer Quebec and British Canada. On New Year's Eve 1775, his men attacked the city of Quebec; they scaled the walls and fought heroically. But their assault failed, less because of their fighting than because the men were weakened by smallpox. The disease ravaged more than 400 American prisoners left behind with the British, and it traveled with the defeated Continental soldiers as they struggled home on their own (Fenn, pp. 62-71).

At the time of Valley Forge, Washington made the excruciatingly difficult decision to have the Continental Army soldiers inoculated, knowing that those inoculated would be able to transmit the disease to others for several weeks until finally the inoculation brought immunity. But the inoculation proved effective and protected his forces from further infection later in the campaign against the British.

When the British left Boston, they sailed south, taking the disease with them. Most British soldiers had some immunity to smallpox, having been exposed in their youth in England. As the fighting moved south, the governor of Virginia (55ff.) and then later British Generals Henry Clinton and Charles Cornwallis enticed many blacks to join the British forces by offering them freedom (126-130). The blacks helped the British in many ways — until they encountered the pox. The blacks had never before had contact with the disease and had no immunity and little resistance. The incidence of the disease among them was phenomenal; sick

Benedict Arnold's assault on the city of Quebec failed less because of the soldiers' fighting than because the men were weakened by smallpox.

and dying blacks were often abandoned by the British — some thought deliberately, as a form of biological warfare, in the hope of spreading the pox among Americans (131). The American victory, when it finally came, was the product not only of hard

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fighting, clever generalship, and British blunders, but also of the immunity of the American soldiers to smallpox, thanks to Washington's decision at Valley Forge. The release of soldiers at the end of the war spread the disease still further — in an unbroken chain of person-to-person contacts among vast and vulnerable populations elsewhere on the continent.

Fenn traces the path of smallpox to New Orleans, Mexico City, south to Colombia and Ecuador, then north with traders from population center to population center along the *camino real*, and north with Spanish missionaries and west as far as Los Angeles (146–156). In 1805, when Lewis and Clark arrived in the Pacific Northwest, they mapped dozens of Indian settlements that had been devastated by smallpox and abandoned. Fur traders following inland waterways were probably responsible for carrying the pox from the Columbia River Basin to the Hudson Bay area, where Fenn found the first reports of the disease.

Fenn's book reports how smallpox affected history, the tides of battle, trade patterns, and the continent's demographic makeup, as well as how historical events determined the transmission of the disease. Her research in tracing the path of the epidemic through person-to-person contacts is remarkable.

The Great Influenza

John M. Barry, author of books on such varied subjects as football, cancer, the Mississippi flood of 1927, and Washington politics, has written a riveting account of "The Great Influenza: The Epic Story of the Deadliest Plague in History." The 1918–1919 epidemic took the world by surprise, spread rapidly worldwide among soldiers and civilians, and, according to modern epidemiologists, was responsible for 50 to 100 million deaths. Influenza was extremely infectious, its cause was unknown, and at the time no cure or vaccine was available. Barry explains how its spread was aggravated by ineptitude, fear, overcrowded military barracks, large-scale soldier transfers, and even by military officials who, under political pressure, rejected the best available medical advice. Barry also describes the determined and valiant efforts of a band of true heroes —

brilliant and dedicated scientists — to find the cause of the flu and a vaccine for it.

When the United States declared war on Germany on April 6, 1917, William Crawford Gorgas, who had vanquished yellow fever and malaria in Panama, was surgeon general of the U.S. Army. Gorgas and his medical colleagues were concerned not only with treating soldiers wounded in combat

but also with trying to prevent disease. When huge numbers of men from many parts of the country, carrying with them different germs and different immunities, are crowded together in huge encampments and frequently transferred from one location to another, as they are in wartime, they are fertile ground for the transmission of disease. Well aware that the biggest killer in previous wars had been not

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combat but disease (Barry, p. 135), Gorgas and his associates were worried about possible epidemics of measles, pneumonia, whooping cough, chicken pox, or mumps. And they were concerned about how to disinfect huge amounts of laundry (136–137). They were determined to prevent widespread deaths from disease during World War I.

When the U.S. entered the war, there were about 200,000 men in the U.S. armed forces, soon to be expanded to 4 million. "Huge cantonments, each holding roughly fifty thousand men, were thrown together in a matter of weeks. Hundreds of thousands of men occupied them before the camps were completed. They were jammed into those barracks that were finished, barracks designed for far less than their number, while tens of thousands of young soldiers lived through the first winter in tents. Hospitals were the last buildings to be constructed.

"These circumstances not only brought huge numbers of men into this most intimate proximity but

The American victory was the product not only of hard fighting, clever generalship, and British blunders, but also of Washington's decision at Valley Forge to have the soldiers of the Continental Army inoculated against smallpox.

exposed farm boys to city boys from hundreds of miles away, each of them with entirely different disease immunities and vulnerabilities. . . . Gorgas' nightmare was of an epidemic sweeping through those camps. Given the way troops moved from camp to camp, if an outbreak of infectious dis-

ease erupted in one cantonment, it would be extraordinarily difficult to isolate that camp and keep the disease from spreading to others" (145).

In February 1918, three men "traveled from Haskell [Kansas], where 'severe influenza' was raging to [Camp] Funston. . . . Within three weeks eleven hundred troops at Funston were sick enough to require hospitalization. "Only a trickle of people moved back and forth between Haskell and Funston, but a river of soldiers moved between Funston, other army bases, and France" (169). The disease spread rapidly among raw soldier recruits in crowded camps in the States, and across the Atlantic on ships carrying troops to Europe.

President Wilson "had injected the government into every facet of national life and had created great bureaucratic engines to focus all the national attention and intent on the war. . . . And the final extension of federal power had come only in the spring of 1918, after the first wave of influenza had begun jumping from camp to camp, when the government expanded the draft from males between the ages of twenty-one and thirty to those between the ages of eighteen and forty-five" (300–301). "Wilson . . . was not now fighting to the death; he was fighting only to kill. *To fight you must be brutal and ruthless, he had said. Force! he had demanded. Force to the utmost! Force without stint or limit! The righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust*" (302).

The flu epidemic exploded at Camp Devens, 35 miles northwest of Boston. The camp was built to hold 36,000 men, but by Sept. 6, 1918, it held over 45,000. "In a single day, 1,543 Camp Devens soldiers reported ill with influenza," Barry notes. "On September 22, 19.6 percent of the entire camp was on sick report, and almost 75 percent of those on sick report had been hospitalized" (187).

A military team of doctors was ordered to Camp Devens to investigate. "A stench filled the hospital. . . . Bed linen and clothing were rank with urine and feces from men incapable of rising or cleaning themselves.

"Blood was everywhere, on linens, clothes, pouring out of some men's nostrils and even ears while others coughed it up. Many of the soldiers, boys in their teens, men in their twen-

The 1918–1919 flu epidemic was responsible for 50 to 100 million deaths.

ties — healthy, normally ruddy men — were turning blue. . . . It was more chilling still to see corpses littering the hallways surrounding the morgue." The medical experts reported, "In the morning the dead bodies are stacked about the morgue like cord wood. . . . They were placed on the floor without any order or system, and we had to step amongst them to get into the room where an autopsy was going on" (189–190).

The surgeon general's office dispatched three army colonels, all doctors, to Camp Devens. When Col. William Henry Welch of Johns Hopkins walked out of the autopsy room, he made three phone calls — to scientists in Boston and New York, and to the acting army surgeon general in Washington. He asked them to perform autopsies and try to find the cause and a cure for the epidemic. He related "his expectations of its course at Devens and elsewhere. For this was going to spread. He urged that 'immediate provision be made in every camp for the rapid expansion of hospital space'" (190–191).

The warning was relayed that same day to the army chief of staff "urging that all transfers be frozen unless absolutely necessary and that under no circumstances transfers from infected camps be made: *The deaths at Camp Devens will probably exceed 500. . . . The experience at Camp Devens may be fairly expected to occur at other large cantonments. . . . New men will almost surely contract the disaster*" (302). The army chief of staff ignored the warning. Medical officers wrote the commander of the army, urging him not to deploy soldiers overseas who were known to be infected with or exposed to the disease until it had run its course among

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them. Their warnings, too, were ignored.

Medical officials' warnings did not go entirely unheeded, however. Provost Marshal Enoch Crowder canceled the next two inductions of new soldiers scheduled under the draft. Crowder "recognized that the disease was utterly overwhelming and creating total chaos in the cantonments. There could be no training until the disease passed" (303).

"Meanwhile the *Leviathan* was loading troops. . . . The *Leviathan* and, over the course of the next several weeks, other troopships would ferry approximately one hundred thousand troops to Europe. . . . They became death ships. . . . The burials at sea began. . . . The transports became floating caskets" (304-306).

President Wilson had made no public statement about influenza. On Oct. 7, he summoned Gen. Peyton March, commander of the Army, to the White House to discuss the epidemic. Wilson said to March, "I have had representations sent to me by men whose ability and patriotism are unquestioned that I should stop the shipment of men to France until this epidemic of influenza is under control. . . . [Y]ou decline to stop these shipments."

The general "made no mention of any of the advice he had received. . . . He insisted that every possible precaution was being taken. . . . If American divisions stopped arriving in France, whatever the reason, German morale might soar. True, some men had died aboard ship, but [he said] 'Every such soldier who has died just as surely played his part as his comrade who died in France. . . . The shipment of troops should not be stopped for any cause'" (307).

"Gorgas had had one goal: to make this war the first one in American history in which battle killed more troops than disease. Even with one out of every sixty-seven soldiers in the army dying of influenza, and although his superiors largely ignored his advice, he just barely succeeded" (406). However, "when navy casualties and influenza deaths were added to the total, deaths from disease did exceed combat deaths" (406).

Influenza also exploded among civilian populations. There was an extreme shortage of doctors and nurses everywhere. Many retired nurses and doctors returned to practice and volunteers pitched in. But still victims piled up, many suffering and dying uncared for due to lack of medical assistance. And corpses piled up. Australia was the only part of the world to escape infection — because of a stringent quarantine of incoming ships.

Scientists exerted superhuman effort in the attempt to find the cause, a preventative, a cure, a vaccine, anything that might help. But the flu virus didn't cooperate; different strains appeared, some milder, others extremely lethal, and the virus mutated. Finally, some immunity developed, and the epidemic gradually wound down. "Nothing could have stopped the sweep of influenza through either the United States or the rest of the world — but ruthless intervention and quarantines might have interrupted its progress and created occasional firebreaks" (314).

The struggle for vaccines to protect against the flu is ongoing. New varieties appear every year, so new vaccines are needed every year. "If a new influenza virus does emerge, given modern travel patterns it will likely spread even more rapidly than it did in 1918. . . . It takes time to manufacture and distribute vaccines, and vaccines are the most effective defense. Early warning can make an enormous difference" (450, 457). So the search for new medicines and effective vaccines continues.

Barry discusses the history of biological warfare and the possibility of its use today. "The use of biological weapons has a history going back at least to the Romans, who catapulted sick animals into enclaves of their enemies," he writes. "The British and Americans likely used smallpox against Native Americans,

and in 1777 British Major Robert Donkin recommended using smallpox against 'American rebels'" (457). Biological weapons present researchers and military strategists with ethical issues, even if their only intent is to defend against them. One such ethical question, says Barry, "involves the free flow of scientific information. . . . The influenza virus can be created to design in the laboratory, so publishing the information would give it to terrorists. . . . But publishing would also give the information to researchers who could find a way to block whatever mechanism made the virus deadly" (460).

Barry's final message is that success in the battle against disease and epidemics must rest on knowing the truth. "In 1918, the lies of officials and of the press never allowed the terror to condense into the concrete. The public could trust nothing and so they knew nothing. . . . The fear, not the disease, threatened to break the society apart. . . . So the final lesson, a simple one yet one most difficult to execute, is that those who occupy positions of authority must lessen the panic that can alienate all within a society. Society cannot function if it is every man for himself. By definition, civilization cannot survive that. . . . Those in authority must retain the public's trust. The way to do that is to distort nothing, to put the best face on nothing, to try to manipulate no one. . . . Leadership must make whatever horror exists concrete. Only then will people be able to break it apart" (461). □



"No, mine just make toys — you must be thinking of the Keebler elves."

"Aspirin: The Remarkable Story of a Wonder Drug," by Diarmuid Jeffreys. Bloomsbury, 2004, 352 pages.

The Wonder Drug

Bruce Ramsey

British journalist Diarmuid Jeffreys spins the story of how alchemists, country doctors, chemists, and capitalists brought us aspirin, and lawyers, judges, and politicians messed with it thereafter.

The genealogy of the ubiquitous pill goes back to the ancient Egyptians, who medicated fevers with willow bark. It apparently works, in a rough and unpalatable way. The knowledge was rediscovered in the 1700s by an Englishman poking around for a substitute for quinine. Willow bark tasted like cinchona bark, the imported and expensive source of quinine. In the 19th century a gaggle of experimenters chased after the fever-reducing chemical in willow bark and, in Switzerland, in the meadowsweet flower. In 1838 an Italian isolated salicylic acid. In 1876 a

In April 1917 America had declared war with Germany, and Congress quickly passed the Trading With the Enemy Act. Bayer was expropriated without compensation.

Scottish physician published a paper in the *Lancet* extolling the value of salicylic acid to reduce fever.

In 1897 a chemist at Friedrich Bayer & Co., one of the new German chemical concerns, set out to make a commercial drug of it. Using carbolic acid, a deriva-

tive of coal tar, he came up with acetylsalicylic acid. This had been formulated before but never in such a practical way.

A Bayer executive believed acetylsalicylic acid would be dangerous to the heart, and rejected it, but the chemist's boss sent samples to Berlin physicians anyway. The doctors gave a thumbs-up, and in 1899, Bayer & Co. introduced its new product. To name it, they began with the word *Spiraea*, the Latin name for the meadowsweet, and ended up with "Aspirin."

Bayer was able to patent acetylsalicylic acid only in Britain and the United States, and Bayer lost its patent in Britain because a rival proved that a French chemist had discovered it first. Bayer's U.S. patent was set to expire in February 1917, so it needed to build up its brand name. But the American Medical Association was on a crusade against branded medicine. For most of the years of Bayer's patent, it sold Aspirin only to pharmacists in powder form for pressing into unmarked pills. The first consumer advertising of Aspirin branded with the Bayer cross came only a few months before the patent was to expire.

"It may seem strange now that such an innocuous set of advertisements should have provoked such ire," Jeffreys writes, "but the fact is that by the standards of the time Bayer was considered to have contemptuously fouled the ethics of the profession. . . . Immediate action was called for. Bayer Aspirin was dropped from the AMA's official list of recommended medicines."

Four months after Bayer's patent

ran out, all of its U.S. assets were seized by A. Mitchell Palmer, Alien Property Custodian. In April 1917 America had declared war with Germany, and Congress quickly passed the Trading With the Enemy Act. Bayer was expropriated without compensation.

Palmer later became infamous as the attorney general who rounded up anarchists and Reds for deportation to Russia. He did not give back the Bayer assets at the end of the war. They were auctioned, and snapped up for \$5.3 million in gold-backed dollars by Sterling Products, then a maker of quack medicines. Sterling Products got exclusive rights to "Bayer," but not "Aspirin." In 1920 Judge Learned Hand put the word "aspirin" in the public domain — which is why there are dozens of kinds of aspirin in the United States, but still only one Aspirin in Canada.

When the next war came, the FBI found that Sterling had a secret deal with the German Bayer & Co. to handle its business until the end of the war. In

In 1980, the FDA received a request that aspirin packages be labelled to inform doctors of the drug's cardiovascular benefits. The FDA said no.

August 1941, four months before the attack on Pearl Harbor, the Justice Department ordered the agreement broken, and CEO William Weiss was banned from Bayer for life.

"It is hard not to feel a sneaking sympathy for the carpet-bagging, entrepreneurial William E. Weiss," Jeffreys writes. "Duplicitous and grasping though he sometimes was, there's no evidence to suggest that he was ever actually a Nazi sympathizer or, indeed, that he really understood what was going on in Germany. . . . His biggest sin was that of naivete, of believing that business was just business and that the events of the wider world were of no concern to him."

German Bayer was reconstituted after the war. It wasn't until 1994 that it bought back the rights to its name in North America. The price: \$1 billion in paper dollars.

All that is just part of the story in

this book. There is a chapter on how the 1918 flu epidemic raised the status of aspirin. There is a chapter on how the Nazis bullied the executives of IG Farben, a chemical combine that included Bayer, intimidating them into giving money, and then corrupted them with investment bailouts and government contracts. There is the story of the Glendale, Calif., physician who noticed around 1950 that his ton-

sillectomy patients who chewed Aspergum had excessive bleeding. This physician guessed that maybe aspirin was a blood thinner, and that could be useful in preventing heart attacks. He put several thousand of his patients on a daily dose, and his theory seemed to work. He published a couple of articles on it, but they were in obscure journals and nobody paid attention.

Then there is the story of the U.S.

Food and Drug Administration, which in 1980 received a request from Sterling to add these words to Bayer aspirin packages for medical professionals: *Aspirin has been shown to be effective in reducing the risk of death or reinfarction of patients who have suffered myocardial infarction.*

The FDA said no.

This is a story in which the regulators don't come off too well. □

Liberty and Empire, from page 30

for a constitutional government of delegated and enumerated powers. An individual has the right to spend his wealth and risk his life as he wishes. But no person has the right to force friends, neighbors, and complete strangers to spend their wealth and risk their lives to implement his moral agenda.

Yet that is precisely what happens when the U.S. government pursues a global interventionist foreign policy and intervenes militarily when there is not a clear threat to the security of the American republic.

We also must always keep in mind the consequences of intervention in terms of blood. Take the Iraq mission. Some libertarians want the United States to stay on in Iraq until it becomes a tolerant, secular, peaceful, capitalist, pro-Western society.

But how many American lives should be sacrificed in pursuit of that goal, assuming it can be achieved at all? More than 1,100 American soldiers have been killed already, along with another 8,000 wounded, many with life-altering injuries. How many casualties would be too many in the crusade to remake Iraq politically, socially, and economically? Three thousand dead? Five thousand dead? Ten thousand dead? All of those numbers are now in play because of the original decision to invade and occupy Iraq.

Seldom do I hear the proponents of intervention discuss the costs in that way, the cost in blood as well as treasure. Yet that is the most crucial issue. The lives of the American people are not, or at least should not be, available for whatever

foreign policy objectives suit the whims of national political leaders. Such blood sacrifices should be made only when the security of Americans is in severe peril.

The U.S. government has a fiduciary responsibility to protect the security and liberty of the American republic. It

We should be concerned about terrorism, but we must not panic, or toss our principles overboard in combating this menace — as some libertarians are tempted to do.

does not have a moral or constitutional writ to institute the political elites' conception of good deeds internationally any more than it has a writ to do so domestically.

Given the scope of Washington's interventionist foreign policy, we face an increasingly stark choice. Either the United States will adopt a more circumspect role in the world in order (among other reasons) to preserve domestic liberty and constitutional government, or those values will continue to erode, perhaps beyond recovery, to satisfy the requirements of a global interventionist foreign policy. That choice will determine not only how the United States is defended, but whether this country retains the values and principles that make it worth defending. □

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Washington, D.C.

Advance in the War on Expensive Bereavement, from, a dispatch in the estimable Wall Street Journal:

A staffer in Sen. John Breaux's office in Washington paid upwards of \$900 to Continental Airlines to attend her grandmother's funeral. Offended by the high fare, the senator introduced legislation to change airline pricing. The provision is part of an intelligence bill.

Boca Raton, Fla.

Psychotherapeutic advances in the Sunshine State, from the Boca Raton News:

Kerry supporters are having trouble coping with their candidate's loss. "We're calling it 'post-election selection trauma' and we're working to develop a counseling program for it," said Rob Gordon, the Boca-based executive director of the American Health Association. "It's like post-traumatic stress syndrome, but it's a short-term shock rather than a childhood trauma."

The Center for Group Counseling said it hadn't "implemented a specific program for Kerry-related trauma." Recovery group Emotions Anonymous said it would help Kerry supporters "refocus and surrender to the things in their life which they can't possibly change."

Caro, Mich.

Civil unrest in the Great Lake State, reported in the Bay City Times:

Police intervened at the Tuscola County Pumpkin Festival parade after officials asked for help after Charles R. VanAllen tried to enter an "inappropriate" float in the parade. The float displayed a "blow-up doll of the upper torso of George Bush, with an arrow sticking through the head," according to Tuscola County Chief Assistant Prosecutor Timothy J. Rutkowski.

VanAllen allegedly tried to bite Caro Police Chief Ben Page and Caro resident Gary Muska after police wouldn't let VanAllen's display into the parade.

Dayton, Ohio

Cutting-edge military research, related in USA Today:

The Air Force Research Lab has released an 88-page "Teleportation Physics Report." The report, which cost the Air Force \$25,000, discusses the potential applications of wormholes and psychic teleportation, and calls for spending \$7.5 million to conduct psychic teleportation experiments.

Orange, Calif.

The body politic resoundingly rejects politics as usual, the San Francisco Chronicle reports:

Steve Rocco was easily elected to the Orange Unified School District board, which is in charge of setting policy for a district that has a budget of \$230 million and serves nearly 32,000 students at 42 schools in Orange and surrounding cities.

Rocco refused to make public appearances during his campaign or to file a candidate statement. Neighbors report the 53-year-old man, who lives with his parents, is occasionally seen around the neighborhood riding his bicycle, wearing military fatigues. He has refused to answer press queries since his election.

Fallon, Nev.

Cultural note, from a dispatch in The Wall Street Journal:

After the General Accounting Office determined that charges to military credit cards in the name of "James Fine Dining" were for services rendered at a brothel in Nevada (in parts of which prostitution is legal), the brothel posted a sign that read, "We are not an Essential Government Service. Do not accept military credit cards."

Minneapolis

Scuffles on the front lines of democracy, reported in the Minneapolis Star Tribune:

At a polling place in north Minneapolis, a voter was asked by an election judge to remove a button reading "Santana/Nathan '04" he was wearing. He declined, setting off a quick trial by election judges. The button showed support for Minnesota Twins ace pitchers Johan Santana and Joe Nathan.

London

Innovation in the spirits industry, cited in the Pittsburgh Tribune-Review:

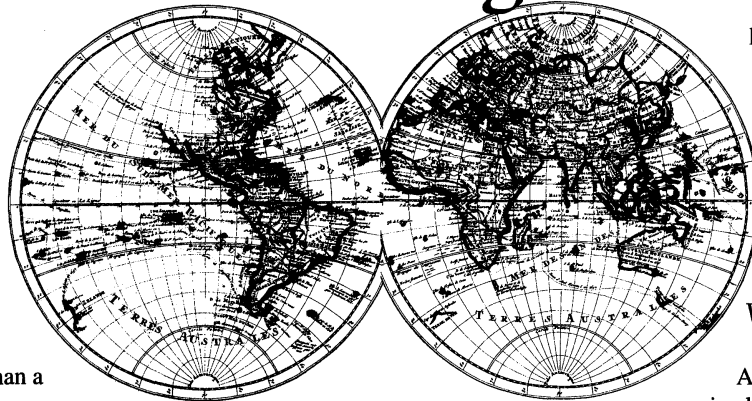
A new vodka called "Kalashnikov" is being marketed as a premium brand, under license from Mikhail Kalashnikov, 84, inventor of the famous Kalashnikov AK-47 assault rifle.

U.S.A.

Curious question posed in a fundraising letter mailed by the NAACP:

"Dear Fellow Citizen: Are aggressive blacks and pushy women threatening America's superiority?"

Terra Incognita



Special thanks to Russell Garrard, William Walker, Charles Gordon, and Tom DiMaio for contributions to Terra Incognita.

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

Can anyone be happier than a Catholic libertarian?

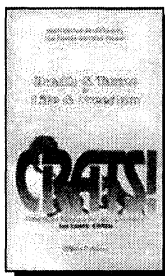
Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

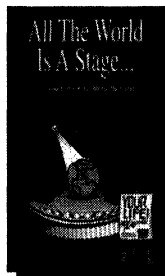
On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.



Crats! is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.



All the World is a Stage is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

New Road to Rome explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

Each book is \$6.95, plus \$2.00 s&h. The author has over a hundred patents, a sense of humor, and understands that, politically, libertarians are the salt that gives the world an important flavor. Order all three books for 19.95, plus \$3.00 s&h. If you don't like them, give them to your angriest friend, or send them back. We'll refund the purchase price.



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