

# Liberty

January 2007

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Nukes  
And  
NIMBY

## Liberty at the Polls

*by Bruce Ramsey and the  
Editors & Contributors of Liberty*

## Borat Hits America

*by Andrew Ferguson*

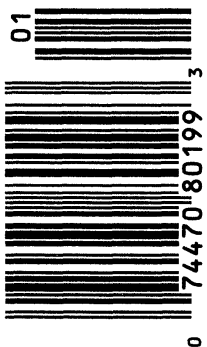
## Fight Terrorism: Legalize Heroin

*by Scott McPherson*

## The Feds and the Phones

*by Vince Vasquez*

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*"Irreverence is the champion of Liberty." — Mark Twain*

# Discover the Secret eBay® Insiders Have Been Hiding for Years - How To Save 38% on Your eBay Purchases

"SearchDigger is a 100% Legal Windows Software Program That Has Elite eBay Buyers and Sellers Screaming With Rage. Their Secret is Out and Now You Can Have Their Unfair Advantage!"

What's the secret they've been keeping from you? More on that in a minute. First, let me tell you about the hidden bargains on eBay — and the eBay Pricing Glitch.

The eBay Pricing Glitch is a condition that occurs when an eBay listing is priced below market value. I started seeing these glitches several years ago when I was re-searching merchandise prices as part of my eBay buying activities. I noticed that hundreds of items in my watch categories were selling at discounts of 38% on average. Intrigued, I dug deeper to discover why, and most importantly, to learn how I could take advantage of these huge discounts.

## There Are 4 Simple Reasons Why eBay Pricing Glitches Occur

**#1: Sellers make mistakes when offering items for sale.** Sometimes the seller places the item in the wrong eBay category and other times he sets the minimum bid too low.

**#2: Sellers misspell important words in auction titles.** Did you know that most eBay buyers search eBay for items of interest? They don't browse. Misspellings effectively hide items from buyers on eBay.

**#3: Highly motivated sellers list items for substantial discounts** to create quick cash flow. There are few alternatives when someone needs cash quick— eBay or the local pawn shop. eBay pays much better than pawn shops.

**#4: Businesses sell items at a loss to build a relationship with you.** This is an emerging trend on eBay that has existed in other markets for decades. The idea is to sell you an item at a small loss today to profit on future sales by leveraging the relationship initially established on eBay.

## What's Their Secret and Why Are They Screaming For My Head?

A secret group of insiders has been taking advantage of these price glitches for years. Their secret? **Custom eBay software that's engineered specifically to locate these dirt-cheap bargains.** These guys have been profiting from this insider knowledge while the rest of us pay full-price. Once I knew their secret, I paid a top-notch developer a bucket full of cash to build SearchDigger, an advanced eBay software search agent, for the rest of us.



## Why Am I Sharing The Secret?

Every day more than 20,000,000 auctions are available on eBay offering everything you can imagine. Tens of thousands of these auctions represent hidden bargains at savings of 20% - 50%. I can't possibly take advantage of even 1% of these cheap as dirt deals. Plus, selling you a copy of SearchDigger insures those stuffy eBay insiders won't be the only ones getting the great deals and I'll recoup my investment in SearchDigger.

## Top 6 Reasons Why SearchDigger is the #1 eBay Bargain Hunting Tool Worldwide.

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- I have a customer using SearchDigger to **locate collectible coins.**
- Personally, I use SearchDigger every-day to search for **classic board games.**

## 26 Minutes To Total eBay Domination

As a bonus, I'm including my step-by-step guide *26 Minutes to Total eBay Domination*. In just 26 quick minutes you'll be armed to the teeth with the advanced strategies I have developed and use to destroy my eBay buying competition. Strategies such as:

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- **When you should NEVER buy** an item because the listing is guaranteed to be fraudulent.
- **How to insure that your purchases are always protected** from fraud and shipping problems. Paypal® isn't the answer.
- Plus, I share with you the **one website you should ALWAYS visit before ever considering a purchase on eBay.**

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**4 Letters** Our readers share and share alike.

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# Letters

## Their Money, Their Business

Using as his examples two of the wealthiest men in the world, both multibillionaires, Doug Casey ("Charity? Humbug!", November) has the hubris to tell us that they don't know the "proper" thing to do with all that wealth, using a tone of disdain to make his point.

I thought libertarianism was about doing whatever one wanted to, so long as it did not harm another. Given that, I suggest that what Bill Gates and Warren Buffett do with their money is none of our business, and is not open to any criticism from a libertarian. If they choose to flush their wealth down the loo, that is their business.

One need only look at what Paris Hilton is doing with the wealth that she did nothing to earn to know that wealth acquired without toil is something less than a godsend. Gates and Buffett have chosen to teach their progeny the value of *earning* wealth, as opposed to simply having it handed to them. Those so taught will either become embittered or they will learn their lesson well. Either way, that is Gates' and Buffett's prerogative, not Casey's.

Marilyn Burge  
Portland, Ore.

## The Tao of Now

I can already hear the wailing and gnashing of teeth coming from readers of Doug Casey's article:

"He's just reinforcing the stereotype of the miserly libertarian capitalist who cares about nothing but himself and money."

"This article is a disgrace. He wants us to be more like Scrooge!"

I'd remind such readers that Doug is merely echoing the ancient Chinese wisdom of the Tao Te Ching, passage 18 (from the R.L. Wing translation):

When the great Tao is forgotten,  
Philanthropy and morality appear.

Intelligent strategies are produced,  
And great hypocrisies emerge.

If ancient Chinese wisdom doesn't move them as it does the people of Hong Kong, perhaps wisdom from about 600 years later might:

Beware of practicing your righteousness before men to be noticed by them; otherwise you have no reward with your Father who is in heaven. So when you give to the poor, do not sound a trumpet before you, as the hypocrites do in the synagogues and in the streets, so that they may be honored by men. Truly I say to you, they have their reward in full. But when you give to the poor, do not let your left hand know what your right hand is doing, so that your giving will be in secret; and your Father who sees what is done in secret will reward you. (Matthew 6:1–4)

Add another 600 years to the timeline and you get the meticulously computed and rigorously enforced Zakat alms required of every Muslim.

Add another 1,400 years or so and you get the Welfare States of America.

Bravo, Doug. Charity that flows from guilt or coercion is ostentatious hypocrisy, not charity.

W. Earl Allen  
Broomfield, Colo.

## Charitable Living

Doug Casey makes some darn good points about the charitable activities of people like Ted Turner and Bill Gates. Turner giving \$1 billion to the U.N., of all places, is certainly enough to make one gag. And Casey is right that the Gates Foundation attacks the symptoms rather than causes of Third World problems.

But Casey, I think, goes too far. As I travel around rural America, I see many "Carnegie libraries" — libraries that could never have been built but for the

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charity of Andrew Carnegie. It seems to me a worthwhile use of one's money to provide a library to a community that otherwise can't afford one.

Investment and economic growth are obviously vital if a society is to prosper. But doesn't using one's millions or billions *solely* for the purpose of creating more millions and billions amount to rank philistinism? Or have I been misinformed — does man, in fact, live by bread alone? Surely there is room for the rich to donate some of their wealth to, for example, the arts. Better Andrew Carnegie or Bill Gates than the National Endowment for the Humanities! Let's remember that some of the greatest works of art and literature would never have come to fruition but for the patronage of the wealthy.

Lastly, I must take Casey to task for his statement: "In a free society, someone who's poor almost certainly deserves his fate. To hell with him." One doesn't have to be a bleeding-heart liberal, or a social worker, to take issue with that statement. But of course to believe it relieves one of any feelings of responsibility for one's fellow human beings. Even libertarians, I would assert (as Ayn Rand starts to spin in her grave), have a duty of compassion, and, heretical though it may seem, charity.

Jon Harrison  
Poultney, Vt.

## The Order of Hospitallers

It is unfortunate that, in an otherwise cogent piece on institutional charity, Doug Casey is so demonstrably wrong about the value of nonprofit vs. for-profit hospitals. In the southern California market, the best hospitals are nonprofit: Hoag Memorial Presbyterian Hospital, Mission and St. Joseph's Hospitals, CedarsSinai, Scripps, etc. UCSD and UCLA Medical Center are outstanding, but also major public institutions.

Meanwhile, USC's partnership with Tenet for their university hospital has been so disastrous that the university is suing to remove Tenet's name.

The purpose of the hospital is to provide good medical care. Patients do not care if the hospital is dependent on donations or self-sufficient; they define a good hospital as one they leave in better shape than they entered. In my experience, hospitals run like charities provide the best care. Additionally, I see almost as much effort at cost containment at the

nonprofit hospital where I now work, as I saw in the for-profit where I used to work; albeit in different areas. I see no evidence that my present management welcomes ballooning expenses.

Medicine as a whole does indeed have many problems that should interest libertarians. An obvious issue to discuss is why, at least in southern California, for-profit hospitals underperform.

Douglas C. Cable  
Newport Beach, Calif.

## The Rules of Engagement

Some of the initial assertions in Jon Harrison's article "The Crimes of War" (November) are highly questionable. Harrison appears to be knowledgeable in military history and his view is valid that many of the terrible acts committed in war are not atrocities. However, his comments on the killing of prisoners and the "impossibility" of strict observance of the laws of war have that ring of misguided machismo which is sometimes affected by military buffs. He supports those remarks by citing one book about World War I and one about World War II (conventional wars). He then draws conclusions from those re-

marks about the nature of atrocities in Iraq, calling for a narrow definition of atrocities and loose rules of engagement since the insurgents are not uniformed and do not obey any rules.

These recommendations are a prescription for disaster. It is precisely because this *is* a counterinsurgency that we must have stricter rules of engagement. I know it has been a long time since the Vietnam War, but we must recall the basics of such warfare. If we frequently shoot innocent bystanders we are likely to turn the whole population actively against us. If that happens, we will lose.

Therefore if the rules of engagement Harrison cites really do permit our troops to fire on adult males in civilian clothes who happen to flee from the scene of a roadside bombing, then the commander promulgating those rules should be relieved for professional incompetence. If a bomb goes off, of course everyone is going to flee, particularly if the crazy Americans are liable to shoot everybody. Now, it might be permissible (after thoroughly informing the public) to shoot at *armed* persons out of uniform who flee after an

The Liberty Editors Conference took place on the weekend of October 20. Afterwards, traveling home, I continued to feel the special enthusiasm you get from spending time with friendly, smart, interesting people. That weekend was a vacation on another world — the brighter, more rational planet on which libertarians find themselves when they get together.

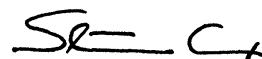
Then I realized: America is about to have an election. And the sky grew dark.

The world of American electoral politics has the same history, and many of the same problems and concerns, as the world of American libertarians. Intellectually, however, the former is a disappointing shadow of the latter. At the Editors Conference, when I heard David Friedman's keynote speech, I didn't think, "He's great, for a political speaker." No, he actually *is* great. I didn't think, "Bruce Ramsey makes a lot of sense, for a journalist"; "Randy Barnett understands the Constitution pretty well, for a professor"; or "Tim Slagle's pretty funny, for a political comedian." No: like David, Bruce and Tim and Randy are actually great, great in absolute terms. And I'm using just a few examples. There wasn't a speaker or a participant in the conference who didn't make me feel proud to be where I was.

Libertarians sometimes regard themselves as living in the shadow of the great political and intellectual movements of our time. I think it's exactly the other way around. I think we're living in the sunshine.

A lot of this issue of Liberty is devoted to the fall elections — a study of the dark planet, viewed from the sunlit one. The view itself may not be lovely, but the observatory has a good deal to recommend it.

For Liberty,



Stephen Cox  
Editor

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attack (thereby restricting the weapons in the hands of so many Iraqis to use in defense of the home, keeping them off the street). Whether an armed person is an insurgent, an ethnic militiaman, or whatever, he presents a continuing threat if he is not officially sanctioned by uniformed status as an Iraqi policeman and soldier.

Making these critical distinctions and following the rules of counterinsurgency warfare are both realistic and necessary for effectiveness, but they are not easy. Counterinsurgency is tougher in some ways than conventional war, and demands well-trained and disciplined troops to wage it successfully. This brings into question the wisdom of using National Guardsmen and active-duty support troops to perform combat duties in Iraq; their training and discipline may not be adequate, regardless of their devotion to duty. We use them only because we are so short of troops.

So please, let us have no more talk about loosening the rules of war in Iraq. Loosening rules has already landed us in trouble (and rightly so) in many areas of this conflict. Whether insurgents are good guys or bad guys is not the issue. What is at issue is the people who are *not* insurgents (yet). If Harrison's understanding of the current rules of engagement is correct (I suspect some details were missing) then those who claim that keeping our troops in Iraq is creating more enemies than it destroys are probably right.

Anthony Teague  
Marshall, Va.

**Harrison responds:** I would remind Teague that my article states that it *appears* that the rules of engagement in Iraq allow our troops to fire on unarmed civilians who flee from roadside bombings. As footnote 3 of the article explains, the rules of engagement in Iraq "vary, and are also classified, to keep the Iraqi insurgents off balance. . . ." Teague's suspicion that "some details were left out" as regards the rules of engagement is, therefore, correct but superfluous. We may learn more when the Marines involved in the Haditha incident come to trial.

I don't think "machismo" was involved in my conclusions about the killing of prisoners. I merely observe. As I mentioned, there are innumerable references concerning this matter; I could have cited two hundred rather than two. It is not that I condone the killing of

prisoners — it simply happens in war. To think such unfortunate things can somehow be eliminated from warfare is contrary to the evidence, and naive in the extreme.

I did not at any point in my article argue for the loosening of the rules of war in Iraq. A closer reading might have revealed this. As to Teague's prescriptions for conducting the Iraq campaign, I fear they are the typical musings of untutored opinion.

### The Marketeer Club

David G. Danielson ("Why Libertarians Should Call Themselves Socialists," November) makes a good point that our opponents co-opted the most highly desirable label ("liberal") for our philosophical approach to life.

I have long thought that we need a new label. But I dislike the idea of calling myself a socialist. For one thing, "socialist" has been in use for a very long time. Long-established habits are hard to change.

I think Americans, in general, detest the word "socialist." I have had many discussions with friends, enemies, and acquaintances, most of whom I consider to be socialists of varying degrees. When confronted with my classification of their beliefs as "socialist" or "socialist-leaning," they reacted almost violently. They promptly and vehemently informed me *they were not* socialist!

I like Mark Skousen's suggestion, "neo-liberal," but I think we might have trouble getting out from under the "liberal" part of the concatenation. I would like to see a different word or a new word that can be interpreted using common sense and common meanings without having to have a Ph.D. in political economy or philology to get the drift.

Perhaps a new word, such as "free-marketeer"? It contains the word "free"; it contains the root word "market." The -eer suffix implies that this is a person who participates and believes in free markets and *all the underlying principles*. Also, it sort of reminds me of West Virginia's state motto: *Montani semper liberi* ("Mountaineers are always free").

David Michael Myers  
Martinsburg, W.Va.

### The Way Forward

Danielson's proposal is informative and thought-provoking, but as he

*continued on page 61*

# Reflections

**The Nick at Nite ticket** — After John Kerry embarrassed himself with a crack about the soldiers in Iraq, many remembered how grateful they were the day he lost his bid for the White House. Of course, if it weren't for his awkwardness in front of the camera, he'd still be the perfect candidate for the TV generation: he looks like Herman Munster, talks like Thurston Howell III, and has a military record like Corporal Klinger's. — Tim Slagle

**A fine balance** — The Wall Street Journal (Nov. 11) reports that there are more Asian students on our college campuses than are warranted by the percentage of Asians in the general population. At the same time there is a less publicized but equally disturbing imbalance in our penal institutions, because of the sparsity of Asian prisoners. Obviously these affronts to diversity point to societal prejudice against whites, blacks, Hispanics, and Native Americans that demand redress. Fortunately, in this case, the statistics speak for themselves. To establish the required equity, we have merely to imprison enough Asian students.

In anticipation of the inevitable carping from civil libertarians that accompanies every constructive measure of this sort, it should be added that the selection of the students to be transferred need not involve any injustice. Properly handled, the process would be conducted by a blind lottery, ensuring an entirely random, open process — the very epitome of fairness. — Dan Hurwitz

**A wonderful Grinchy idea** — Opponents of the welfare state (i.e., libertarians and conservatives) are typically viewed as uncompassionate by its proponents. But a recent piece by Arthur C. Brooks, a professor at Syracuse University doing research into American charity, has nicely debunked that stereotype. He looked at patterns of blood donation, using data that neatly rule out such confounding variables as income (rich people have more money to give, but everyone has roughly the same amount of blood), tax planning (you can't deduct contributions of blood), and church affiliation (your money may help your church, but your blood won't).

He found that people who generally favor government spending on poverty programs donate *less* blood on average than do those who generally oppose government spending on poverty programs — and by a large margin.

So who are the real Grinches?

— Gary Jason

**Night of the voting dead** — In late October, an analysis of statewide records by the Poughkeepsie Journal revealed that 77,000 dead people remain on election rolls in New York state, and some 2,600 may have managed to vote after they had died.

There is a fascinating sociological take to this. The economics literature makes clear that it is not "rational" to vote — the expected costs of voting far exceed the expected utility (see Steve Landsburg's discussion at [slate.com/id/2107240](http://slate.com/id/2107240)) — yet the social pressure to vote is so great that even the dead get to the polls.

— Ross Levatter

OUTA' MY WAY ! I'M A PUBLIC SERVANT !



SHCHAMBERS

## Kiss of death

— According to Bob Woodward's new book, "State of Denial," Henry Kissinger has an ongoing advisory role with Bush and Cheney on Iraq. Not just that, but he has been telling them to "stay the course" no matter what. Just what

we need — the octogenarian ex-secretary of state, one of the slipperiest eels ever to slither through the corridors of power, telling the administration to fight on in an unwinnable conflict, killing young Americans to no purpose.

When Nixon and Kissinger took office in 1969, they were certainly faced with a difficult situation in Vietnam — one, moreover, that was not of their making. Still, in January 1969 we were at 37,000 dead. Under Kissinger we lost over 20,000 more. Immediate withdrawal would have been preferable to losing those lives, while the blame for losing Vietnam could still have been laid at the door of LBJ and the Democrats.

Kissinger out of office did all he could to blunt the Reagan policy of confronting the USSR, the policy that in fact led to Communism's demise. One does not have to agree with the opinion of the late CIA counterintelligence chief, James Jesus Angleton (admittedly a paranoid alcoholic), that Kissinger was actually a KGB agent, to reach the conclusion that Kissinger



has done much harm to this country — even beyond the blood that continues to stain his hands.

And this man still wields influence today? It's a national disgrace.

— Jon Harrison

**In Memoriam, USSR** — In 1959, Soviet Premier Nikita Khrushchev and American Vice President Richard Nixon walked through a replica of a six-room ranch house that was on display at the American National Exhibition in Moscow.

As the two superpower leaders entered the kitchen area, Nixon pointed to the dishwasher and said, "In America, we like to make life easier for women." Instead of pointing out the inherent sexism in Nixon's statement — i.e., the assumption that dirty pots are women's work — Khrushchev responded with knee-jerk Marxist sophistry: "Your capitalist attitude toward women does not occur under communism."

Checking out the newfangled gadgets in the kitchen, Khrushchev saw nothing more than a capitalist scheme of planned obsolescence. "Your American houses are built to last only 20 years so builders could sell new houses at the end," he told Nixon. "We build firmly. We build for our children and grandchildren."

The Soviet premier additionally complained that the American exhibit wasn't complete: "It's clear to me that the construction workers didn't manage to finish their work and the exhibit is not put in order. This is what America is capable of, and how long has she existed? Three hundred years? One hundred and fifty years of independence and this is her level?"

Sticking with his view of collectivist superiority, Khrushchev told Nixon he felt sorry for Americans: "If you want to live under capitalism, go ahead, and that's your question, an internal matter. It doesn't concern us. We can feel sorry for you, but really, you wouldn't understand." He then delivered a flawed forecast to Nixon, a picture of the Soviet Union as a new and dynamic enterprise, a young and scientifically planned system fully capable of burying the ineptness and disorganization of American capitalism, then on its last legs: "We haven't quite reached 42 years, and in another seven years we'll

be at the level of America, and after that we'll go farther. As we pass you by, we'll wave 'hi' to you, and then if you want, we'll stop and say, 'Please come along behind us.'"

By December of 1991, the collapse of the Soviet Union was complete.

What Khrushchev didn't understand is that a system of brute force that demanded individual servitude to the state was no match for a nation that combined democratic freedoms with the vitality of capitalism.

Explaining the monumental failure of the Soviet system and empire, Gen. Dmitri Volkogonov, a former official Soviet military historian, stressed that "the roots of the catastrophe lay in the ideology itself, in Leninism." All told, the "catastrophe" of attempting to impose a Marxist-Leninist utopia in the Soviet Union resulted in the deaths of as many as 25 million people, according to recently released and hitherto inaccessible Soviet archives — a death toll that was the direct consequence of centrally planned massacres, mass deportations, labor camps, torture, and famine.

Many of the grisly details behind this colossal slaughter are recorded in "The Black Book of Communism," an 800-page summary by a team of scholars that documents the violence and terror that Soviet leaders employed against their own people. Within months of his rise to power, Lenin provided the definition of "revolutionary justice" to a workers' assembly: "If the masses do not rise up spontaneously, none of this will lead to anything. For as long as we fail to treat speculators the way they deserve — with a bullet in the head — we will not get anywhere."

The targets of this "justice" included shopkeepers, landlords, non-Bolshevik newspapers, non-Bolshevik political parties, the clergy, "counter-revolutionary" civil servants, intellectuals, "aristocrats," industrial strikers, malingering "pseudoworkers," entrepreneurs, gun owners, craftsmen, "bourgeois specialists," landowners, and, most especially, "money grubbing" kulaks, i.e., better-off peasants. Simply stated, Lenin's "bullet in the head" form of "justice" was the officially prescribed punishment for any person "belonging to a hostile social class."

On Aug. 10, 1918, Lenin telegraphed instructions for dealing with

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kulaks who were expressing opposition to having their harvests confiscated by the government: "You must make an example of these people: (1) Hang (I mean hang publicly, so that people see it) at least 100 kulaks, rich bastards, and known bloodsuckers. (2) Publish their names. (3) Seize all their grain. P.S. Find tougher people."

By the time it ended, the Soviet Union's "tougher" enforcers had killed millions through forced collectivization and harvest seizures, work camps, gulag colonies, prisons, and political executions. But the Soviet Union did end, 15 years ago, on Dec. 25, 1991, while American kitchens prepared enormous banquets of cheap and plentiful holiday food, freely produced and freely consumed. — Ralph Reiland

**Sweet revenge** — Don't assume all public school students are ignorant of economics. There is, for example, the Candyman, who has become an institution at Ingraham High School in Seattle. In 2005 the city's left-wing school board banned the sale of candy, which wrecked the finances of PTAs and caused the board to be very unpopular among the kids. By early 2006, an anonymous senior had gone into business for himself as the Candyman. According to a story about him on the front page of the *Seattle Times*, the Candyman appeared at last spring's pep assembly in a mask, with a red-and-blue spandex costume displaying the big letters CM. To the delight of the crowd, he threw candy into the air and made a quick exit.

The Candyman is breaking the school district's regula-

tions, but he says he donates his considerable profits to charity. Ingraham's principal, in an act of disobedient tolerance, has let him get away with it. When asked about his activities by *Times* reporter Emily Heffter, the Candyman said: "Just like Prohibition in the twenties, when demand is high and supply is cut off, there are going to emerge black, parallel markets." — Bruce Ramsey

**Lessons from Sweden** — We classical liberals tend to think of the welfare-state economies — Sweden, France, Germany, Denmark, New Zealand, and others — as moribund. And there is evidence for that judgment. They tend to have much higher personal tax rates than the United States, and not surprisingly have unemployment rates dramatically higher and growth rates markedly lower than ours.

However, many of them still manage to maintain generally favorable growth rates, because they have adopted classical liberal policies that are helping their economies. Some of the reforms adopted are nothing short of amazing.

Consider Sweden, that poster child for the welfare state. Sweden has adopted a number of classical liberal reforms. Start with vouchers. The concept, first devised by Milton Friedman, has been around for decades. Teachers' unions in America have stymied implementation, but Sweden has a full-blown voucher system. It was first introduced in 1992, and it gives full pro rata vouchers to all kids, regardless of income. (Contrast with Milwaukee's voucher system, described in "Peer pressured," p. 15.) The Swedish system has been so suc-

#### *News You May Have Missed*

## Kim Jong Il Solidifies Fruitcake Image for Holidays

PYONGYANG, North Korea — Just two months after his underground nuclear test sparked an international crisis, erratic North Korean leader Kim Jong Il has launched a series of aggressive moves that experts say are aimed at producing disruptions of the Western holiday season even more chaotic and traumatic than those caused by visiting relatives.

In early December Kim, dressed for the occasion in an ill-fitting red suit trimmed with white fur and sporting a moth-eaten fake white beard, announced that his nation would henceforth be known as "North Pole" instead of "North Korea." Millions of letters from children around the world, rerouted to Pyongyang, would then be shredded and turned into gigantic papier-mâché statues of Kim in time for the synchronized mass demonstration commemorating the tenth anniversary of "Dr. Kim's Diet Revolution," the miracle weight-loss regimen imposed on the entire country during the late 1990s

in an ambitious attempt to overtake the West in the development of emaciated, hollow-cheeked models.

The children who had inadvertently sent him their Christmas lists would be mailed North Korean-manufactured "Dear Leader" dolls that, when a button in the back is pushed, will denounce the youngsters as "low-lying imperialist gangster hyenas."

Kim also revealed that North Korean scientists, working in secret underground facilities, had perfected a haircut even more dangerously weird than his own, and that its blueprints would be placed in the hands of terrorist barbers who would quickly infiltrate hair salons throughout the United States, making it virtually impossible for millions of American men to get a date on New Year's Eve.

Kim seemed unafraid of alienating nearby Asian countries as well. Last Sunday night he refused to pay for a takeout order of Shredded Pork with Dried Bean Curd in Spicy Garlic Sauce

from neighboring China, denouncing the accompanying fortune cookie as a "bandit provocation." It read: "He who have clunky shoes will not go far, and neither will his medium-range missiles."

Experts predict that the behavior of the North Korean dictator is very likely to continue to be unpredictable. They cited his recent unscheduled appearance on "Oprah," where he jumped frantically up and down on the couch while confessing that his controversial memoir, "A Million Little Marxist-Leninist Tracts," was largely fabricated. Despite his insistence in the book that he has been a central figure in the most significant historical events of modern times, he admitted to Oprah that he had not really been with Jon-Benet Ramsey the night she died, that it wasn't him in the sex tape with Paris Hilton, and that he had never actually exchanged instant messages with former Congressman Mark Foley. — Eric Kenning



cessful that even the leftist party now accepts it (although the communist party still hates it). Denmark and New Zealand have also adopted voucher systems.

Next, look at taxation and Social Security. While the U.S. Congress has repeatedly tried to kill the estate tax, and repeatedly failed, Sweden has eliminated it entirely. Similarly, while Bush hit a stone wall in his efforts to get even a tiny measure of privatization allowed in Social Security, the Swedes got partial privatization through.

Moreover, look at divestiture of assets. I have argued elsewhere that the federal government ought to start selling off its huge holdings of land and other assets to pay off those who want to opt out of the Social Security system. But while the feds just sit on all those assets, even in the face of a large federal debt, Sweden is planning to sell off tens of billions of dollars worth of state-owned assets. These include very large ownership positions in TeliaSonera (a telecom company), Nordea (a banking company), SAS (an airline company), and Vin & Sprit (a booze company!). Just which of these will be sold is still to be finalized, but the plan shows a commitment to putting state assets in the hands of private individuals that I wish the United States had the foresight to follow. Privatization brings in money that can be used to pay down debt, and leads to the private investment and development that spur job growth.

Yes, our economy is still freer than Sweden's, but we would do well to adopt some of its ideas. More broadly, we might emulate some other ideas being practiced abroad, such as the flat tax (common now among Eastern European countries) and the "loser pays" tort system that virtually all of Europe follows. We might even consider emulating New Zealand, which ended all farm subsidies back in the mid-1980s.

— Gary Jason

**All about the benjamins** — In the world of the blind, the one-eyed man is king. Similarly, in a world in which almost all nations are inflating their currencies, the currency of a country that inflates less than others is "king." Thus U.S. paper money is the worldwide "king" of currencies. It is popular among foreigners, especially in \$100 bills. And according to The Wall Street Journal (Nov. 2), "Roughly 75% of the 5.5 billion \$100 bills in print are circulating abroad."

Foreigners who hang onto these \$100 bills are doing U.S. consumers a favor. They are helping to keep U.S. prices lower than they would otherwise be. If those billions of bills were all to return to the States, the prices of things people want to buy in this country would tend to rise even higher than they are now.

— Bettina Bien Greaves

**Liberty, fraternity, efficiency?** — In terms of the ratio of energy consumed to dollar of GDP produced, America is the least efficient nation on earth. The Left likes to point this out, since it supports the argument that American capitalism is inefficient, that when people are free to make their own decisions, they don't pay attention to how much energy they're wasting. Leftists will even note, without irony, that historically the Germans have a better record of energy efficiency.

Americans do have bigger homes and bigger yards, and also more leisure craft, vacation homes, refrigerators, and air conditioners. We also travel more. All that takes extra energy

— energy that isn't being used for economic production.

But so what? It makes America a great place to live, the envy of the world. I'm not interested in forcing Americans to live a more spartan lifestyle just to bring our BTU per GDP stat down.

National efficiency is a noble goal only for fascists. If it was our only concern, we could save the energy wasted on transporting clothes all the way from China by issuing uniforms to everybody. We could build military barracks to function as energy-efficient residences, and call for a national blackout after 9 p.m. The government could close all the newspapers and print its own national paper every day; seize all those energy-wasting computers, televisions, and radios; commission all private boats and aircraft for military duty, commander cars, and force everybody onto trains. (How come fascists always love their trains?)

Freedom is not synonymous with efficiency. He who would sacrifice freedom for efficiency is either evil, or moronic.

— Tim Slagle

**Otter be a law** — An Taisce, the National Trust for Ireland, has voiced concern at the effect a proposed greyhound stadium near Limerick city could have on otters in the River Shannon.

Forget about the fact that the new complex, which includes a three-story office building, will employ 100 people. Forget about the regional benefits of the development, which will include betting facilities, two restaurants, and four bars with a dance floor. And don't even bother mentioning that the anticipated annual turnover, in relation to the development, is between \$10 and 12.5 million. Otters are protected under the EU Habitats Directive, and that's that. Brussels says "jump," and Ireland says "how high?"

An Taisce's slogan — "A champion for quality of life" — makes you wonder: whose life, ours, or otters'? — John Lalor

**A correction, with enthusiasm** — In the last issue of Liberty we ran an ad for the FreedomFest conference in Las Vegas (July 5–7, 2007), in which the subject of Nathaniel Branden's talk was listed as: "I've Changed My Philosophy of Self-Esteem." I am happy to report that Dr. Branden has not changed his philosophy (although he is always coming up with new and interesting applications and corollaries).



"Yeah, me too — I gained it all back during the holidays."

His scheduled address will be entitled "Self-Esteem and Its Enemies."  
— Stephen Cox

**Bear watch** — This year, the French government released five brown bears from Slovenia in the French Pyrenees, where bears were once common. Some Pyrenean shepherds, an endangered species, got angry. As I reported in

an earlier reflection ("Where the wild things are secretly reintroduced," July), the French government was forced to release the bears at secret times and places to avoid disruption.

Battle lines have been drawn. According to Reuters, pro- and anti-bear graffiti are a common sight along roadsides in the Pyrenees. In August, hikers found Palouma, one of the Slovenian bears, dead at the foot of a cliff. A wide-ranging

# Word Watch

by Stephen Cox

Don't tax you,  
Don't tax me —  
Tax that fella  
Behind the tree.

So runs the poetic satire of a process that has been delicately entitled "government funding" or "ways and means."

I can't think of a better example of the art of making distinctions. Nothing is clearer, in this poem, than the difference between happy tax-evaders and hapless tax-payers — nothing, that is, except the distinction, implicit but obvious, between the moral cynicism of the poem itself and the moral indignation with which it is supposed to be read. Everybody who reads it *has* to be on the side of that fella behind the tree.

I only wish that all political speech were as clear, as clever, and as honest, as that little poem.

Here's a passage from a recent speech by Felipe Calderón, president-elect of Mexico: "Humanity committed a grave error by constructing the Berlin Wall, and I am sure that today the United States is committing a grave error in constructing a wall along our northern border." The passage shows that abuse of language, as manifested particularly in the failure to make appropriate comparisons and distinctions, is one commodity that is truly international.

You may believe, as Sr. Calderón does, that a fence designed to keep people out of the United States is a lot like a wall designed to keep people inside East Germany. I don't believe it; nevertheless, his comparison is clear. I understand what he meant. But what about his distinction between "the United States," which is erecting the fence (a.k.a. "wall"), and "humanity," which allegedly erected the barrier in Berlin?

Did he mean to say that all humanity actually built that wall? Did he think that everyone in the world was responsible for pouring the concrete, stringing the barbed wire, and manning the guard towers? Or was he using "humanity" to make a moral distinction, a distinction expressed by the shift in tone between "United States," the fiercely embattled citadel of imperialism, and the mildly beneficent "humanity" embodied in the former communist state? I don't know, but I suppose he was trying to convey as much of that latter idea as he thought he could get away with.

The Mexican political regime subsists in large part on baseless comparisons and spurious distinctions. And the same can be said of the American political regime.

What is the difference between "pork-barrel legislation" and "investments in our national infrastructure"? Nothing.

What is the difference between a "tax" and a "contribution," as in "Social Security contribution"? Again, nothing.

What is the difference between a "moderate" justice of the Supreme Court and a jurist who regularly votes to follow the most radical precedents of the recent past? Nothing. Nothing at all.

What is the difference between an "ideologue" and the kind of "statesman" who happens to vote for 95% of his party's measures? Five percent — and a different noun.

What is the difference between a congressional liberal and a real liberal, a country-club conservative and a real conservative, a political "progressive" and someone who actually has some new ideas? Everything. In each case, the same noun is used for both, so that the former can claim the prestige of the latter.

Obscuring a difference is just as useful as inventing one, and a good way of obscuring a difference is simply to omit any hint of agency — any idea of who did what. Thus, the president frequently claims that "we are solving" this or that problem, without ever identifying the people who created it. Maybe he knows those people too well. In the same way, congressmen usually agree that "taxes are too high," at least for "the middle class," but omit to mention that they voted for those taxes. Police chiefs decry the latest "rise in crime," not mentioning that they failed to prevent it. Preachers in inner-city congregations lament the "moral crisis" in their neighborhoods, without speculating on any possible failure of their own moral leadership. (I note that this religious phenomenon is not limited to the inner city.)

The refusal to distinguish who did what isn't just bad for politics; it gets into people's larger worldviews, darkening and dampening them. When I was in graduate school, my dissertation director was nearly driven crazy by students who tried to account for every historical change by noting that "the middle class was rising," which is about the dullest thing you could possibly say on any occasion. Finally he cut somebody's historical "explanation" short. "The 'middle class' is *always*

investigation into her death has begun. Here are some of the headlines translated from the French press:

- Death of Slovenian bear Palouma probably accidental
- Palouma's death resuscitates debate over Pyrenean bears
- Death of Palouma: "No possibility excluded"
- Pyrenees: the death of a bear

'rising,' he observed, with the friendly smile he developed when he was fully exasperated. "Now tell me why the English novel was invented in the middle part of the 18th century, rather than a hundred years before or a hundred years after. Surely there was some more *particular* cause than the rise of the middle class?"

Of course, he might also have demanded to know whether there was some *particular* cause of the middle class itself, together with its strange propensity to levitation. Could it be the specific actions of specific individuals, the kind of individuals who, generation after generation, try to free themselves from the dead hand of government? An interesting question. But it can't even occur to people as long as they fail to distinguish between things that *happen* and specific human *actions*.

One of the commonest products of this failure of appropriate distinction is the "pendulum" theory of history, which has become so much a part of people's basic political assumptions that it will probably never be removed. It's the idea that once history screws itself up in one way, it will soon (thank God) start screwing itself up in the opposite way. Is that too bald a formulation of this venerable theory? Maybe. So try this: it's the theory that President Hoover took the country too far to the right; then President Roosevelt took it too far to the left; then President Truman put it back in the moderate center; and this is what we call a "pendulum."

Actually, that second formulation sounds almost as silly as the first. While it emphasizes the previously omitted distinction between "history" and individual people, by naming all those presidents, it still implies that individual actions and historical rhythms are pretty much the same. It refuses to identify the particular acts that produced the general effects.

Let's face it. President Hoover tried to control the economy. He failed. President Roosevelt tried even harder. He failed too. At the end of the Second World War, the Democratic Party wanted to continue in the same way, but its insistence on retaining wartime economic controls produced a number of problems, including the total absence of meat from the marketplace. The "moderate" or "centrist" President Truman wanted to send soldiers out to the Midwest to seize the food supposedly being "hoarded" there, but he didn't dare to do it. (He also wanted to draft striking railroad workers into the army.) Then the Republicans won a congressional election, economic controls were lifted, peace returned to the grocery stores, the nuttiest members of the Roosevelt mythocracy formed their own, hopelessly incompetent political party, and Truman managed to win a narrow victory in the next presidential election.

Those events were a lot less orderly, and a lot more interesting, than the swing of any pendulum. But still, the middle class kept rising . . .

- Palouma, will she be replaced?
- Palouma's autopsy: Nothing suspicious found
- Palouma, fallen for France

A representative of a green party in France says that if Palouma was chased off the cliff, then "it's murder, pure and simple."

Speaking of murder, I was surprised to learn that the tiny number of beleaguered brown bears in France kill about 300 sheep and cattle per year. But wait! Not so fast! These official statistics are wrong, says AVES France (the Association de Protection des Espèces Menacées). According to AVES, whenever a herder claims that a lamb, kid, or calf was killed by a bear, the government gives him the benefit of the doubt and pays an indemnity, hence the inflated statistics.

Senior French songster Renaud just released a musical homage to Palouma entitled "*Rouge Sang*" ("Red Blood"). (Yes, he's one of those one-name guys. And no, I'm not making this up.)

Passions among the shepherds have not cooled, either. Following a violent demonstration, some of them were recently convicted of crimes and given suspended prison sentences of as long as four months.

As the French say, "*A suivre . . .*"

— Michael Christian

**Knives out** — The TSA reports that in the four years after Sept. 11, 2001, security scanners have picked up the following items (among others) at Phoenix's Sky Harbor International Airport:

- 33,554 knives with blades less than 3 inches long
- 82,164 lighters
- 813 tools
- 23 replica weapons

What, I wonder, should the American people be more thankful for? That the TSA is separating Americans from their tools, or their toys? From their Zippo's, Dunhills, and Bics, or from their Swiss Army purchases?

— Ross Levatter

**Good for business** — For many years, Americans have been making economic arguments on questions that are not about economics at all.

An example is a press release sent Oct. 9, claiming that gay marriage is good for business. It says that the Williams Institute at UCLA has determined that allowing gays to wed would boost the weddings industry by \$2 billion. Also it says that the added costs of providing employee benefits to same-sex partners would be offset by increased productivity, because gay employees would be happier and therefore would do more work.

Hearing these arguments reminded me of some research I did on the arguments for a Prohibition measure in 1914. Closing the saloons, it was said, would increase business for all other merchants.

This was an economic argument to ban the saloon. But the saloon was a *moral* issue. It was the most controversial issue of its day, and it was not about economics. It was about whether banning liquor would make people good, and whether banning it was *right*.

It is the same with gay marriage. It is an issue of values and beliefs, feelings and fairness. Not one person in a hundred cares whether it benefits the weddings industry.



I also doubt whether enrolling a new group of beneficiaries would be offset by increased productivity. But imagine that it would. How many minds would that change about same-sex marriage?

So why do people make economic arguments on noneconomic questions? It is not because the arguments are convincing; it is because the arguments are safe. — Bruce Ramsey

**Off the beaten label** — On the “Today” show (Oct. 26), Matt Lauer had a piece on the dangers of “off-label” drugs. These are drugs designed for one indication and yet prescribed (perfectly legally) by physicians for other indications that have not been “approved” by the FDA. It seems some antidepressant and antiseizure medications cause weight loss as a side effect and are being prescribed by some doctors who specialize in weight loss. Lauer, schizophrenically, is upset both that drugs are ever used off-label and that insurance companies refuse to pay for off-label use.

Without commenting on weight loss specifically, off-label use is routine and commonplace in medicine, something one would never have guessed after hearing Lauer interview his hand-picked physician from the University of Pittsburgh. It likely has something to do with the facts that 1) doctors are legally allowed to prescribe medication for whatever indication they feel appropriate — imagine the enormous bureaucracy if it were otherwise! — and 2) having spent tens of millions of dollars to get FDA approval for one indication, pharmaceutical companies have no economic incentive to spend additional millions to apply a label for alternative uses that physicians were already made aware of in their peer-reviewed professional literature.

Immediately following Lauer’s diatribe on off-label drug use, Today ran a fashion story discussing a new trend: women wearing apparel designed for men. No discussion there of off-label use . . . — Ross Levatter

**Icelandic Saga** — Iceland was composed by God in his surrealist phase. On my way home from a European excursion last summer I spent some time there, and I’ve never seen a more disorienting landscape. One moment you’re in

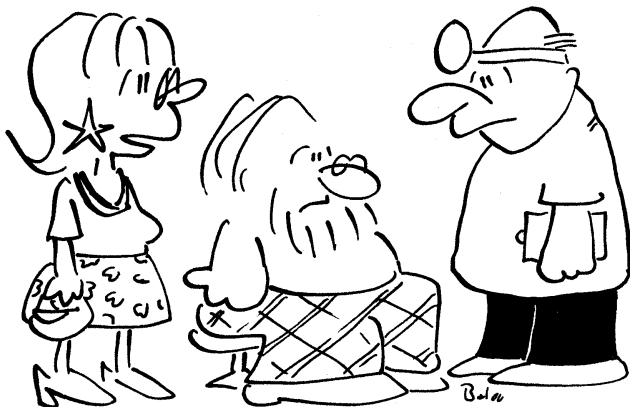
Ireland or the Scottish Highlands, among sweeping, treeless, green hills grazed by sheep and shaggy horses; a few miles later you’re in one of the stark, barren, high deserts of the American West, except that the skies are cloudy all day. Then you might as well be on one of the more obscure moons of Saturn, with vast expanses of black, jigsaw-shaped lava-rock hummocks out of a Yves Tanguy painting covered with lichens of unearthly green. Most of the island, especially once you venture onto the one-track dirt roads that take you deep into the interior, is a caveman landscape of strangely colored rock monoliths and volcanic cones, looming glaciers and steaming fissures and unexpected waterfalls. The earth seems to be speaking its original geological language while you struggle to understand a word or two.

Iceland once spoke a libertarian political language that can hardly be understood today, too. For over three centuries after the first Norse settlers arrived in the late 9th century, what is known to historians as the free state of Iceland was virtually state-free. The Althing, the world’s first parliament, where eminent Icelandic men periodically convened in a dramatic interior valley, had only legislative and judicial functions. There were no permanent executive governmental institutions at all. As the American scholar Jesse Byock points out in “Viking Age Iceland,” in many ways the island was a “headless and stateless society.”

Icelanders, living on small, isolated, mostly self-sufficient farms, managed to do without the standard medieval throttling and meddling of earls, barons, and archbishops, sheriffs and soldiers, taxes and tax farmers, corvées and serfdom, though there were slaves, most of them captives seized in Viking raids on the British Isles, until roughly the end of the 11th century. Laws were often elaborate, but enforcing them was left to private individuals. Feuds and disputes were resolved, when they were peacefully resolved, through arbitration, usually by the clan chieftains and richer farmers, who exercised only an informal authority. A lawbreaker was subject to various degrees of outlawry, meaning that others could seize his property and in the more drastic cases kill him without penalty. (It was because Erik the Red was outlawed for killing someone in a feud that he sailed off to discover Greenland, from which his son Leif Eriksson made his way to North America.) As historians have pointed out, Iceland, without towns or even villages, was like a large, dispersed village, and the Icelandic sagas were village gossip. Troublemakers were punished by the neighbors, even if the neighbors had to ride over the mountain and around the fjord three days to get there. The farmers thus “denied would-be elites the crucial state function of monopolizing force,” Byock writes.

Even within the clan system there was room for individuality and choice, as an Icelandic poet and translator whom I had known in New York pointed out when we had dinner in Reykjavik. (His encyclopedia article on medieval Iceland, written some 30 years ago, is still being quoted in internet anarchist arguments.) Until late in the period, clan chieftains didn’t rule over specific territories. You could choose and change clans. You could fall in love with a pretty girl from another clan, marry her, and switch over to her clan without any ensuing Romeo-and-Juliet scenario — at least most of the time.

Life in Iceland a thousand years ago was often harsh, pre-



“The evening news was bad enough, but now he’s dozing off during the ‘Today’ show!”

carious, and violent, and no doubt remote, in its saga tales of honor and vengeance and its rural self-sufficiency, from all modern political possibilities and theories, but it still constitutes a kind of libertarian reverie and perhaps a parable. What put an end to the state-free free state? The standard high-octane fuel of history and lethal poison for liberty: the lust for power. Some chieftains started biting off more than they could chew. By the mid-13th century a few of them controlled most of the country and were contending for supremacy, with bands of mercenaries fighting and plundering for them while they tried to coax the Norwegian King Hakon into intervening on their side. He shrewdly played them off against each other, until Icelanders eventually opted for Norwegian sovereignty

as an alternative to overbearing local strongmen and civil war. After that most of the old freedoms gradually disappeared, as church and state imposed their authority and their taxes. Iceland's history was wrapped up in Scandinavian history, complicated by climate change (it got a lot colder after the 14th century), oppressive trade restrictions and monopolies after the Danish kings inherited both Norway and Iceland, population decline, soil erosion, and the abandonment of many farms.

But Iceland was never invaded (despite some kidnapping raids by Algerian pirates in the 17th century and a brief Nazi bombing during World War II). It has never invaded anyone, either. The 300,000 Icelanders, free from Danish oversight

**Peer pressured** — I have sympathy and admiration for that group of brave souls called “independent scholars,” i.e., people who do academic work bereft of a stable academic position. I suspect such scholars are often able to do novel research precisely because they are not vested in an institutional setting with a shared paradigm to defend. It is easier to think outside the box when you are outside the box to begin with.

One such scholar, who is doing fascinating research on the psychology of personality development, is Judith Harris, a prolific author whose recent books “The Nurture Assumption” and “No Two Alike” address the perennial question: What makes people the way they are? Is it nature, our genes only, or nurture in the family, our community, or the broader culture?

Her work argues that when you separate out the clear and large genetic component of personality and behavior, the features that remain don't seem to owe much to the influence of parents or family, or the broad community, or cultural influences such as TV and music. The predominant factor molding the non-genetic portion of a child's personality seems to be the peer group the child falls in with. She notes, for example, that a child of immigrants will learn the language and accent of his peers, and use it rather than the language of his parents, even if he still speaks the parents' language at home. Another example: poor African-American kids raised in poor neighborhoods are more apt to be highly aggressive than those raised in middle-class neighborhoods — which supports the idea that kids adopt the norms of their peers.

This has the ring of truth to me, no matter how much it deflates my fatherly feelings of importance. Parents are reluctant to admit that their influence on kids is less than that of the kids in the peer group. But of note here is how Harris' theory helps make sense of two otherwise puzzling things about educational vouchers.

The first is how popular vouchers are, even when — because of the vile machinations of teachers' unions out to sabotage the program — they are far less than what a fair share of the public-school budget would dictate. In Milwaukee, for example, parents desperately try to get one of the meager and pathetically few \$2,500 vouchers to send their kids to private school, even though the city public schools spend an average of over \$10,000 in tax dollars per child per year. A full pro rata \$10,000

voucher would enable poor parents to send their children to elite private schools, with the latest computer and lab equipment, lots of teachers, and teachers with advanced degrees. But the partial voucher — again, less than one-fourth of what it should be — is still highly prized, even though it will cover only the tuition of a small, poorly appointed parochial school, with little equipment, fewer teachers, and perhaps no teachers with advanced degrees.

Harris' theory explains why: if I am poor, and cannot afford a good private school for my kid, I'd much rather send him to a poorly funded parochial school where his peers will be more inclined to be self-disciplined, respectful, and moral, than send him to a fully funded public school where his peers won't be so inclined. The presence of better lab equipment (as if basic education required that), or more teachers (as if anyone still believed the debunked myth that smaller class sizes improve instruction), or more teachers with M.Ed. degrees (as if an M.Ed. degree were worth a rat's posterior) would be irrelevant to me.

The second interesting phenomenon about vouchers is the reluctance of upper-middle-class and wealthy parents to support them. You would think that such parents, many of whom are devout worshippers at the altar of modern liberalism, would want poor folk to have the same freedom of choice that the wealthy have. After all, middle-class and wealthy parents almost always either send their kids to elite private prep schools, or move to school districts where the public schools are demonstrably superior. And the more poor people who move up the ladder, the less taxes the wealthy will have to pay, and the less street crime they will have to endure. So why don't wealthy people overwhelmingly endorse vouchers?

One cynical explanation is that the parents of students at superior public schools and elite prep schools oppose vouchers out of naked egoism — leaving the children of the poor to rot in lousy public schools will ensure that their own kids will face less competition for good colleges. But Harris' theory affords a better explanation: what wealthier parents may fear is an influx of students with bad moral traits, who will form alternative peer groups that will screw up their own kids. This is a concern that voucher proponents may well want to address.

— Gary Jason

since 1944, still exhibit in many ways a tough, go-to-hell independence, and despite typical Scandinavian welfare-state red-tape rules and laws and taxes (now further complicated by the country's associate status with the EU), libertarians can still instinctively feel at home there. It's just now going through an entrepreneurial boom, but above all the vast empty and unfenced spaces, and their haunting, surreal beauty, give you a sense of untrammelled freedom. Iceland just finished on top of a survey measuring the percentage of people in dozens of countries who reported being happy. — Eric Kenning

**Think globally, spray locally** — Environmentalist ideologues have been rebuked again. One of the founders of the movement, Rachel Carson, targeted the pesticide DDT in her 1960s screed "Silent Spring," alleging that it caused cancer and ecological disaster. The book became one of the enviros' bibles, and they managed to convince the EPA to ban the use of DDT in the United States in 1972. Eventually, most countries followed suit.

Birkenstock Boomers rejoiced, as did the mosquitoes that carry malaria. The result was a depressingly predictable explosion of a disease that DDT had dramatically reduced. Because the alternatives to DDT are so ineffective, malaria now infects hundreds of millions of people a year, killing a million a year — especially very young children with weak immune systems.

This is the same old story: enviros push their agenda of "Earth First, People Last!" using whatever junk science they can find. This is easy to do, given that junk science is as common as bird crap. The consequence is that children suffer and die — not the children of the enviros, of course, but the children of sub-Saharan Africa. But then, enviros have always had much more compassion toward wolves than toward third-world children, perhaps because Disney makes more movies about cute animals than about dying children.

However, a ray of rational hope has appeared. The World Health Organization has announced that it will encourage the spraying of DDT indoors. It had earlier put DDT on the "allowed" list, but now will begin pushing its use, and push for funding for that purpose. If DDT becomes widely used again, some estimates are that it will lower the incidence of malaria by 75%. This is welcome news, indeed — though it's a tad too late for the nearly 30 million people already dead, killed by malaria and the equally pernicious enviro ideology.

— Gary Jason

**Pension pinching** — GM and Ford are now in financial trouble. One of their problems is the commitments they made years ago to pay pensions to retirees. Their government-backed unionized workers had threatened to strike. What should the company officials have done? The companies really had no choice at that time. They could have paid

the (then) present cost of a strike in the form of halted production and possible bankruptcy. Or they could have postponed paying that price by promising pensions and benefits in the future. Economics teaches that present goods are necessarily always valued more highly than future goods. Therefore, the companies chose present goods — in this case labor peace and continuous production — over the less highly valued freedom from having to pay pensions and benefits in the future. They were in effect extorted.

Leaving aside the problems GM and Ford have faced from competing with other car manufacturers, government bears considerable responsibility for their present predicament. In the first place, collective bargaining as imposed by the National Labor Relations Act added clout to the labor unions' strike threats by compelling GM and Ford to deal with the representatives of recognized unions chosen by a majority of their workers in any category. And secondly, the existence of the Pension Benefit Guaranty Corporation allowed GM and Ford to make more generous promises than they would have if there had been no possibility of shifting to the taxpayers the burden of future pensions and retiree benefits.

— Bettina Bien Greaves

**The favorite game** — I finally figured out what must be happening behind and under the counter at my neighborhood lower Manhattan post office. The problem is not just that the slowness of the few clerks creates a long line within a crowded space, itself reminding me of the more popular retail outlets in East Berlin, but that the clerks, I imagine, must be collecting a daily pool of money that goes to whoever infuriates the most customers during the working day.

While they're putzing around, each is keeping score on himself and on the others. Whoever abuses the most, measured simply by getting customers to raise their voices, takes all. Customer screaming for more than 15 seconds earns the clerk two points; 30 seconds, three points; physical abuse, five points; and so on. No matter that most of the clerks, at least in Manhattan, belong to "minorities" claiming a history of victimization in America.

But what else can be expected from a retailer that has conned the government into prosecuting competitors? Didn't Thomas Sowell write that the only segment of our society in which union membership is expanding is public employment — not only because higher wages won't bankrupt publicly funded employers but also because most "civil servants" can't easily be fired? It is unfortunate that canny investors can't sell the USPS short.

— Richard Kostelanetz

**Milton Friedman, RIP** — Word of Milton Friedman's death was received as this issue of *Liberty* was going to press. Clearly, a long time will be required to adjust to a world of which Dr. Friedman is no longer a part.

Friedman (1912–2006) was the last of the great libertarian thinkers of the 20th century, and perhaps the most influential. The academic influence of his "Monetary History of the United States" (with Anna Schwartz, 1963) and of his determined attacks on Keynesian economics was very large. Larger still was his influence as an adviser of the political leadership of every part of the globe (he shared his wisdom with any who would listen). Largest of all was his influence on popular ideas

*continued on page 34*

This holiday season, give the gift of

**Liberty**

at a special holiday price! See page 57.



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# The Blue Tide — The Wreckage and The Lifeboats

*by Bruce Ramsey and the  
Editors and Contributors of Liberty*

*On the Tuesday  
following the first  
Monday of November,  
Americans went to the  
polls to select a new  
batch of . . . well . . .  
statesmen to lead the  
nation through 2008.*

*As is the custom  
at Liberty, our  
contributors diagnose  
the election, seeking to  
discover how serious  
the wounds were, and  
how likely it is that  
individual freedom  
will survive.*

On November 7, 2006, a blue tide swept Democrats back into power in the U.S. Senate and House of Representatives. It was no surprise; indeed, it had been a long time coming. In the 20th century there had always been a tide contrary to a government that entangled the nation in a serious war. In 1918, 1946, 1952, and 1966 it had been a Republican tide and in 1992 a Democratic tide. In 2006 it was a Democratic tide again.

There was no mistaking its meaning — and President Bush acknowledged it by sacking his secretary of defense, Donald Rumsfeld. More than anything else, the election was about the Iraq war — or, more accurately, the occupation of Iraq. It was not that the American people agreed with the Left that it was about contracts for Halliburton or “blood for oil,” or that it was a neocon venture in imperial globe-management. Some said those things, but for most Americans it was simply a business that had gone on too long and was getting nowhere and was costing too much. They were in a mind simply to say the hell with it.

The Democrats had not run under any ideological banner. The core Democrats do have an ideology, social democracy; their medium-term aims include state medical insurance for all children and a more generous state provision of old people’s pills. In the safe districts candidates talked about that, but the warriors who did battle in the swing districts kept that stuff in the box. They talked about Bush, Bush, Bush. Very often, it was a winning strategy.

The election of Nov. 7, 2006, put libertarians in an odd political position. Radical libertarians may vote for the Libertarian Party or not at all, but if “libertarian” is defined as the word is used in general discourse, meaning someone who favors markets and free trade, individual responsibility and social tolerance, most libertarians vote Republican most of the time. But not always — and this was one of the years in which it was difficult to do that.

In October, David Boaz and David Kirby argued in a Cato Institute paper, “The Libertarian Vote,” that by a mainstream definition — social liberalism and economic conservatism — 9% to 13% of American voters are libertarians. In 2000, 72% of these people voted for Bush; in 2004, 59% of them did. The reason for the decline, according to Boaz and Kirby, was “Republican overspending,

social intolerance, civil liberties infringements and the floundering war in Iraq."

The decline in libertarian support for Republicans continued. Colin McNickle, editorial page editor of the Pittsburgh Tribune-Review and a libertarian-leaning conservative, wrote on Oct. 22, "I, for one, refuse to yet again enter my polling place, [and] vote for the usual GOP suspects."

During the campaign, the Cato Institute held a forum on whether libertarians should vote Democrat. Some libertarians said they would do that to restore divided government and put brakes on an imperial presidency. Reason magazine posted a blog entry on how its staff intended to vote; the answers included Democrats but no Republicans. The war and civil liberties were their main reasons.

In another part of the ideological landscape, Ayn Rand's heir, Leonard Peikoff, found another reason: Christianity. The Christian religion, he declared, had become a greater threat to the body politic than socialism. He linked Christianity to the Republicans and socialism to the Democrats. "The most urgent political task now," he wrote, "is to topple the Republicans from power."

### A Libertarian Ponies Up

There was, of course, the Party of Principle, the Libertarian Party, which has been on the national scene for a third of a century. The Libertarians were hopeful that a number of their standard-bearers might climb out of the single-digit well. On the congressional level their best hope was Bill Smither, who ran for the Texas seat recently vacated by Tom DeLay. The district was dependably conservative, the kind of bailiwick where DeLay's Republican replacement had a good chance to win as a write-in candidate. But the Democrat won, the

Republican write-in came in second (perhaps because of her difficult name), and Smither came in third, with only 6% of the vote.

Across the country lots of Libertarians ran, and almost all languished in the low single digits. A handful not identified on the ballot as Libertarians got elected, including one to the Hardeeville City Council, in South Carolina; one to the Rapides Island Water Board, in Louisiana; and another re-elected to the Juneau Assembly (a borough legislative body) in Alaska.

In my home state, Washington, the Libertarians ran Bruce Guthrie, a former professor of management at Western Washington University, for U.S. Senate. He challenged Maria Cantwell, a Clinton Democrat who had been elected in 2000. Guthrie did not attack the welfare state: on Social Security he said, "We can maintain full benefits if we get our priorities straight." The centerpiece of his campaign was immediate withdrawal from Iraq, a position in contrast to Cantwell's, which was "find a way not to lose." Cantwell had long disappointed her party's left, which Guthrie set out to woo — though he was no leftist.

Guthrie ran three TV ads, low-budget but cute, showing paper-bag puppets being interviewed about Sen. Cantwell. Each admitted disappointment in her, but each still intended to vote for her. In one ad the puppet intoned, "I vote for the Democratic Party always." Then the message: "*Don't be a party puppet! Vote Bruce Guthrie for Senate!*"

Cantwell's Republican challenger was former Safeco Insurance CEO Mike McGavick, who years earlier had been a Republican operative. He was a skillful candidate, and Cantwell allowed him only one debate in western Washington. The sponsor, KING-TV, announced that it would allow into

**Mandate, anyone?** — "Pelosi characterized the Democrats' winning control of the House of Representatives as a clear mandate from the American people" (San Francisco Chronicle, Nov. 8, 2006).

Yeah, sure.

For many years, this journal has been satirizing the superstition that whenever one party wins a national election, it receives some kind of "mandate" from the American people. Our founder, R.W. Bradford, made hash of this idea in his classic essay, "The New Civic Religion" (February 1993, reprinted, as a warning, in our 2006 pre-election issue). I followed with "Politics vs. Ideology: How Elections Are Won" (February 2005). The fact is that very few American elections involve large swings of the electorate. Most are decided by narrow margins. This results from the nature of a free society, in which people are encouraged

to develop multiple identities and exercise their choice about multiple issues.

If America were rigidly divided between partisans of Bush and deplorers of Bush, the November election would have thrown 70% of congressional seats to the Democrats, instead of the paltry 55% they won. The reality is that a deplorer of Bush may be an evangelical Christian who is loath to vote against a party that has sometimes identified itself with evangelical Christian ideas; a gay business owner who dislikes Bush's opinions about gay marriage but is much more concerned about whether his boyfriend will have to pay inheritance taxes if the Democrats bring back the death duties; or a working mother who feels serious class antagonism toward rich-bitch Nancy Pelosi.

Whoever the deplorer may be, he or she has many competing identities. The total mass of he's and she's is very

unlikely to land, all at once, on the helpless stomach of either party.

Just before Pelosi gave her silly speech, I participated in a press conference, arranged by Matt Lauer of the "Today" show, in which an able Republican pollster and an able Democratic pollster told what they had learned about the election of 2006. There was no question about the election producing a "mandate." The great majority of seats that were lost by Republicans were lost by very small percentages. And supposedly single-issue voters did not respond particularly well to single issues. In the last national election, 78% of white evangelical voters supported the Republicans; in this election, 71% did so. The decline was small, and well within the normal range of opinion shifts in the general population. Was it the Mark Foley affair that did it? Was it the rest of the "morals issue"? Or was it disgust with the war, which evangeli-

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## The Blue Tide

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the debate any candidate who had raised \$1.2 million in campaign funds. Dipping into his net worth, Guthrie slapped that much on the table. He had not committed to *spend* it all, but it got him in. The Green Party candidate, former Black Panther Aaron Dixon, was omitted. He tried to crash the debate and was dragged away by police. Guthrie did all right in the debate; he got his view out to thousands of TV viewers.

Toward the end of October, McGavick, who was lagging behind, ran an unusual TV ad. It began by showing campaign signs for his Green and Libertarian opponents, with a graphic saying: "Guthrie, Dixon: Pull out Now." McGavick walked on screen and said, "On Iraq, Bruce Guthrie and Aaron Dixon have the guts to say what they think. They say, let's get the troops out now." Then a sign with Cantwell's photo appeared, and a graphic saying, "FOR THE WAR." (Cantwell had voted for the Iraq war resolution in 2002.) McGavick said: "But Maria Cantwell? It's just politics. First she voted for the war and to stay the course for three years. And, now suddenly, she's become vague." (This was true. She *had* become vague.) McGavick went on to say that he supported victory — but the clear message of the ad was that if you didn't support victory, if you would have America leave Iraq, you should vote for the Green or the Libertarian — *not* the Democrat.

Cantwell won easily, and Guthrie received just over 1% of the vote.

### Inside the Elephant

In the Republican Party there is a libertarian faction, defined and supported by the Republican Liberty Caucus. The RLC ([www.rlc.org](http://www.rlc.org)) is a small group trying to build influence by setting out a platform, says chairman Bill Westmiller, of "individual rights, limited government, and private enter-

prise rather than new cultural constraints, big spending, or corporate subsidies." The caucus favors tolerance on social issues and genuine toughness on spending.

Writes Westmiller, "While RLC has not taken an official position on the Iraq War, we are not apologists for the President or failed policies. We favor a defensive military posture and oppose all nation-building." Most of the candidates supported by the RLC were for the war, but tended not to talk about it.

The candidates with the highest RLC ratings were Rep. Butch Otter of Idaho, running for governor; senators Craig Thomas of Wyoming, John Ensign of Nevada, Jon Kyl of Arizona, James Talent of Missouri, and George Allen of Virginia; and representatives Ed Royce and Dana Rohrabacher of California, John Shadegg, J.D. Hayworth, and Jeff Flake of Arizona, Paul Ryan of Wisconsin, Steve Chabot of Ohio, and Ron Paul of Texas. In the Republican wipeout of 2006, Talent, Allen, and Hayworth lost their seats.

Westmiller noted that Talent and Allen had "run to the right" on social issues and that Hayworth, whose district is on the Mexican border, had run as a critic of immigration. "We favor the administration proposals for guest workers and an easy path to citizenship," Westmiller said.

Libertarians' favorite Republican is Ron Paul, 72, who ran for president as a Libertarian in 1988. Before that, he represented the Texas coast around Galveston. In 1998 he won the seat back. In 2003 it was redistricted and became somewhat more urban, which worried him.

Paul is not a standard Republican. Wrote Joe Stinebaker of the Houston Chronicle, "Despite Paul's nine terms in Congress as a Republican, the national GOP has never fully embraced him. Paul gets little money from the GOP's large

cals probably feel as strongly as other people? Perhaps it was concern with the budget. Perhaps it was . . . you fill in the blank. Use as many words as you want, to cover all of Americans' competing concerns.

No, Ms. Pelosi and Mr. Reid do not have a mandate. What they do have is the politician's normal penchant for lying.

What the Democratic leaders exhibit, besides, is a peculiarly unfortunate — though veracious — way of presenting themselves. Pelosi acts like a spoiled child, which she is. Reid acts like the peevish grandpop who takes the young 'uns out to the barn an' whups 'em. These people are a satirist's delight. It is certain that they will make the Democratic Party look like something that Daffy Duck would scorn to join.

It is entirely possible that one of the best things that ever happened to the

Republican Party was the election of Ought Six. During the next two years, the Democrats will never miss a chance to make fools of themselves, and the GOP will enjoy the best excuse in the world to purge its incompetent leadership. (Jeeze . . . Denny Hastert? How the hell did he get in? And I've never seen any plausible evidence of the alleged Satanic brilliancy of Karl Rove.) The Republicans have the opportunity to recur to the conservative principles (which are often libertarian principles) that have tended to win them elections, and abandon the country-club "conservatism" of the Bushians (which is ordinarily a short-term success and a long-term disaster). Meanwhile, the Democratic leadership will create a paradise of mirth for people like me, as they try to live up to their illusory "mandate."

The only problem is . . . you can do a lot of harm, even if you don't have a

mandate. Watch for the new congressional leadership to (1) try to keep Bush from extricating *himself* (and therefore, incidentally, the rest of the country) from Iraq; (2) do its best to raise taxes, especially by bringing back the accursed death tax; (3) work to make voters and welfare clients out of as many of the Democrats' presumed supporters, the illegal immigrants, as it possibly can; (4) make sure that appointees to judge-ships and regulatory commissions will deprive Americans of as much liberty and fairness as even the editors of the New York Times could dream of doing.

Whether the Democrats will (5) scheme to impeach Bush and hound his chief advisers into prison remains to be seen. But whatever the winning party does, it will certainly claim that it is irresistibly prompted by its "mandate."

— Stephen Cox

traditional donors, but benefits from individual conservative and Libertarian donors outside Texas."

On the National Taxpayers' Union list of taxpayers' friends, Paul is ranked second out of 435. (Jeff Flake is first). On CNET's ranking of representatives, based on their support for technology, Paul is at the absolute top. He is famously for the gold standard and a strict interpretation of the Constitution, and was one of only six Republicans in the House who voted against the Iraq war resolution of 2002. (Another of the six, John Hostettler of Indiana, found that his stance did not help

him against the Democrats. He lost his seat on Nov. 7, leaving only Paul, centrist Jim Leach of Iowa, and libertarian-leaning John Duncan of Tennessee.)

Paul had a Republican challenger who used the Iraq war vote against him. Paul beat him, then faced Democrat Shane Sklar, 30, an officer of the Independent Cattlemen's Association of Texas. Sklar ran a TV ad that said, "Ron Paul is a libertarian. Against Medicare. Against funding port security. Ineffective. Ignored." He attacked Paul for bringing home too little pork. "If these dollars aren't coming back to the 14th

congressional district, they're going somewhere," he said. "Just not here."

Sklar also said he would have voted for the war. Paul countered with a TV commercial of a war veteran praising him for help in securing his benefits.

Paul won 60% of the vote.

### Racial Neutrality

A case can be made that libertarians who enjoy politics should work for ballot measures rather than candidates. Not all states have such measures, but in 2006 some offered a feast of them, many with a libertarian flavor.

One of the most fascinating contests was the one involving Proposal 2, the Michigan Civil Rights Initiative (MCRI), which was written to ban racial and gender preferences in state employment, contracting, and education. It won 58% of the vote, and libertarians were heavily involved in campaigning for it.

Similar measures were passed in the 1990s in California (55% of the vote) and Washington (58%), with the help of Ward Connerly, a former regent of the University of California. Connerly also sponsored MCRI. He is the most famous American crusader for race neutrality. He has taken a lot of abuse for it, particularly because he is, by American reckoning, black, though when I met him in 1996 he noted that he was part African, part European, and part American Indian. He

### Thirteen paths to paradise

— The California ballot offered 13 propositions for the voter's choice. Seven passed. One of them was a proposition that the state go into debt by \$10 billion to fund "safe drinking water." (But why not just buy 10 billion quarts of Arrowhead and start passing 'em out?) Six other propositions represented Arnold Schwarzenegger's attempt to gratify his Cheops Complex by selling \$42 billion worth of bonds to finance improvements in roads and schools, and to turn all the jails in the state into granaries.

No, I was lying about the jails. Schwarzenegger's propositions promised to do such things as synchronize the traffic lights on LA streets. As if LA couldn't have performed this miracle with its own money.

The last proposal that passed was an initiative designed to deny convicted sex offenders the ability to live or work in most areas of the state. This populist bill of attainder passed everywhere except in sex-sensitive San Francisco County.

The six defeated propositions were:

A provision requiring that the parents or guardians of minor children be notified 48 hours in advance of an abortion. This perished, 54% to 46%, at the hands of a "right to choose" campaign.

A provision requiring an enormous increase in cigarette taxes that would have generated revenues for (among other things) hospital treatment of illegal aliens. Went down on a bare 52% to 48% vote — an indication of the extent of antismoking hysteria in the state of California, and the degree to which it always threatens to top all other issues. In this instance, it was the illegals that killed it, barely.

A crackpot scheme to levy a big tax on oil producers in order to reduce the consumption of oil. Quaint features of

this proposal included the idea that it would reduce oil consumption by 25%, and the stipulation that the costs of the increased taxes could not be passed on to the consumer. Subjected to a withering ad campaign, it died by a vote of 55% to 45%. For more information, see Bruce Ramsey's adjacent report.

Another crackpot proposal, placed on the ballot by a wealthy individual, to levy a special tax of \$50 on every piece of real property in the state except, of course, property held by "certain elderly and disabled homeowners," the proceeds to go to the public schools, which in every state are always considered miserably underfunded at election time. When early polls showed that, surprisingly, this particular proposal had no public support, its inciters decided not to put any more money into puffing it, and the scheme was voted down by an ignominious 77% to 23%. Well, it pays to advertise.

An attempt at public funding of political campaigns, a sell-job sponsored primarily by the nurses' union, defeated 75% to 25%. Unions were, of course, granted exemption from the proposal's spending caps and other controls, but the California Teachers Association thought that the proposal would interfere with Teachers in some way, and so opposed it. The true cause of death, however, seems to have been starvation. The public was simply uninterested in the public funding of politicians. Praise God.

A proposal to deal with the problem of eminent domain by preventing government from condemning properties in order to devote them to private uses. This proposition was defeated 52 to 48, apparently because of its complex and allegedly mysterious effects. Again, see Ramsey's report.

And from this circus, draw whatever moral (or entertainment) you wish.

— Stephen Cox

thinks that the whole practice of dividing a melting-pot nation into racial tribes is reactionary.

This time I emailed him and asked him to compare his opponents in Michigan in 2006 with those in the earlier efforts. He replied: "Our opponents in Michigan are less civil, meaner, less respectful of those with whom they disagree, more prone to lie (BIG LIES) and distort, and less willing to genuinely engage about the issue. The element of 'white guilt' is significantly more prevalent in Michigan than in California and Washington. It is for these reasons that Michigan will be one of the last states in our nation to come to terms with the issue of 'race.' Frankly, I believe there are many in Michigan (black and white) who, for institutional and financial reasons, don't want to come to terms with the issue. They are very content with de facto segregation in Michigan and all of the other accouterments of race. Race-based 'affirmative action' is just one way for each of the major 'races' to get their respective shares of the pie."

The other public spokesperson was Jennifer Gratz, who was denied entrance to the University of Michigan's main campus in Ann Arbor for the 1995–96 term because she was white, and whose case in 2003 became *Gratz v. Bollinger*, at the U.S. Supreme Court. (Gratz won, but the other plaintiff, Barbara Grutter, lost when the Court sided with "diversity.") Gratz had long since graduated from UM's less prestigious Dearborn campus, and had been working in the computer industry.

As they had done in California and Washington, the opponents said that the initiative was misleading because it called itself a civil-rights initiative, and that people had signed the petition not knowing what it meant. This was not true: racial neutrality is a simple idea and most people quickly understand what it means. In any case the Michigan organizers had collected 508,000 signatures, 60% more than they needed.

Arrayed against them was a leftist group calling itself By Any Means Necessary. This group says on its website, "BAMN will employ whatever means are necessary to oppose and defeat these attacks on the democratic and egalitarian

aspirations and struggles of our people." One of their means was dumping over the tables of the state canvassing board, intimidating its members. Another was cursing and spitting at Jennifer Gratz. BAMN also sued to have the initiative kept

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*In several university and beach towns, voters were offered the choice to make enforcement of marijuana laws the lowest police priority. All these measures passed.*

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off the ballot; it took the case to the Michigan Supreme Court and lost. However, Michigan's secretary of state insisted on adding the term "affirmative action" to the ballot description, which hadn't included it.

The Detroit News, which opposed Proposal 2, reported that the measure was opposed by "virtually every religious, political, civic, business and labor group in the state." Into the umbrella opposition group, One United Michigan, poured money from businesses, including \$100,000 each from General Motors, Ford, Daimler Chrysler, and Toyota. The measure was opposed both by Democratic Gov. Jennifer Granholm, as you might expect, and by her Republican challenger, Amway heir Richard DeVos (who lost his own election).

The campaign against the Michigan Civil Rights Initiative outspent Connerly and Gratz 10 to 1. It did not argue mainly that the measure would hurt blacks and Hispanics. Instead, it "tried to portray the measure as anti-woman," wrote Detroit News columnist Thomas Bray. A TV ad said the initiative would cut out math and science programs for girls and medical screening for cervical and breast cancer. Another ad said the initiative had been "brought to Michigan by a secret group of Californians."

**Gridlocked days are here again** — The recent election holds much optimism for those of us on the side of limited government. It seems that the electorate rejected Republicans for abandoning their commitment to that idea. The new century found Republicans supporting record deficits and the infamous Alaskan "Bridge to Nowhere." Speaker Dennis Hastert claimed the FBI had no right to search William Jefferson's office, and kept silent during the Cunningham and Foley scandals.

These and other incidents convinced most Americans that there was very little difference between Republicans and Democrats. Enter Rahm Emanuel with his merry band of pro-life, pro-gun, fiscally responsible Democrats, and conservative voters found little reason to go out to the polls.

However, the Democrats are about to make a big mistake: they will believe the nation has moved leftward and act accordingly. In truth, since most of the liberal Republicans were replaced with conservative Democrats, there is a good chance that Congress will be more conservative in January

than it is today.

America certainly is conservative, if the election results are an indication. Amendments against gay marriage passed in eight states, protections for property rights passed in seven, and affirmative action lost in one. In truth, the Democrats won a slimmer majority in the House than the Republicans hold today, and they won back roughly the same portion of the Senate they had in 2001. I'm dying to see what happens when incoming Speaker Nancy Pelosi tries to raise taxes.

The GOP made a similar mistake in '94. Thinking the nation had moved right, Gingrich tried to implement the Contract with America immediately, and the Republicans paid dearly for it in '96. I can't foresee Democrats getting anything passed other than the minimum-wage increase. They might get immigrant amnesty too, although the unions won't like it much.

Gridlock has always been my favorite condition of Congress, and that's exactly how it's going to stay for the next two years. Sometimes, democracy works. — Tim Slagle



The race-neutrality side ran a calm, low-key TV commercial with Connerly saying, "We all know that affirmative action has been corrupt and unfair" and that "equal treatment is your civil right." It ran a radio ad by a woman supporting Granholm for governor, saying of the initiative, "I read it. I understand it. I signed it." Another radio ad had

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*The city appraiser admitted that he "may have been on the wrong property when he made his assessment."*

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Jennifer's father, Brad Gratz, saying that Proposal 2 would have given his daughter "an equal chance to compete based on merit, not skin color or gender."

The calm, low-key approach worked, and the Michigan Civil Rights Initiative won big. Look for more race-neutrality measures in 2008.

### Limiting the Tax Man

Taxes were at the center of political battle in many states. Nationwide, the most dramatic figure in tax initiatives was Howard Rich, chairman of Americans for Limited Government. The Wall Street Journal reported that through that and other groups Rich donated more than \$15 million for state ballot measures to limit taxes, curb abuse of eminent domain, and require payment for regulatory takings.

For all this he was demonized; as Mr. Rich, he had the perfect name for it.

The left-wing Ballot Initiative Strategy Center put up a web page, [www.howrichexposed.com](http://www.howrichexposed.com), with the headline, "How a real estate tycoon is secretly trying to influence your state government." It identified Rich as a director of the Club for Growth and the Cato Institute, president of U.S. Term Limits, a Libertarian Party activist, and husband of Andrea Millen Rich, former proprietor of Laissez Faire Books. It called him a "multi-millionaire real estate developer from New York, with no stake in the real priorities of the states he has targeted." Of course, if Rich had had a stake, they would have said he was doing it for the money.

In Montana, the public school teachers' union sued, and on Sept. 13 convinced a state judge to throw three of Rich's initiatives off the ballot. One set up a mechanism for recalling judges — probably the judge didn't like that one — another limited state spending, and another required payment for regulatory takings. On Oct. 2 a poll by the Lee Newspapers found the regulatory takings measure with 51% in favor and 21% against, but it was off the ballot nevertheless.

In Missouri, Secretary of State Robin Carnahan, a Democrat, refused to count petition signatures for a Taxpayers' Bill of Rights because the petition pages were not sequentially numbered by county, as was required.

In Nevada, a judge removed part of a Rich-backed

***Losing battles, winning wars*** — The Libertarian Party may win an occasional political election, but there is no way on God's green earth that it can win big time. Nor can *any* extremist political party. Political wins will always go to parties that reflect mainstream thinking. Two major political parties, like the Republicans and Democrats in the United States today, may emphasize different issues, but they become and remain *major* political parties only because they are within the mainstream of public opinion.

The most important thing the Libertarian Party could possibly accomplish is to help shift the mainstream by nominating candidates for public office who will present the Libertarian position while campaigning. They should talk, debate, argue, and maybe even kiss babies if that is called for. But they shouldn't worry when they don't win. Socialist Norman Thomas ran for the presidency six times, in every election from 1928 to 1948. He didn't win, but his socialist ideas did.

The Libertarian Party should stick to its principles. No compromising! Only in that way can it hope to have any real influence. As Ludwig von Mises wrote: "He who wants to improve conditions must propagate a new mentality, not merely a new institution."

— Bettina Bien Greaves

***She who slaps last*** — The Libertarian Party figured prominently in the race for Wyoming's single seat in the House of Representatives. This seat had been held for a dozen years by Barbara Cubin, a Republican. That should have been more than enough to decide the contest in heavily Republican Wyoming, but Cubin, who is not known as a charming personality, ran *only* 13 points ahead of the Democrat in the last election. This year, she also had a primary challenger. Then there was the strange affair of Thomas Rankin, the Libertarian Party candidate.

Rankin suffers from multiple sclerosis and uses a wheelchair — a fact that was to attract much more attention than his political program. In late October, he joined the two major-party candidates in a debate, during which he questioned Cubin's acceptance of \$22,000 in campaign funds from an organization run by Tom DeLay, who has been indicted for alleged sins against the campaign finance laws. (Cubin had said that she would return the money, but only if DeLay were convicted.) Then, after the debate . . . Rankin said that his objections to Cubin's attitude toward campaign finance riled her so much that she told him, "If you weren't sitting in that chair, I'd slap you across the face." According to Cubin, he replied, "Barbara, if you feel the need to slap me, go right ahead" — an affirmation of egalitarianism, if ever there was one.

Cubin's statement, assiduously publicized, initially made Rankin rise a few points in the polls, at the expense of both the Democratic and the Republican candidate.

## The Blue Tide

Then he settled back to the 5% he was polling before the debate, and his Democratic rival, Gary Trauner, rose a few points, enough to get within striking range of Cubin.

Two days after election day, Cubin finally emerged as the winner. She and Trauner had each won 48% of the votes, but Cubin had won a few more, leaving the Libertarian with 4%, up only 1% from the Libertarian showing in 2004. Had the Libertarian Party gained the balance of power? Doubtful, since there is no way to tell where that 1% came from — the Dems, the GOP, or independents who otherwise would not have voted. Of course, Rankin's dispute with Cubin probably weakened her already weak candidacy, putting her in plain sight of the river Styx. Whether that constituted a victory for libertarianism is somewhat doubtful. — Stephen Cox

**Change with the times** — Because polls are open different hours in different election districts and because time zones differ, the results of voting are known in some parts of the country well before others. When the polls in the eastern states close, the polls in the western states are still open. Every election year, unsuccessful attempts are made to prevent reports of eastern election returns from reaching western polls which are still open, when they may still influence western voters.

Many years ago when polling districts set their voting hours, they had to open early enough and stay open late enough in each time zone to accommodate farmers, as well as day-shift and night-shift employees on their way to and from work. With so many enterprises now open 24/7, that schedule is long since outdated. The electoral officials should get with it; they should move into the 21st century; they should standardize election polling times.

Election officials should select a certain 24-hour period as the official polling time in all 50 states, the lower 48 as well as in Alaska and Hawaii. That 24-hour period would be long enough to accommodate people going to and coming from work in all 50 states. All polling places would open and close at the same minute. As no official voting returns would be released before others, there would be no fear that early results in the East would affect voting in the West. There would, of course, be "exit polls," as eager reporters questioned voters personally as they left their voting places. These could, of course, influence late voters. But these would not be official. And no one can ever guarantee that what a voter says after voting is an accurate report of the way he actually voted.

Back in 1916 when the fastest communication was by telegraph, the election results giving Woodrow Wilson a second term in the White House did not reach the far west immediately and many Americans went to bed election night believing that Charles Evans Hughes, the Republican candidate, had won. With today's almost instantaneous communication — cellphones, email, and

blogs — there is no way on God's green earth to keep what happens in New York and Miami from being known almost instantly in San Francisco, Honolulu, or Juneau.

It wasn't so long ago that the emergency services — hospital, fire, ambulance, etc. — all cooperated in choosing 911 as the emergency phone call number nationwide. Why can't this country's election officials also get together and agree on keeping the polling places open for the same 24-hour period all the way from the eastern seaboard to Hawaii and Alaska in the west? That way, with no early releases, no leaks! — Bettina Bien Greaves

**License and registration** — According to the new Ohio voter identification law, a driver's license or ID card has to be "current." That means a license which expired on November 6 should not be accepted for voting on November 7.

Do you lose your citizenship when your license expires? Is your identity only guaranteed for four years, but after that it might radically change?

In Arizona, driver's licenses are valid for as long as 44 years (issued at 21, valid to age 65.) Apparently, in comparison, Ohioans are protean.

As a practical matter (with possible discriminatory undertones), people renew driver's licenses but state ID card holders typically don't, since expiration doesn't prevent the ID card from functioning. Indeed, I suspect most poll workers on election day forget to check. (To be fair, Ohio law allows votes to be cast with a multitude of different documents or, if all else fails, an affirmation of identity.)

Nevertheless, this is the type of worrisome trend that people who get upset about ID cards cite. Mandatory identification cards can create situations in which a person isn't a "person" unless he's got a card in hand — essentially, state permission to exist. Our constitutional republic was based on a philosophy of the citizen as master and the government as servant. ID cards can reverse this relationship — the citizen is required to apply for the card and without it the citizen has no rights. There are countries today where human rights violations occur as a result of an entity taking away an ID card. The result is nothing short of emasculation.

If the point of Ohio's voter identification law is to prevent voter fraud, then expired ID cards should be happily accepted. (After all, the Bureau of Motor Vehicles will take an expired ID card as proof of identity to issue a new ID card. Its ability to identify is not in question.) But the fact that the card must be unexpired is a curious hang-up. Voting is, at best, a ceremonial function, but the ceremony of reminding the government who is in charge is essential. The fact that the government thinks nothing of rejecting participation in the ceremony because your driver's license expired the day before is worrying indeed. — James Moyer

property-rights measure but left the other part.

Some of Rich's Taxpayers' Bills of Rights did, however, make it to the ballot in three states. These measures would have modified state constitutions to impose a spending limit based on population plus inflation, leaving the legislature free to lift the lid with a two-thirds vote, confirmed by a vote of the electorate.

All the proposals failed. In Oregon, where the Portland paper called Measure 48 "far and away the worst, most potentially damaging initiative on the ballot," it went down, 71% "no." (All the vote percentages in this article are provisional,

as reported shortly after the election.) In Nebraska, where the Omaha World-Herald called Measure 423 "the wrong way to try to do a much needed thing," it went down, 70% "no." In Maine, Question 1 was rejected with a vote of 54% "no."

In Washington, voters rejected a locally sponsored measure to repeal the state estate tax, which has a top marginal rate of 19%. The campaign pitted two Washington business figures against each other: Frank Blethen, publisher of the family-controlled Seattle Times, and Bill Gates, Sr., father of the founder of Microsoft. Blethen, who wants to keep the paper in the family, favored repeal; Gates, whose son has put

**Sometimes you get the bar** — As politics and alcohol go hand in hand, it is only natural that political events inspire quite a few drinking games. These range from the complex (every time a Kennedy's liver threatens to go on strike, take a number of shots inversely proportional to his rank in committee . . . oh, you get the idea) to the simple (think about politics and, man, you need a drink).

The complex games require a group of people dedicated to following the game until they're too smashed to care, and are thus perfect for State of the Union addresses: "OK, that's two *nukyulars*, one *ownership society*, and one patronizing callout to the military amputee . . . six shots, everyone!" But on Election Day, simplicity is to be preferred: just as you're alone in the booth, so should you be alone in the bottle.

My simple scheme for November 7 was this: every time a hateful incumbent was ousted, I took a drink. I started when Sen. Mike DeWine crashed to defeat in Ohio, taking with him his panoptical ideas for building a better surveillance state. Then I toasted Pennsylvania voters for ridding themselves of Sen. Rick Santorum and his thirst for holy war in Iran.

I'd built up a pretty good buzz off the losses in the Northeast, relishing especially those of prescription drug bill author Nancy Johnson in Connecticut and dim bulb Lincoln Chafee in Rhode Island, when the results started pouring in from the red states. By the time I'd caught up with them (and moreover, by the time they'd caught up with me), it was almost the end of the night, and the Dems had taken the House and were threatening the Senate.

After six years of expensive, invasive one-party dominance, divided government was finally back. I prepared a final cheerful libation, something to send me to a gentle sleep with pleasant dreams of government gridlock — then made the mistake of flipping on C-Span at the exact moment that Nancy Pelosi was giving Harry Reid the sort of introduction usually reserved for carpenters riding donkeys. It occurred to me that, come 2009, this pair might be penning bills for a Great Society true-believer president to sign into law.

That thought was like black coffee, fresh air, and a cold shower combined, and it taught me an impor-

tant lesson: next election, I'll only drink when a hateful incumbent is returned to office. The effect on the country will be the same, but at least I won't go to bed sober.

— Andrew Ferguson

**Chasing the dream** — If the richly deserved GOP defeat is any guide, the presidential "dream candidate" for 2008 will have the following profile: opposed to war in Iraq, vaguely socially liberal, economically conservative. Democrats have discovered, almost by default, how following this dream candidate formula can work wonders for races in the red states. Two of their election night superstars, Jon Tester of Montana and James Webb of Virginia, rode to victory by not only opposing the war but also taking unorthodox stands on issues such as gun control and taxes. It is unlikely, however, that the Democrats will repeat this success at the presidential level. Even if a socially liberal, antiwar, fiscally conservative dream candidate emerged, the party's statist establishment would probably stand in the way.

On the surface, the prospects are slightly better for the Republicans. Of those now in the presidential race, Senator Chuck Hagel of Nebraska comes closest to fitting the dream candidate profile. A Vietnam veteran and pioneer in the cellular phone industry, Hagel has long been a thoughtful Iraq war skeptic. His credentials on trade, regulation, gun rights, and taxes are pro-small government (at least for a Republican), and they positively shine when compared to the pro-war big three: Rudy Giuliani, John McCain, and Mitt "Government-mandated insurance" Romney. (Hagel is less impressive on civil liberties.)

But Hagel faces an almost impossible uphill battle to win the nomination. Though the GOP's conservative activists may be despondent right now, they seem too emotionally invested in the war to make such a radical break.

This leaves the Libertarians. Can the LP seize this opening and run a dream candidate? Possibly. But right now the signs are not too promising. In a pre-election appeal to libertarian voters, party chair William Redpath said nothing at all about the war, much less about Bush's use of the War on Terror as a pretext to assault civil liberties. Instead, when most ordinary Americans listed the war as their main concern, the hopelessly out-of-touch Redpath highlighted "electoral reform." — David T. Beito



much of his assets into a foundation, favored the tax.

The repealers argued that the "death tax" was a killer of locally owned family business. Their opponents argued that the tax was good because only the wealthy paid it, and because the money went to public schools. Repeal failed, 61% voting "no."

### **Kelo, and Pay or Waive**

Howard Rich bankrolled two sets of measures protective of private property. The first forbade the seizure of private property for resale to private parties. These were meant to nullify the Supreme Court's *Kelo* decision, which allows state and local governments to seize and pay for private property for purposes of "economic development." The second set of measures mostly included anti-*Kelo* provisions plus a requirement that governments pay for regulatory takings.

The pure anti-*Kelo* measures appealed not only to conservatives, but also to liberals who detested the idea of private homes being taken for a Costco or a Wal-Mart. The measures passed overwhelmingly in all eight states where they were offered:

State	"Yes" vote
Nevada	63%
Oregon	67%
North Dakota	67%
Florida	69%
Michigan	80%
Georgia	82%
New Hampshire	86%
South Carolina	86%

(In the September primary, Louisiana also passed such a measure, by 55% "yes.") Except in Oregon and Arizona, these were constitutional amendments.

Dana Berliner, attorney at the Institute for Justice, said the results "highlight the nation's complete rejection of eminent domain for private development." Some 35 states have restricted eminent domain since the *Kelo* ruling.

The second type of measure passed only in Arizona, where the vote was 65% "yes." It failed in California, with 52% voting "no," in Washington with 58% voting "no," and in Idaho with a stunning 75% voting "no." Typically these regulatory takings measures allowed government a free hand to regulate for human health or safety, or to abate a nuisance. But if the regulation was for the benefit of wildlife, aesthetics, or some planners' project, and it resulted in the value of the property going down, the government would have to pay for the lost value.

The move to offer such proposals began in Oregon. That state had been an early and zealous adopter of statewide land-use planning. Under Oregon's rules, to build a house on farmland you had to have at least \$40,000 or \$80,000 of agricultural income from that farm, depending on the fertility of the soil. Oregon won nationwide praise for this stuff, but voters thought otherwise and in 2000 passed an initiative demanding payment for regulatory takings. The Oregon Supreme Court struck the initiative down, but the sponsors wrote a tighter

bill, Measure 37, and in 2004, 61% of voters supported it. Says Liberty contributing editor Randal O'Toole, "Oregon voters have a habit of passing measures that they previously supported, usually by larger margins than originally."

Measure 37, which has been upheld by the Oregon Supreme Court, is a "pay or waive" law. The government can enforce a land-use rule and pay the owner for the loss in value, or it can issue a waiver that leaves the owner free to ignore the rule.

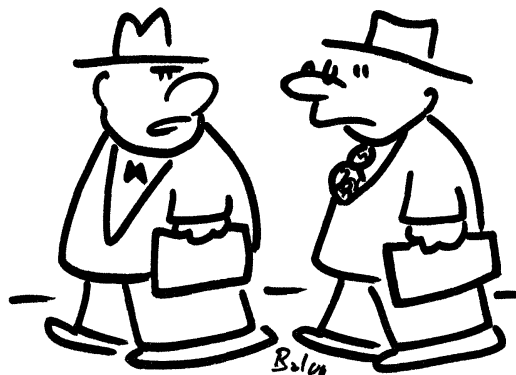
In nearby states, supporters of regulation raised an alarm about Oregon. Landowners' claims were in the *billions*! That was true, though not one cent had been paid. Until October 2006, all the approved claims had been granted waivers. When government has to pay for what it takes, it doesn't take so much.

About a week before the November election, Prineville in central Oregon offered to pay a Measure 37 claim. The town is ringed by rim rock, a piece of which had been owned by Grover Pailin, 80, and his wife Edith, 78, since 1963. For years they had wanted to build a house up there, but in 1978 the zoning tightened, and in the '90s it tightened again, and the new rule forbade a house within 200 feet of the rim. The sole purpose of the rule was not to spoil the view from the town center.

Measure 37 has a retroactive provision that is, in fact, quite radical. A landowner can petition to develop land under the rules in effect when the land came into his or his family's possession. The Pailins came forward with plans for their dream house that satisfied the zoning code of 1963. "We don't have many years left," said Edith Pailin to the Portland Oregonian. "We want to get up there and enjoy it."

The city offered the Pailins \$47,500 in compensation. This sum was based on the city appraiser's calculation that the lot was worth \$60,000. The Pailins hired a private appraiser, who set the value at \$200,000. The city appraiser then admitted to

## Congress



"Our jobs would be a lot easier if the taxpayers and the voters weren't the same darn people!"

the Prineville Central Oregonian that he “may have been on the wrong property when he made his assessment.” At press time the matter was not settled.

Meanwhile, the fight had spread north and east and south of Oregon. In Washington the fight was over Initiative 933, a measure that covered all regulatory takings since Jan. 1, 1996, making it the most radical of the four measures on the bal-

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*The Democrats offered no program. They won not by being leftists but by being not-Republicans.*

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lot. Initiative 933 was a project of the Washington State Farm Bureau and was written by a Bellevue, Wash., law firm known for defending property rights. A member of that firm, John Groen, had run against the chief justice of the Washington Supreme Court and lost in the primary election of Sept. 19.

Unfortunately, Groen's campaign had soaked up a lot of the property-rights money, particularly from builders. The realtors remained neutral. So did the state chamber of commerce. Several organizations told the Farm Bureau they didn't want to get the government mad at them, and stayed out. The Bureau had few allies — partly because its measure was fairly radical.

Oregon's Measure 37 had won in 2004 with a TV ad about a 91-year old woman named Dorothy English, who had been prevented from subdividing her land. In Washington there was Edwina Johnston, 71, retired but with no pension. In the 1970s she had bought forested land in the foothills of the Cascades as her retirement investment. King County (Seattle) had imposed “buffers” around two trickles of water, making it impossible to develop part of her land, and thereby devaluing it. An outside group did make an ad with Johnston, but they included two other property owners, and each just had a few seconds of explanation, no personal details and not much emotion. But it was too late in the campaign, and the ad didn't have the same punch.

By Nov. 1, the Farm Bureau had spent only \$220,000 on media, and could afford only cable TV. Opponents, bankrolled by Microsoft CEO Bill Gates, his old partner Paul Allen, the Nature Conservancy and others, spent 10 times as much and had lots of ads on broadcast TV. Its ads variously claimed that I-933 would pave over the farmlands and cost taxpayers \$8

billion — the cost, presumably, of *not* paving over the farmlands. Before the anti-933 ads hit, 933 was polling at 55%. Just before election day, support had dropped to 39%. In the election, it went down.

In Idaho, a state more conservative than Washington, voters were offered Proposition 2, a compensation-for-regulatory-takings measure with no retroactivity. This more moderate measure failed even more miserably.

Prop. 2 was not sponsored by a group with an image as benign as the Farm Bureau, but by Laird Maxwell, the feisty chairman of Idahoans for Tax Reform. Maxwell is not popular in the Idaho establishment, and he had the further stigma of accepting money from Mr. Rich of New York. Citing this support from Rich, the president of the Idaho Realtors called Prop. 2 “a New York solution in search of an Idaho problem.”

Idaho's Republican governor, Jim Risch, did a TV commercial opposing Prop. 2. The Nature Conservancy and other green groups supplied the cash for TV ads, one of which claimed hyperbolically that requiring government to pay for regulatory takings “could turn any Idaho property, including farmland, into junkyards, power plants, and high rises.”

Milton Williams, a Boise citizen, wrote in a letter to the editor: “We've been swamped by TV and press ads claiming that a wealthy New Yorker is funding Proposition 2 for greedy purposes . . . I have yet to see any TV or press commer-

**Here goes nothing** — The August issue of Liberty reported on the summer election in California's 50th congressional district, an election called to select a temporary successor to the longtime Republican congressman Randy (“Duke”) Cunningham, currently imprisoned for taking bribes. The big issue in the 50th district was illegal immigration, and it remained that way in November, when voters ordained a permanent congressperson.

In the summer election, Republican Brian Bilbray beat Democrat Francine Busby, who had been recorded telling a person who asked her, in Spanish, how he could help her campaign, despite the fact that he didn't “have papers”: “You don't need papers for voting, you don't need to be a registered voter to help.” This soon became the most famous thing that was ever said in San Diego County.

The Libertarian candidate in both the summer and the fall elections was Paul King. King's approach to the immigration issue was to blame the government of Mexico for creating conditions favorable to emigra-

tion, and to claim (in the profile that appeared on the national LP website) that “illegal immigration will continue to be a problem . . . as long as government continues to give away social services, health care and public education.” This message was certain to please neither the anti-immigration nor the pro-immigration crowd. King got 2% of the vote in the summer.

Meanwhile, Art Olivier, former mayor of a medium-sized suburb of Los Angeles, mounted a serious campaign for governor of California on the Libertarian ticket. Olivier is a vigorous, articulate, persuasive advocate of libertarian ideas. And he didn't waffle or temporize or merely theorize on the immigration issue. He made himself the anti-illegal-immigration candidate. His stance on this issue won him valuable endorsements from conservative politicians and talk-show hosts, and such right-wing heroes as members of the Minutemen, the volunteer border monitors.

On August 26, Olivier attended an anti-illegal-immigration rally in Maywood, where pro-immigration protestors beat up one of his female



## The Blue Tide

cials supporting Proposition 2." Maxwell's group unveiled its first ad Oct. 31, a week before the election. It was too little and way too late.

In California, where an anti-*Kelo* plus regulatory takings proposal had no retroactivity, it carried the "red" interior but lost in the "blue" coastal cities. Opponents outspent it on advertising 11 to 1. Spokesman for Prop. 90 Kevin Spillane said that "a number of potential financial supporters who were skeptical of Prop. 90's chances decided not to become involved." He promised another try in 2008.

In Arizona the story was different. As in Idaho and California, the measure, Proposition 207, was prospective only, with no retroactivity. Arizona also had a longer list of exemptions, including traffic control, pollution, morals, and all measures not directly regulating land. Arizona has a more favorable political climate than the other three states. Arizona's main business organizations endorsed 207 — and it passed easily.

Assuming it passes muster in the courts, Prop. 207 brings to two the number of states that require compensation for regulatory takings: Oregon and Arizona.

### Stem Cells, Abortion, Marriage

Stem cells have been a high-profit investment for liberals, because the issue paints social conservatives as anti-science.

In Missouri, voters were offered Amendment 2, which

would embed in the state constitution a right to harvest stem cells from embryos a few days old. Amendment 2 was bankrolled with more than \$29 million from Jim and Virginia Stowers, cancer survivors who founded the Stowers Institute

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*Across the country lots of Libertarians ran, and almost all languished in the low single digits.*

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for Medical Research in Kansas City. Said the St. Louis Post Dispatch, which endorsed Amendment 2, "If we are to remain on the cutting edge, scientists must be free to pursue the most promising avenues of inquiry."

Actor Michael J. Fox made national news when he spoke goggle-eyed in a TV ad, swaying uncontrollably from the effects of Parkinson's disease. "What you do in Missouri," he said, "matters to millions of Americans — Americans like me." His ad was for the Democratic candidate for Senate, Claire McCaskill, but it also spoke for the stem-cell measure.

Against the measure were the Catholics and Baptists, who

staffers; then tore the American flag from the post office and replaced it with the Mexican flag. He vigorously publicized the incident, giving his campaign an even sharper edge.

In the November election, neither King nor Olivier was vulnerable to the argument that if you vote Libertarian you are merely helping the worse of the two major-party candidates to win. There was no question that Republican Congressman Bilbray and Republican Governor Schwarzenegger would win their elections — the former because of his opposition to illegal immigration, the latter because of his peculiar mixture of modern-liberal and conservative positions, and the fact that the Democratic candidate was not only very far to the left but also an exceptionally stupid campaigner. And the two Republicans did win — Bilbray by 10 percentage points, Schwarzenegger by 16.

But how did the two Libertarians do? Well, Olivier got only 1.3% of the vote, and King got only 1.9%. Nothing worked.

California has 53 congressional districts. The Libertarian Party

ran candidates in 24 of them. In 20 of those races there was both a Republican and a Democratic candidate — one of whom, typically, won a massive gerrymandered victory. The predictability of those elections invited any citizen who really identified with the Libertarian Party to go ahead and vote for it, without fear of the lesser of the two evils winning. That person would win anyway. But the average LP vote in those 20 districts was only 2.8%.

In four districts in which there was no Republican candidate, the Libertarian did much better. The LP percentages in those districts were 7.8, 16.2, 17.0, and 17.5 (the last in the 37th congressional district, southern LA County, where the LP candidate had scored only 4.7% in 2004, a year when there was a Republican as well as a Democratic candidate). But the LP candidate may have swung the balance in only one district — California 4. There the Republican incumbent pulled it out with 49.3% of the vote; his Democratic challenger got 45.7%, and the Libertarian got 5%. This candidate, Dan Warren, combined an aggressive approach to

illegal immigration (recommending that employers who hire illegals be fined \$5,000 per employee) with an exemplary approach to energy conservation, boasting that he commuted on his bicycle over 4,000 miles a year and used only about \$30 of electricity a month. Apparently voters liked this. Although the Republican was clearly in a heap of trouble, fighting for his life in 2006 after sailing to victory in 2004 with a 65–35% majority, people were still willing to vote for Dan Warren, despite the possibility of throwing the election to someone they regarded as the greater of the two evils.

This remains one race out of 24. California's 4th district lies in the far northeastern part of the state, a place that's as different as the moon from the populous areas of California. I remember the old joke about electoral geography, generated by the election of 1936, when the Republican presidential candidate carried only two states: "As Maine goes, so goes Vermont." Unfortunately, the analogue for this year would have to be: "As the 4th goes, so goes . . . nothing." — Stephen Cox

don't generally work together. Social conservative Alan Keyes said against the measure that it represented "the culture of death" and would pass "at the cost of our souls." Opponents included Sen. Jim Talent, the Republican rated as a libertarian by the RLC. The Libertarian candidate, Frank Gilmour, supported Amendment 2 — which won with 51% of the vote. The result of the Senate race was McCaskill, 49.5%, Talent 47.4%, and Gilmour 2.2%.

In South Dakota, Referred Law 6 would have banned abortion except to save the life of the mother. The legislature had passed the ban early in 2006 to set up a case to test *Roe v. Wade* in the new Roberts and Alito Supreme Court. Opponents used a petition to put the ban on the ballot, and voters rejected it, voting 56% "no."

In Oregon (54%) and California (54%), voters voted down a law that would have required parental notification for a minor to receive an abortion — a restriction already in place in most states. The most liberal states regarding abortion for minors are now Hawaii, Washington, Oregon, Vermont, and Connecticut.

A measure to allow same-sex civil unions failed in Colorado with 47% of the vote. Constitutional amendments to ban same-sex marriage passed in seven states:

State	"Yes" vote
South Dakota	52%
Wisconsin	55%
Colorado	56%
Virginia	58%
Idaho	65%
South Carolina	78%
Tennessee	83%

Twenty-three states now have such bans. For the first time, however, a same-sex marriage ban failed, winning only 49% of the vote in supposedly conservative Arizona. (It was Barry Goldwater's state, after all.)

Still, this may be misleading: since same-sex marriage as such was banned in Arizona in 1996, many saw the new bill as an attack on public employees' domestic-partner benefits. When opponents of the bill ran ads picturing those who would lose their benefits as a result of passage, the pictures included young heterosexuals, retirees, and children — but not a single gay couple.

### Marijuana Depenalization

Medical marijuana was already permitted in eight states: Alaska, Washington, Oregon, California, Nevada, Montana,

### *I'll be your father figure*

— This election illustrated a stark difference between the Right and the Left. You don't see the Republicans in that same dark funk that enveloped Democrats after the past three elections. You won't see them complaining that the election was stolen, or sending armies of attorneys to challenge ballots. They won't spend the next six years claiming that Nancy Pelosi is an illegitimate, unelected leader, despite countless irregularities and close elections. You won't see books about how the Left manipulated the Diebold machines and registered thousands of dead people.

Constitutionalists believe the process is more important than the power, and it is vital to cede gracefully, rather than threaten the delicate mechanism that allows our self-governance.

I think leftists have the propensity to take elections more seriously than others. It is a legacy from their affiliation with Karl Marx, who advocated that religion be replaced with a love of the state. For many on the left side of the aisle, it has been.

To the Left, government is the highest authority. It is also their source of charitable work and their mechanism for passing values down

to the next generation through public education. Their opinion on gay marriage is telling. Whereas those on the Right look at the church marriage as the true ceremony, and the state license as mere formality, the Left believes exactly the opposite.

This is why they are so adamant about getting the state to recognize gay marriages. They ascribe emotions and feelings to government. When the government isn't run in accordance with their political views, they feel as if they are living under an angry god, and behave like teenagers rebelling against a disciplinarian father figure.

— Tim Slagle

**Getting theirs** — In Oregon's race for governor, both major candidates ran in the shadow of former Gov. Neil Goldschmidt, Portland's godfather of light rail. Goldschmidt was considered the most powerful man in the state until 2004, when it was revealed that when he was 35 and mayor of Portland, he had had an "affair" with a 14-year-old girl.

Oregon's incumbent governor, Democrat Ted Kulongoski, was a friend of Goldschmidt's, and people have long speculated whether Kulongoski knew about Goldschmidt's secret at the time. A

few days before the election, a former Goldschmidt speechwriter said he had told Kulongoski about the affair in 1994, when Kulongoski was attorney general, and the future governor did nothing about it.

The Republican challenger, Ron Saxton, had also worked closely with Goldschmidt. When Saxton chaired Portland's school board, he hired Goldschmidt's brother Steve as a consultant for \$221,000 a year. Saxton also participated with Goldschmidt in an attempted takeover of Portland's largest electric company, a deal that could have made them both millions. Conservatives charged that Saxton was a "RINO" (Republican In Name Only), as he had given money to the Democratic Party and various Democrats.

Some Oregon cynics said it boiled down to Goldschmidt-D versus Goldschmidt-R. Given the natural advantages of incumbency, Kulongoski, the Democrat, won. Portland blogger and law professor Jack Bogdanski wrote that whatever the outcome, it meant "four more years of West Hills Portland Big Money getting theirs" in the form of subsidies for construction projects.

— Randal O'Toole

## The Blue Tide

Colorado, and Maine — though users in those states may still be brought up on federal charges. This year, activists attempted to inhale a little deeper. They failed, but they made a mark.

In Colorado, which penalizes marijuana possession with a \$100 fine, Amendment 44 would have legalized adult possession of up to one ounce. It followed a similar measure passed in 2005 in Denver with 54% of the vote. That measure was ignored by police because marijuana possession was still illegal under state law — hence Amendment 44, which was essentially the same measure at the state level.

The campaign was run by what Cannabis News called

**Democracy in Chicago** — John Stroger, president of the Cook County Board, had a massive stroke about a week before the June primary. Even though most people assumed it was severe — rumors were that he was in a coma — his aides told everybody that he was recovering nicely. Nobody was allowed to talk with him. There were no pictures of him.

Stroger continued to issue orders from a closed room through his aides, who were playing “Weekend at Bernie’s” with the board president. It was found out later that they had hired 1,300 of their cronies in the days after he had the stroke. He handily won the Democratic primary.

Cook County, which encompasses Chicago and many surrounding suburbs, has an annual budget of \$3 billion, which means that there is more money running through the office than the entire GDP of Liberia. With such a large budget, corruption swarms the county like loose women around a rock star. In order to maintain the empire, only persons loyal to the machine are allowed to govern it.

Unfortunately for the machine, some of the defeated candidates demanded a meeting with Stroger. His aides realized the jig was up, and announced in June that he had decided to resign. His resignation was not actually signed; it was scribbled all over the page, like a kid’s crayon drawing on the kitchen table. When Chicago news outlets ran pictures of the signature, aides rushed back into his hospital room and emerged with a new signature, much improved.

The party appointed his son Todd, who has been a beneficiary of nepotistic appointments his whole life, to run in his place. Opponents liked to point out his striking resemblance to Steve Urkel from “Family Matters,” a TV show that was never as funny as Todd Stroger’s promise to clean the corruption out of Cook County.

Until the election Todd Stroger was polling behind Tony Peraica, his Republican contender. But when the Chicago votes were counted, Stroger was ahead. Unfortunately, the ballot count in the suburbs, where Tony Peraica was expected to do much better, was halted because of a “glitch.” The ballots were loaded onto unescorted moving vans and transported into Chicago, where they would be counted at the Cook County Administration Building.

Over at Peraica HQ, Tony demanded an answer to what had happened to the suburban count. He suggested that they all go down to the county building and find out what the problem was. His people took to the streets, without the traditional torches and pitchforks but with Peraica himself in the

“a pudgy, clean-shaven 24 year old” named Mason Tvert. He called his organization Safer Alternatives For Enjoyable Recreation (SAFER). His argument was that marijuana ought to be permitted because it is safer than alcohol. He called his proposal the Colorado Alcohol-Marijuana Equalization Initiative.

That’s marketing.

Tvert had some out-of-state money, which cut both ways. Federal drug czar John Walters, director of the Office of National Drug Control Policy, went to Colorado three times to campaign against the measure, which he said was “a social experiment” being conducted on Coloradans by out-of-state

lead, and walked a few blocks over to the county building.

Peraica and his supporters stormed the building and pounded on the windows until they were let in. One supporter forced his way up a freight elevator, breaking it in the process. Eventually the near-riot was quelled by Chicago Police, the count was completed, and Stroger was declared the winner with 54% of the vote. Peraica conceded eleven hours later.

— Tim Slagle

**The LP and the booboisie** — Loretta Nall, the Libertarian Party’s candidate for governor of Alabama, ran a write-in campaign because the party couldn’t get the 40,000 signatures required to get on the ballot.

Nall, a young woman who is liberally endowed, got media coverage by distributing T-shirts carrying pictures of herself, with cleavage visible, above pictures of her opponents. The slogan said, “More of these BOOBS!! And less of these BOOBS!!”

She was also quoted as saying, regarding what she considered favorable public reception of her plan to withdraw the Alabama National Guard from the war in Iraq, “When people in Alabama get tired of kicking the ass of brown people, it’s time to get out.”

At press time, the number of write-in votes was unavailable, but it is probable that Nall lost.

— Stephen Cox

## Department of Public Assistance



“I’m afraid you don’t qualify for welfare benefits, but if you were to run for Congress, you could probably get public campaign financing.”

billionaires. Of course, he was representing an out-of-state trillionaire: the federal government.

In Nevada, which already allows marijuana for medical reasons but punishes nonmedical possession with a \$600 fine, voters were offered a bill legalizing it for use in the home. This was Question 7, which was put on the ballot with 86,000

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*For most Americans the war was simply a business that had gone on too long and was getting nowhere and was costing too much. They were in a mind simply to say the hell with it.*

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signatures. It would have licensed people to cultivate, package, and sell marijuana in special stores that required patrons to be 21 to enter. Patrick Killen, spokesman for Yes on 7, said it would allow the use of marijuana in the home, but not in public or in casinos or any places that sold alcoholic drinks. Also, the state would tax it.

The Bush administration sent its drug czar to Nevada to campaign against the initiative. Police, prosecutors, and business opponents organized as The Committee to Keep Nevada Respectable, and argued that the measure was backed by out-of-state interests — which it was. It had money from the Marijuana Policy Project, an organization backed by Peter Lewis, a retired auto-insurance entrepreneur from Cleveland.

The pro-legalization side, calling itself the Committee to Regulate and Control Marijuana, ran a tough, professional campaign. It sued public officials in Clark County (Las Vegas) for illegally using public money to oppose a ballot initiative. It ran seven different TV ads, including one showing the drug czar and saying, "Washington, D.C., bureaucrats need to stop dumping their bad ideas on Nevada." The anti-marijuana side ran no TV ads.

Yes on 7 won the support of a group of church leaders, one of whom told the Associated Press, "Our current mari-

juana laws appear to be moral, but it is a cosmetic morality." Yes on 7 also personalized its campaign by running a commercial featuring Cynthia Walling, who announced calmly that she had terminal breast cancer. "If Question 7 passed, I would be able to *get* medicinal marijuana," she said. "High school kids can find it at the high schools, but sick people like me can't find it anywhere."

The Las Vegas Review-Journal, the largest paper in the state, endorsed Question 7, and wrote, "Arguing that in order to protect kids we must limit the rights of adults to make their own personal choices is to advocate the creation of an infantocracy and a return to alcohol Prohibition. In fact, many of this nation's drug policies have long been expensive failures. Let's try something new . . ."

The voters weren't quite ready. On Nov. 7 only 44% voted "yes."

In South Dakota, 52% voted "no" on Initiated Measure 4, which would have permitted possession of six plants and one ounce of marijuana for people certified by their physicians as needing it.

In several university and beach towns, voters were offered the choice taken by Seattle in 2003: to make enforcement of the marijuana laws the lowest police priority. All these measures passed: in Santa Barbara, Calif., by 65%; Santa Cruz and Santa Monica, Calif., by 63%; Missoula, Mont., by 53%; and Eureka Springs, Ark., by 64%.

Though the main marijuana battles were lost, there is much sentiment, especially in the West, to ease up on marijuana prohibition. It is not so with the current drug of official worry, methamphetamine. Arizonans, who voted to allow medical marijuana a few years ago, voted Nov. 7 (58% "yes") to deny probation for meth violators.

## Windmills and Biodiesel

One of the most dangerous proposals on the ballot was California's Proposition 87. Hollywood producer Stephen L. Bing, who inherited \$600 million and invested in the children's fantasy "The Polar Express," was reported to have poured \$50 million into Prop. 87. Other support came from venture capitalist Vinod Khosla. Khosla's firm, according to the San Francisco Chronicle, "includes a half-dozen startups that all deal with ethanol."

The oil companies and other opponents contributed \$90 million to kill the proposition, though not even Chevron put in as much money as Bing. The detractors had effective ads, and on Nov. 7, 55% of Californians voted "no."

Prop. 87 would have established a special-purpose agency called the California Energy Alternatives Program Authority, given it an unelected board, juiced it up with a flow of several hundred million dollars in tax money not controlled by the legislature, and set it free to bring about "energy independence" in California.

These days, "energy independence" is a fetching idea. "If Brazil can do it, so can California," said Bill Clinton in one of the

## When religion turns violent

— Kentucky poll worker Jeffery Steitz was apparently shocked to see a nonpartisan judicial race left blank on one voter's ballot — so shocked that he confronted the voter about the omission. When the voter responded that he didn't want to vote in that race because he didn't know enough about the candidates, Steitz allegedly choked him and threw him out of the polling station. The voter

tried to re-enter, but the vigilant Steitz chucked him out again.

R.W. Bradford's classic article (reprinted in December) laid out the dogmas of America's civic religion. An incident such as this may be an early indication that the religion is shifting from "get out the vote" evangelism to "vote or get out" coercion. Or it may be an outlier. Either way, it should serve to remind us of the importance of distinguishing between a right and a duty.

— Andrew Ferguson



**Win some, lose some** — Apart from the immigration initiatives, ballot measures in Arizona ranged from the ridiculous to the sublime. On the one hand, the measure to create a \$1 million lottery, in which everyone who voted would have one entry (It will increase the percentage of people who vote! And that's good for democracy! Now we'll have the deadbeat vote!) failed 2 to 1 (66.4% against). On the other hand, the country's strongest anti-eminent-domain reform passed by over 65%. This was the only successful property rights ballot in the country that included compensation for regulatory takings, such that if the government passes regulations that lower the value of your property (property you still nominally own), you must be compensated.

Two smoking related ballot initiatives were voted on by Arizonans, both bad. Prop. 203 passed (52.6%), raising cigarette taxes 80 cents to \$1.98 a pack. The money will be used (and of course it will never be squandered or misused: it says so right in the enacting document) to help establish an Early Childhood Development and Health Fund to create "programs and grants that increase the quality of and access to early childhood development and health services for children up to five years of age and their families."

Well, who could be against that? Certainly not the bureaucrats, doctors, administrators, researchers, et al., who stand to make some money. Will there be a sunset on this fund such that if no measurable improvement in the health of children five or under in Arizona occurs, the fund will be scrapped and the tax eliminated? Of course not.

Fortunately, Prop. 201, which sought to eliminate smoking in private establishments open to the public, failed 54% to 46%.

Proposition 101 was designed to place limits on property taxes. Known as the "2006 Taxpayer Protection Act," it would amend the Arizona constitution to remove unused taxing capacity and reset each taxing entity's limit to the actual tax levy of that county, city, town, or community college district in 2005. Beginning in 2007, the new levy limit would increase by 2% per year, plus any new construction. Even though the secretary of state's office received *no* arguments *against* 101, the tax limitation amendment passed only by a 50.5–49.5% vote.

Arizona was also one of many states this year with a state minimum wage ballot initiative, Prop. 202. It passed 66% to 33%, raising wages from \$5.15 to \$6.75 for those who still have jobs. I'm contemplating a state amendment restricting the right to vote to those who have completed a course in basic economics.

Proposition 302, which would have raised the pay of state legislators, failed, but only by six percentage points. The Drug War held strong with Proposition 301, which bans probation for methamphetamine convictions, passing 58% to 42%. Although Arizona easily passed a referendum a few years ago to allow medicinal use of marijuana, it seems drug warriors need only run a few scary ads before voters will gladly throw people in jail for indulging in their drugs of choice. The busybody state remains strong as well, with Prop. 204, which bans the use of "small" cages for storing or transporting pigs and calves — apparently pigs going to slaughter should be

comfortable during the trip — passing 61.5% to 38.5%.

Speaking of pigs to slaughter, I'm happy to report that J.D. Hayworth (R) lost to Harry Michaels (D). Hayworth, a former local sportscaster, was swept into office back in 1994 during the Republican Revolution, spouting off about the values of limited government and free markets. He supported the Contract with America, though did not personally, six elections ago, agree to term-limit himself. Now it appears his constituents have term-limited him and he'll be leaving Washington, albeit a much more powerful and spendthrift Washington — thanks in part to J.D.'s votes — than the one he entered twelve years ago.

Arizona was a mixed bag, limiting taxes, prohibiting property takings, not amending the constitution to turn votes into lottery tickets, but losing in the drug war and to the nanny state. And President Bush lost one of his biggest supporters, knocked off in what used to be an easy state for Republicans.

— Ross Levatter

**Whither America** — The Republican loss of both the House and the Senate was unexpected by many observers, including this one. At the same time, it is possible to read too much into these results. The change of a few thousand votes in Montana and Virginia would have left the Senate in Republican hands. The Mark Foley and other Republican ethics scandals undoubtedly cost the Republicans five to ten seats in the House and perhaps the Montana and Virginia Senate seats (if not more).

In the 20th century it was typically the case that in its sixth year in office the party in the presidency lost seats in Congress. Today, the margin of Democratic majorities in the Senate and House is not great. It is possible that either or both houses of Congress will flip back to the Republicans in 2008. For this reason, Democrats may be a bit restrained in their efforts to embarrass the Republican Party. It is likely that there will be some bipartisan legislation in the next session of Congress (whether for good or ill), particularly on immigration and education.

Both caucuses of Congress are now more conservative. Republicans lost many of their most moderate members, and Democrats picked up many of what will be their most moderate to conservative members. At the same time, the larger shift leftward signaled by the election appears to dwarf any intra-party countermoves.

As for Iraq, the United States will likely begin a phased withdrawal in 2007. This will probably have unpleasant side effects, but not necessarily. Presuming that Saddam Hussein is executed early in 2007, it may be possible for the United States to leave Iraq with its head high — the dictator eliminated, no WMD program in Iraq now or for the foreseeable future, and the country started on the road to some semblance of democracy.

The economy should continue to boom in 2007. GDP growth for the whole of 2006 will likely be in the range of 3.5% to 4%. Unemployment is very low. Inflation is low. The stock market is reaching new highs. The price of oil and interest rates are stable or declining. The federal budget deficit and trade deficit are declining.

In retrospect, it may appear that the Democrats' victory in 2006 was more the Battle of the Bulge than the raising of the flag on Iwo Jima.

— Lanny Ebenstein



campaign's TV ads. In another ad, Al Gore said, "The sooner we do it, the safer we'll be." A third TV ad began with the image of a helicopter gunship in Iraq. "With one vote we can send George Bush a message," it said. "Vote for energy independence."

And how was independence from *foreign oil* to be achieved? By setting up a tax on *California oil*. That made no sense at all, and many said so.

The proponents talked much about "making the oil companies pay." They showed not a snifter of skepticism toward the Authority they were going to set up. The pro-87 statement in the official voter's guide shamelessly promised, in all capital letters, "**NO NEW BUREAUCRACY.**" It was a lie. You just had to read the boring words in the guide. Section 5 gave the Authority the sole power to determine how many employees to hire. Section 4 gave the Authority control of the money from the oil tax. Section 3 allowed the Authority to provide "grants, loans, loan guarantees, buydowns, and credits to universities, community colleges, research institutions, individuals, companies, associations, partnerships, and

corporations." (That's why the venture capitalists liked it.) Section 11 gave the Authority the power to sell bonds backed by revenues from the tax, and Section 15 said that as long as the bonds were outstanding, "neither the Legislature nor the people may reduce or eliminate" the tax.

The proponents said that the new agency would be "accountable." How? By being audited and by issuing reports. It would, however, have been independent of voter control, or the legislature's control, until it had disbursed \$4 billion and paid off its debts, which might have taken as long as 25 years.

Prop. 87 passed only in Los Angeles, the Lake Tahoe area, and the counties along the northern California coast, and that wasn't enough. Thank God.

### **Mexicans, Minimums, Taxes, Tobacco, and Talk**

Four measures in Arizona concerned illegal aliens. The first, approved by 78% of voters, amended the state constitution to prohibit bail for illegals accused of a felony. The argument was that it was too easy for a Mexican released on bail

### **The Loss, and the Future**

— As a proud member of such organizations as the Club for Growth and the Republican Liberty Caucus, I was not pleased with the loss of Congress to the Democrats, but neither was I surprised. I have a few thoughts on what brought about the loss, and what the future holds for the Republican Party.

Some of the factors that led to the defeat are obvious, some not. First, there was the Iraq war, widely and incessantly portrayed by the mainstream media as a complete failure. I think that portrayal is inaccurate, but President Bush's lack of articulation allowed the mainstream-media story to become the received wisdom.

Second, some Republican candidates were financially or morally corrupt. Of course, so are some Democrats, but that was downplayed by the mainstream media.

Third, some Republicans ran campaigns that were amateurish, if not downright buffoonish. The campaign of Virginia Sen. Allen, for instance, was complete macaca, so to say.

Fourth, there is the historical reality: off-year congressional elections almost always result in gains from the opposing party, especially in the third congressional election of a two-term presidency.

Less salient, but arguably as impor-

tant, are three other factors.

First, there's the continuing absolute Democratic bias of the mainstream media and other cultural institutions. It has been continuously documented from the mid-1980s to the present that the percentage of Democrats in the news media, the entertainment industry, and the academic world approaches 100%. In this election, some media research organizations did content-analysis studies showing that unfavorable stories about Republican congressional candidates outnumbered unfavorable stories about Democratic candidates ten to one in the mainstream media. It is easy to get the public to view Republicans as corrupt if you run ten major stories about, say, Rep. Foley's salacious emails for every story about, say, Sen. Reid's shady transfers of property from one entity to another.

Second, the Republican base has split. All actual politics — as opposed to masturbatory politics, i.e., the politics of personal fantasy — is perforce coalitional. You advance your agenda by working with others who don't fully share it, or may share it but for different reasons, or may even disagree with parts of it. That can be done within a broad party, which is historically the case in America. Or it can be done by having a group of narrow, ideologically pure parties form a majority government, historically the case in some

European countries.

The Republican Party is a coalition of five partially overlapping groups: national security conservatives, social conservatives, religious conservatives, business conservatives, and libertarian conservatives. Each group is rightly called conservative, in the current standard American English meaning of a group that wants to preserve a major feature of American society. Libertarian conservatives, for instance, want to conserve the uniquely large and diverse welter of liberties that America has enjoyed.

When a coalition is healthy, there are strong overlaps among its various parts; there are shared goals and mutual respect. A coalition becomes unhealthy when elements within it refuse to work together or to compromise. The factions become so devoted to furthering their own agendas that they transgress the agendas of others — the factions become too factious. This is especially apt to happen when the party controls the legislative and executive branches: because the coalition has power, some or all of its factions come to believe that they should be given everything in their agenda.

So it was in this last election: the spirit of compromise disappeared on key issues. Clearly, for instance, libertarian conservatives like me accomplished little of our agenda of smaller govern-

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## The Blue Tide

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to return to Mexico — which is where the proponents want him to be, generally. The second, passing with 74% of the vote, amended the state constitution to prohibit illegals from being awarded punitive damages.

The third measure, passing with 72%, prohibited illegals from using the state education system. The fourth, with 74%, made English the official language.

Libertarians have differing views on immigration, and many voted for these propositions. It was all too much for Liberty's regular contributor in Arizona, Ross Levatter, who wrote:

"Clearly, many Arizonans feel burdened by immigration, even while hiring immigrants to clean their homes, watch their children, cook their meals, build their houses, manage their landscapes, and generally perform other tasks, often menial, for less money than it would take to have Americans do the same thing. Politicians have been very good for several years at whipping up nativist sentiments, and this is the result."

There were other things on the ballot, too.

### Tax increases

In California, voters rejected Proposition 88, which would have levied a tax of \$50 on every parcel of land to fund public schools (77% against); and Proposition 89, which would have increased the corporate income tax by two-tenths of a percentage point to fund a new campaign-finance system (74% against).

In California, Proposition 86 would have raised the tax on cigarettes from 87 cents a pack to \$3.47 — the highest in the country — and dedicated the money to hospitals and an anti-smoking campaign. Gov. Arnold Schwarzenegger opposed it, more than \$55 million was raised to fight it, and it went down, with 52% against.

Arizona voted 53% "yes" on a measure to raise the tax on cigarettes from \$1.18 a pack to \$1.98 and dedicate the money to preschools. South Dakota voted 61% "yes" to increase the tax from 53 cents a pack to \$1.53. But in Missouri a proposal to increase the tax from 17 cents to 97 cents received only 49% of the vote, and failed.

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ment, and the failure of the Republican Congress to rein in spending clearly cost it a large amount of libertarian and independent support.

On the issue of immigration, the failure to compromise cost the party even more. The fact is that for almost 20 years — since the time when Reagan amnestied illegal aliens, and continuing under Bush the elder, then Clinton — large numbers of primarily Latino immigrants have come in illegally, drawn by the ready availability of work and the chance of a better future for their children. This is a problem with many facets, each of which is crucially important to some element of the Republican coalition, some of which view immigration favorably, some unfavorably. Bush tried to work a compromise. He failed, in large part because a lot of social conservatives, whipped into a fury by socially conservative talk show hosts, flooded their congressmen with demands to seal the border and expel the Latino illegal immigrants. (Social conservatives are worried that the Latinos are not assimilating and will not do so — in my view an ill-founded fear but one that is historically recurring.) The congressmen foolishly assumed that because the calls were all on one side, everyone agreed, and were surprised on election day to find that they were deluded.

This failure to compromise brought about a third seldom-noticed reason for

the Republican loss: the alienation of the Latino vote. Republicans received 37% of the congressional vote in 2002. Bush actively courted Latino voters, and received about 46% of their vote in 2004. But after the very divisive debate on immigration, the percentage dropped to a risible 26%. This factor was decisive in many contests.

What does this analysis portend for the future of the Republican Party? Not disaster, but not skittles and beer either.

The corruption and Iraq issues work both ways. Now that the Democrats control Congress, the corruption scandals will continue but under new management, and will cut the other way. Ditto overspending: there is no chance that the Democrats are going to reduce social spending; indeed, they will likely increase it, and there is not much else to cut, so they will reclaim the mantle of the big spenders. Regarding Iraq, the Democrats face the same three options that the Republicans face: withdraw our forces, or keep them at roughly the same level until the government stabilizes, or increase the forces (including projecting power against Syria and Iran, which are fomenting the violence now). None of the alternatives is a political winner, and now the Democrats are saddled with the issue. If they force a withdrawal, precipitating chaos from which a terrorist state emerges, they'll

be blamed. If they stay the course, they will be seen as no different from Bush and will fracture their base. And if they move to increase the scope of the war, they will fracture their base even faster. Welcome to the real world.

Regarding the large bias in the mainstream media, Brian Anderson (whose book on this subject I recently reviewed for Liberty) is partly right in thinking that it is changing, with the rise of alternative media, Fox News, conservative and libertarian think tanks, and so on. But for the foreseeable future, I take it as obvious that the Republicans will start every race facing a formidable propaganda machine devoted to advancing the progressive agenda *du jour*.

On the question of restoring health to the Republicans' split coalition, well, I've seen precious little awareness that it is needed, much less any indication that it will happen. Listening to talk radio, all I've heard from the socially conservative hosts who helped cause the debacle is that "true" conservatives — i.e., social and religious conservatives — were stabbed in the back by turncoats.

Most problematic is the alienated Latino vote. If the Latinos become a permanent Democratic constituency, the event will be devastating for the Republicans, devastating for the Latinos, and devastating for the future of the country.

— Gary Jason

*Smoking bans*

In Nevada, antismoking forces put on the ballot a ban on smoking in all restaurants, bars, hotels, and motels. The casinos and hotels countered with a ban on smoking in these places except where children were not allowed. The stricter ban passed with 54%. The casinos' measure received 48%.

Two smoking bans were also on the ballot in Arizona. The most restrictive measure, which bans it in restaurants and bars, received 54% of the vote, and won. The restaurant-only ban received 43%. The same pattern held in Ohio, where the more restrictive ban won 58% of the vote, and the less restrictive measure only 36%.

*Minimum wage*

Already 20 states had minimums above the federal minimum of \$5.15 per hour, led by Washington (\$7.63 in 2006), Oregon (\$7.50), California (\$7.40), and Vermont (\$7.25). Before November, only in Washington, Oregon, Vermont, and Florida were the minimums indexed to inflation.

New minimum wage laws were on the ballot in six states and passed in all of them: Arizona (\$6.75), Colorado (\$6.85), Missouri (\$6.50), Montana (\$6.15), Nevada (\$6.15 if no health benefits), and Ohio (\$6.85). All indexed their minimums to inflation, with Nevada also indexing to the federal minimum.

*Political speech*

In a refutation of the thesis that the public is rational, voters in Oregon voted 53% in favor of Measure 47, to ban corporate and union contributions to political races, and to limit donations by individuals and spending by independent groups. A similar law had been thrown out by the Oregon Supreme Court in 1997 as a violation of free speech, but the ballot had a fix for that: Measure 46, which would have changed the constitution. On that, they voted 60% "no." The Portland lawyer who had shot down the earlier law announced that he intended to bag this one as well, and Oregon's director of elections said he did not know what to do.

Voters are, of course, sometimes brilliant. Consider Oklahoma's Question 733. This was an amendment to the

state constitution that would allow package stores to sell liquor on election day. On Nov. 7, 2006, voters of Oklahoma had an uncontrollable spasm of sobriety and passed it.

*All in All*

It wasn't such a bad election for liberty. The Republicans, who had more complete control over the federal government than at any other time in the last 50 years, used their power to start an unnecessary war, violate civil liberties, and ramp up federal spending. Their power has been checked. The people did this out of weariness and unease, which are mere feelings, but the feelings are healthy ones.

The Democrats offered no program. There is grumbling about rising medical costs and some other things, but there is no strong sentiment in the country for a major expansion of the welfare state, or for any further gifts of authority to the federal government. The Democrats won not by being leftists but by being not-Republicans.

Nor did they win large majorities. In the Senate, where it takes 60 votes to do anything significant, Democrats have 51 votes. Their power is further limited by Bush's veto, if he cares to use it, though he has used it only once in six years.

The crucial thing for liberty is how the major parties define themselves: how socialistic the Democrats want to be and how nationalistic the Republicans want to be. If the Republicans can purge the neocons and go back to a realist foreign policy, it would be a relief; if they can keep the evangelicals in their tent without turning the party into a revival meeting, it would be a blessing. If the Democrats can offer Clintonism (but not Goreism), they will do well.

As for the initiatives: racial neutrality has been rejuvenated. It will be a big fight, and libertarians will help themselves and liberty by being in it. The revival of property rights has been checked but not stopped, and if advocates learn, they will win. Marijuana is playing offense and tobacco, defense. Same-sex marriage looks almost dead, but I don't think it is.

Nor is liberty. Here and there it gives ground, but here and there it also gains. There is no trend against it, and there may even be a trend in its favor. □

*Reflections, from page 16*

in English-speaking countries, an influence exerted in countless interviews and articles, in such books as "Capitalism and Freedom" (1982) and "Free to Choose" (with Rose Friedman, 1980), and in the television series based on the latter book.

No one ever recommended radical ideas in a more persuasive way. Witty and charming, and with all his learning, wholly unpretentious, Friedman developed the logic of his ideas as if they were the most natural positions in the world. Of his fellow intellectuals, he said, "They're moving slowly and taking each step as though they were exploring a virgin continent. But it's not dangerous. Some of us have lived here quite comfortably all along." Unlike many of his fellow economists, he knew, and constantly emphasized, the fact that economic freedom is inseparable from other freedoms. He was a champion of human liberty in the broadest and deepest sense of the word.

Friedman had known poverty, and he had known scorn for his ideas. He knew what it was to be part of an embattled intellectual minority. As a public figure, he often knew the disappointment of seeing his ideas mangled by the people he had influenced. But he was as far from bitterness as he was from surrender. He saw himself as one who kept "ideas open until the time came when they could be accepted." In the last year of his life, he was still giving interviews to the New York press — and also to Saturday afternoon talk shows, on provincial radio stations.

One of Friedman's last publications was a tribute to another great libertarian economist, Friedrich Hayek, in the September issue of *Liberty*: a last, gracious salute from one giant to another. Like Hayek, he will never be forgotten; he will be honored wherever people search for freedom, and achieve it.

— Stephen Cox

# Election in Miniature

*by Garin K. Hovannisian*

The prudes yelled "Temperance!" The drunks yelled "Freedom!"  
The student body may have slept through it all.

Last year, a few weeks before UCLA's student government elections — the wakeup call for a campus in coma — a dozen maverick souls gathered at my apartment for drinks and sabotage.

News was leaking out about the student council candidates' various positions. Students First! would run an all-minority group on a platform built on anti-imperialism and leftist revolution. Bruins United, the unholy, now bastardized child of the Bruin Republicans and Bruin Democrats (allies against the revolution), would run a fluff campaign on "diversity," "dialogue," and a cross-campus sprint in underwear. And a single independent candidate inhabiting the chubby form of an older black man named Troy — whose qualifications I've just noted — revealed, through an endearing gap between his teeth, his telltale maxim: "This is about *all* of us!"

Under normal circumstances, the mavericks would be inclined to let the cabaret continue. But, as it happens, the laughs were on our tab — student government was financed (still is) by a \$120 fee paid by every student, willing or not. The single goal of our group, which we called Slate Refund, was to give this money back to the students. The single reason: individual students know better how to spend their money than an elite council. And, what's more, the cabaret is dull.

This message, which in the world outside would be identified and dismissed as forthright libertarianism, inspired a truly diverse campaign war room. On one end, there was Julien, a clownish frat boy with chaotic hair, awkward scruff, and an outstanding beer belly. On the other, there was David, tall and graceless, who would bore you to death with Cliff's Notes philosophy and, if you weren't persuaded, moralize you out of your conscience. In between: Republicans, Democrats, Greens, Reds, hippies, and anarchists. Slate Refund was Barry Goldwater reared in South Park.

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It fell to me to make us seem homogeneous, to squeeze and sell some method from our madness. Until then, I had thrown my name around campus principally through journalism — first as a weekly opinion columnist for the main campus daily, then as the breakaway founder of an "alternative" (i.e., subversive) publication. Now I found myself a thinker forced into *la résistance*, a folding-chair patriot pushed out onto the field. Once there, I had trouble determining what game it was that I was supposed to play — tackle football, or croquet. I'd always preferred chess.

In the post-midnight hours of our first group meeting, a neighbor paid an unexpected visit. Thor, the slate widget of Bruins United, has the sense and suavity of a teenage punk stuffed into the body of a 10-year-old. His voice has a sleazy calm to it, but sleaze of a pathetically unsuccessful kind. He's the guy whose grandmother generously died 14 times in high school to accommodate as many trips to Disneyland.

He walked into the room, picked up a beer, and, as though totally oblivious to the meeting he'd interrupted, started some mindless chitchat with intent to ease (but in effect to aggravate) our defenses. This is as far as it would go. Within a half hour, the poor fellow had intoxicated himself, wrecked his strategy, broken down, and confessed to having been sent up as a spy.

Stalin often served alcohol to his inner circle so he could read their intentions — but was any mole stupid enough to ask for another shot? “I don’t mix friendship and politics,” Thor said, eyeing the door hopefully. Betrayal might be a drink made stiff, he learned, but it should be served when sober.

Julien D’Avanzo, our vice presidential candidate, knew his drink well. At fraternity parties, it had carried him to thrilling heights and rescued a few mindnumbing conversations. On April 27, it pushed him off the balcony of a third-story dorm room. Thus ended the candidacy and the life of our friend, and one genuine wit of a human being. You found Julien either with arms open or with middle finger raised high. He lived in extremes and thrived in them. We mourned him.

At the same time, there was no doubt that the campaign would continue. We did not sober things up in his memory — indeed, a Slate Refund candidate’s crossdressing probably honored it most — but in ways we did not discuss, it placed the fast-unfolding events into a context too raw for comfort. The tragedy was lost on — or even welcomed by — the other camps. There is always some jerk who laughs during a moment of silence. On Julien’s memorial signboard, an unknown student wrote, “Hahaha!”

Meanwhile, a tattletale culture germinated in the election mud. Campaigners dropped their leaflets and walked around with camera phones to snap opponents in the act of Election Code violations. Rumors — interesting, though false — developed from kernels of wishful thinking: Bruins United had decided, without so much as a memo to Justice Roberts, that a student fee refund was unconstitutional.

The campus — or in hindsight, perhaps 10% of the campus — was alive in four colors. Red for Students First! Blue for Bruins United. Yellow for Troy. And a distinctive, assertively flamboyant pink for Slate Refund.

People didn’t quite know what to make of us. When they called us a joke slate, we lectured them on free choice. When they took us seriously, we listed our campaign promises: caress diversity, stimulate dialogue, mount awareness. And just when they labeled ours a hopeless effort, we secured the endorsement of a couple of UCLA basketball players.

We were a third party, and we had neither the ability nor the will to hide it. We hailed from a royal lineage of candidates — Teddy Roosevelt, Robert LaFollette, and John Bell among them — who exuded a rare pride in principle. (We cannot for-

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*Just as if nothing had happened, they proceeded to run around the student store in underwear, showing solidarity with the plight of UCLA students.*

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get Liberty’s own John Hospers, who garnered the Libertarian Party’s first electoral vote in 1972.) On campus as at our capital, the two dominant parties are careful not to believe in anything. But you can be certain that the third-party candidate at

least believes in his own platform. Otherwise, there would be no point in running.

But what we called pride in principle (and often dressed in revolutionary couture), some called perilous arrogance. The few conservatives of Bruins United scheduled private meetings with us. “Let’s do lunch” or “Let’s grab some beers,” they said. The informality was supposed to mask the fact that they

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*I found myself a thinker forced into la résistance, a folding-chair patriot pushed out onto the field.*

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were asking us to drop out of the race. They said that we were sabotaging the entire conservative movement on campus and that, because of our little game, the leftists were going to win. As Ross Perot spoiled Bush Sr.’s second bid, so would we spoil Bruins United’s.

What we told them was: (a) for stealing our money, they’re just as bad as the revolutionaries; and (b) UCLA elections, unlike national ones, have a runoff system, so if Slate Refund loses, Bruins United would have a clean contest with Students First! It would be as if we never ran at all. Somewhat comforted by this reminder, they vouchsafed private best wishes, saying that if we had any chance of winning, they’d certainly be with us, but, you know, you’ve got to pick your battles and you’ve really got to start living in the real world sometime.

Then, just as if nothing had happened, they proceeded to run around the student store in underwear, showing solidarity with the plight of UCLA students. (The administration had denied us the time-honored route of the Undie Run, a thrice-yearly event where thousands of students strip to their unmentionables and run through the streets of Westwood.) When Students First! rebels sneered at the bourgeois circus, someone should’ve quoted Che Guevara: “It is not just a simple game. It is a weapon of the revolution.”

With our sights set high and our nose to the ground, we headed for elections. Requisite optimism aside, we knew we weren’t going to win. To begin with, we were grossly outspent. We expended \$200; the social underdog Troy went through \$7,000. What’s more, our campaign message — to refund student fees and, consequently, to defund the student government’s radical causes and subsidized groups — was a direct attack on the few people who usually vote in student elections — people who are, by and large, affiliates of radical causes and subsidized groups. Our only hope, if we ever had one, was to make activists out of the 70% of students who usually don’t vote — students who either haven’t heard of student government or are totally unaffected by it.

Even the biggest campaign issue of all time — a potential on-campus bar — couldn’t arouse their spirits. The totalitarian prudes yelled “Temperance!”; the drunks yelled “Freedom!” The student body slept through it all.

*continued on page 39*



# Fight Terrorism: Legalize Heroin

*by Scott McPherson*

If you can't beat 'em, undersell 'em.

Government officials find it difficult to admit when they're wrong. Perhaps, like people in general, they see such an admission as a sign of weakness, and prefer to rationalize their failure rather than change their approach. This inevitably leads to calls for a "strengthening" of current policy and an expansion of the program in question.

The war on drugs is a perfect example. The U.S. government has been fighting intensely to rid the country of "dangerous drugs" for about 40 years now — much longer, some would argue — and year after year the war's failures mount.

We citizens are regularly assured that the "tide is turning," usually after some recent antidrug operation has yielded the "largest ever" bust in history, and thus we must "stay the course" in our antidrug efforts. Somehow the drug warriors never seem to realize that "largest ever" is an admission of failure. How can we possibly be winning this war if larger and larger shipments of drugs are being smuggled across our borders?

Americans are using drugs today just as they were last year, and the year before that, and the year before that, fueling the demand that keeps dealers in business — despite the desperate attempts of the United States and other governments to stifle drug production and exportation around the world. On Aug. 24, 2006, Agence France-Presse reported that the British government, which is now in charge of antidrug operations in Afghanistan, "is aiming for a 70 percent reduction in the next five years and elimination within 10 years" of Afghanistan's opium trade. Governments just love those Five-Year Plans.

Why this sense of urgency? According to an Associated Press report in the Sept. 3 New Hampshire Union-Leader, "Afghanistan's world-leading opium cultivation rose a

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'staggering' 60 percent this year, the UN anti-drugs chief announced." *Sixty percent!*

For years, Republicans have been talking up the need to reduce opium production in Afghanistan. House Speaker Dennis Hastert said in 2001 that "the illegal drug trade is the financial engine that fuels many terrorist organizations around the world, including Osama Bin Laden," and in October 2003, the Washington Times reported that "the Bush administration has talked publicly of ridding Afghanistan of its lucrative poppy crop that provides 70 percent of the world's heroin." "Ridding" is an unequivocal term — like "largest ever."

Obviously things haven't turned out quite the way those in charge planned. A June 7 article on the Radio Free Europe/Radio Liberty website reported that Afghanistan's southern Helmand Province is expected to yield a "bumper crop" of opium this year. Ditto other parts of the country, pushing what was already the world's largest opium producer even higher up the ladder, to about 76% of world opium production. AFP claims that "Between 70 and 90 percent of heroin used in Europe originates in Afghanistan."

International efforts to control opium production in Afghanistan aren't failing from a lack of resolve. In early 2001 the United States government allocated \$43 million in

humanitarian aid to help wean opium growers off their cash crop. After Sept. 11, 2001, the American and European governments seized an estimated \$24 million in assets linked to al Qaeda, which is widely believed to fund its activities through opium and heroin sales.

Today NATO troops occupy the country — a strategic scenario that U.S. drug warriors can only salivate at replicating stateside — and Afghan President Hamid Karzai has a firm antiopium policy, creating a Counternarcotics Ministry in his government and outdoing the rest of the world by declaring not just a war but a “holy war” on narcotics. Congress earmarked \$774 million for antinarcotics activities in Afghanistan in 2005, and allocated another \$510 million for 2006–2007.

Alongside U.S. and NATO efforts are those of the British, with the Labour government’s antidrug minister, Bill Rammell, promising a “dismantling” of the “opium economy.” In his shadow lies waiting the Conservative opposition minister, who, employing the “me too” line of attack typical of opportunistic politicians, has criticized Labour’s efforts as insufficient “with the level of forces [in Afghanistan] that we’ve got.”

The full force of many governments is unmistakably behind this endeavor, with even more resources promised. Despite this, the AP reported (Sept. 3) that opium production is actually “outstripping the demand of the world’s heroin users by a third.” The U.S. State Department fears that Afghanistan is becoming a “narcotics state.”

All of which could lead a discerning individual to a three-fold conclusion: opium growing on net is unaffected by eradication efforts, heroin demand around the world is on the rise (the UN Office of Drugs and Crime reports an increase in addiction in Central Asia, Russia, and Eastern Europe), and producers are not the least bit afraid of the international anti-drug movement.

None of this bodes well for the future of Afghanistan, or the war on drugs. The U.S. government launched military operations against the Taliban immediately after the terrorist attacks of Sept. 11, 2001, installing a government friendly to the United States and hostile to terrorist groups like al Qaeda that are believed to traffic in narcotics to fund their attacks. Sadly, the U.S. government didn’t take into account certain conditions that would undermine its objectives. For example, the opium trade makes up between 35% and 50% of the

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*Today NATO troops occupy Afghanistan — a strategic scenario that U.S. drug warriors can only salivate at replicating stateside.*

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economy in Afghanistan, “where gross income [from heroin sales] was around 1.2 billion dollars last year” (AFP). Asking an Afghan peasant to give up poppy growing would be like asking a dairy farmer to surrender his cows.

Add to this the fact that Taliban and al Qaeda forces still operating in the hinterlands of the Wild Wild East are in a position, irrespective of the western military presence, to demand

and reward loyalty from local farmers. It’s no surprise, then, that there’s a ready supply of opium growers with no love for those who would take away their livelihood, preferring instead those who spend their profits killing westerners. Not exactly a promising set of circumstances.

Most important, however, is the economics of drug dealing itself. Legislators and military strategists may decree what they like, but the laws of supply and demand cannot

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*World leaders are right to see legalization as an admission of failure, but admitting one is wrong and learning from a mistake is a signal of strength, not weakness.*

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be ignored for long: Afghan farmers grow opium because increasing numbers of Americans, Canadians, Europeans, and Asians want to use heroin. This demand drives supply, providing every incentive for those who grow opium to continue doing so. Any short-term “success” in limiting supply — such as the UN’s claim that its policies have reduced the amount of land under opium cultivation by 21% — will only backfire in the long term: all things remaining equal, any reduction in supply merely drives up prices, boosting profits and creating incentives to expand the trade. Hence a 60% increase in opium cultivation despite years of effort to reverse the trend — and more money for the terrorists.

With stubbornness characteristic of government officials, Antonio Maria Costa, the UN’s version of a drug czar, wants to “crack down” on Afghan opium farming. What exactly does he think has been going on for the last five years?

One Five-Year Plan begets another, ensuring another half-decade of failed policies and another billion-plus dollars down the drain. And the same flawed logic that views “largest ever” seizures of drugs as a signal of drug war success is apparently prompting U.S., UN, and NATO leaders to see a spike in opium production, heroin sales, and heroin addiction as a sign to “stay the course” in the fight for eradication — no doubt with expanded wherewithal and renewed determination. This is all sounding very familiar.

A wiser course would be to take the profits from heroin sales out of the pockets of terrorists through legalization. Though long the dream of “kooky” libertarians, this idea might be edging its way into the mainstream. Emmanuel Reinert, executive director of the Senlis Council, an international policy thinktank with offices in Kabul, London, Paris, and Brussels, told Radio Free Europe/Radio Liberty (June 7) that:

[Legalization] would be a way for the central government [of Afghanistan] to collaborate with local communities, and not to alienate them or antagonize them, as is currently the case with the eradication policy.

Further, he said that such a move would “develop sustainable economic activities for Afghanistan, but on top of that

you will bring the rule of law and good governance in the provinces."

Anyone familiar with the war on drugs in the United States can see the wisdom in Reinert's words. Making something in high demand illegal merely drives the production and sale of that particular item into the hands of black-marketeers, thus undermining the rule of law. Quite the contrary of "good governance," prohibition puts the government in the position of harassing, intimidating, and ultimately bringing the full force of the law to bear against people who are merely satisfying the demand of willing buyers.

In Afghanistan this alienates and antagonizes those communities that make their living from growing poppies and, by encouraging people to thwart the law, makes a mockery of the law and turns government into a bully that destroys their livelihood. Antiofium laws only drive a wedge between Afghan citizens and their government that can easily be exploited by people with murderous designs.

Legalization would surely end all that, and turn an outlawed practice into a "sustainable economic activity" with considerable benefits. The 21st Amendment repealed the prohibition on alcohol in the United States, and took alcohol production, sales, and distribution (and profits from same) out of the hands of organized crime bosses and put it in the hands of free-market businessmen. It also led to improved quality and a lower risk of alcohol poisoning.

If opium production were legalized, pharmaceutical companies rather than al Qaeda terrorists would be running the opium show in the Helmand Province, creating booming local economies and raising the living standards of Afghan peasants. Then Bayer or Dowpharma or Sandoz rather than Osama bin Laden would be profiting from the \$11 billion Americans spend on heroin each year. Note that none of those companies currently sells heroin, and terrorists don't manufacture headache tablets, despite the enormous profit potential in both businesses.

With the government working alongside international pharmaceutical giants, the agricultural economy would be protected, and very likely expand, offering more jobs to locals. Instead of arresting local officials, spraying poppy fields with dangerous chemicals, and sending Special Forces operatives to kick down doors, a collaborative, mutually beneficial rela-

tionship could be developed between poor peasants and the new government in Kabul that would undermine al Qaeda and Taliban insurgents.

The worst thing that could happen to narcoterrorists is legalization of their trade. Unfortunately, there's no reason to expect a much-needed radical shift in policy. The United

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*Legislators and military strategists may decree what they like, but the laws of supply and demand cannot be ignored for long.*

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Nations blames heavy rainfall for the spike in opium production; Karzai blames a lack of support from western governments; Britain's opposition Conservative Party blames low troop levels; and the U.S. government blames Karzai.

Legalization is the last thing on their minds. Just as there is big money for terrorists in the drug trade, there is big money, power, and prestige for government officials in continuing to fight this unwinnable war on drugs. While they rationalize failures, point fingers, call for more funding, and declare yet another "crackdown," the poppies are in full bloom and terrorists are using the profits to plan murders.

A common definition of insanity is repeating the same mistake over and over again, all the while expecting different results. The international war on drugs is a perfect example. World leaders are right to see legalization as an admission of failure, but admitting one is wrong and learning from a mistake is a signal of strength and good sense, not weakness.

Drug war opponents have long noted that prohibition undermines the rule of law, encourages the corruption of government officials, tears at the social fabric, strains relations between police and citizenry, destroys communities, and emboldens the criminal element. These costs are already high enough. Add to them the additional consequence of enriching terrorists, and we have the crowning reason to legalize opium manufacturing in Afghanistan and heroin around the world. □

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## Election in Miniature, from page 36

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In the end, the election results split the council between Students First! and Bruins United. Slate Refund candidates stole between 10 to 30% of the vote in their various constituencies. And though Troy didn't win, he doubled yours truly in the presidential race.

President-elect Marwa of Bruins United, the type of person who bakes muffins for middle school elections, delivered the inaugural address. "Some people think I'm crazy for wanting to be president, for putting in a billion hours a week in the office, for giving up sleep and study time. Well, maybe I am a little bit crazy. Crazy for *you*." Meanwhile, Students First! formed a Kumbaya circle. In the moonlight, they looked like a tribal cult. One of them yelled, "The white man's oppression is bigger than student government! It goes on every day and it hurts all of our brothers and sisters." This was answered by

cries of "*Si se puede!* Fuck them motha' fuckas!"

Call it dunce rhetoric on the one side and poisonous propaganda on the other. But realize that on our campus and most others, the two are consistent with voter sensibilities. The prohibitionists of the '20s hadn't understood: supply is born from demand. The drunkard doesn't fall far from the bottle.

And there were a lot of bottles on election night. After the rousing speeches, the election parade headed to the parties and hit the drinks — which, after all was said and nothing done, was the last remaining common denominator. Alcohol was the thing and the theme of the 2006 elections at UCLA. It enlivened the festivities. It succored the losers. It proved to be, as Homer Simpson said, "the cause of and solution to all of life's problems."

I wonder: could his remark be relevant to the 2006 elections in the 50 states? I'm thinking about the "cause," of course. I don't know what the solution might be. □

# Tattered Groves of Academe

by Jane S. Shaw

America's colleges have traded teaching and intellect for radicalism and "fun." Are their glories gone for good?

Serious doubts are surfacing about the quality of higher education in the United States — not just among conservatives who have long deplored "politically correct" inanities, but also among such liberals as former Harvard president Derek Bok and John Merrow of the Public Broadcasting System. Books with names like "Going Broke by Degree," "Our Underachieving Colleges," and "Faulty Towers" are pinpointing flaws in the system.

Topping off the criticism is the new report, issued in August, by the Bush administration's Commission on the Future of Higher Education, which accuses the higher education establishment of complacency. The U.S. "may still have more than our share of the world's best universities," it concedes. "But a lot of others have followed our lead, and they are now educating more of their citizens to more advanced levels than we are" (emphasis in the original). The only member who didn't sign the report was the representative of the American Council of Education, an organization representing 1,800 universities and colleges; he objected to what he viewed as "one-size-fits-all" recommendations.

A growing number of critics see postsecondary education as nearing a crisis — not yet mired in one, as our public K-12 schools are, but wandering far from the glories of the past. Or, to vary the metaphor: "Higher education, long viewed as the crown jewel of American education, is tarnished." So write Richard H. Hersch and John Merrow, editors of "Declining by Degrees," published last year in conjunction with a PBS documentary. The system, they believe, has been allowed to "drift in a sea of mediocrity."

I myself am immersed in this topic because I am taking a new job as head of a center that intends to improve higher edu-

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cation. Like others, I have watched university conflicts over the years. "If you want to see what the 1960s were like, go to a faculty meeting," said a well-known conservative as far back as the 1980s. Today, the 1960s are even more entrenched in the universities. Many students are expected to take courses that devalue traditional Western literature and concepts such as limited government and private property, and many colleges champion Marxism, feminism, and ethnic diversity while belittling intellectual debate and advancing environmental commitment over environmental science. Brilliant visitors such as Thomas Sowell are rejected or taunted, and not too long ago the president of Harvard was forced to resign, ostensibly for some casual remarks that offended feminist activists.

Yet many of us have minimized these problems because the American postsecondary school system is, after all, competitive — unlike most higher education systems in the world. Our public universities are mostly state-based, not national; they compete with private universities as well as with one another and with community colleges, technical schools, online courses, and even private companies. Financial aid is available for students who need it; there is little doubt that any competent student who wants to learn can learn.

On the other hand, it doesn't take an economist to know that a system primarily composed of government entities and nonprofits will be rife with inefficiency. And when federal and state governments pour massive amounts of money into

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*Parents are frantic about getting their son or daughter into a school at the top of the U.S. News rankings, but once the student is accepted, they lose interest.*

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educational institutions, as they have since the Second World War, special interests are likely to take hold. What we are seeing now may be a growing recognition that students, especially undergraduate students, are being shortchanged.

Let me take you through some of the complaints.

### **What's Gone Wrong?**

First, a lot of students enter college poorly prepared (thanks to the public K-12 system), forcing universities to devote substantial resources to getting them up to speed. And it's not clear that they succeed. Employers complain that college graduates can't write decently or do adequate math. Whether so many students should be pursuing an education beyond high school is a big, unanswered question. In 2000, says Richard Vedder (author of "Going Broke by Degree"), 14.8 million students were enrolled in higher education, compared with 3.6 million in 1960. The total population is two-thirds larger; the college population is four times larger. One reason to doubt that so many students should be in college is the fact that many do not complete their degrees — in North Carolina, for example, only 48% of the students who enter college actually graduate.

At the other end of the talent spectrum, an elite group of students spends its high school years in relentless competition to enter a relative handful of prestigious schools (each of which now costs its students over \$40,000 per year). The experts seem stumped about whether these schools are as good as they are alleged to be. They are ranked as elite, especially by the intensely watched U.S. News & World Report annual listing, but they score high because of the difficulty of getting into them and their reputations among academics and administrators — reasons that dance in a circle with their U.S. News rankings. But I see a growing interest in finding out whether these schools really add value sufficient to justify their expense.

Even in elite schools, students attend some classes that pack hundreds into a single room and, often, are taught by graduate students or part-time faculty. And it's beginning to bother critics like Derek Bok (author of "Our Underachieving Colleges") that most classes are taught in the way they were a hundred years ago — by lecture. There is strong evidence that students must be engaged in smaller group discussions and in writing and problem-solving in order to learn well. In big

universities, selective "honors" colleges give a few students the engagement with faculty that the advertising brochures imply for all.

Then there are the parties. In his book "Beer and Circus," Murray Sperber surveys the impact of sports on the nation's large universities, especially schools in Division I of the National Collegiate Athletic Association. Sports have not only swallowed enormous resources in these universities (he insists that the big athletic departments are a financial drain, not an asset); they have also magnified a "collegiate culture" that mingles sports, drinking, sex, and seemingly mindless behavior.

There has always been a "collegiate culture," of course (Sperber's terminology goes back to a study by sociologists Burton Clark and Martin Trow in the 1960s), but the growth of college attendance means a vast increase in the percentage of students more attracted to collegiate culture than to traditional learning. This means that the party side of college increasingly dominates college itself. Sperber also discusses the tragic effect of sports programs on the star athletes who learn virtually nothing academic and whose graduation rates are pitifully low.

He contends that many students, and not just athletes, have a "nonaggression pact" with faculty. They don't try to excel in their course work (after all, they aren't much interested in academics), but they make it easy on the faculty — not expecting much personal attention or help and concentrating instead on sports and parties. Oh, they do want one thing, and they seem to be getting it: inflated grades. Sperber and others think that the faculty go along with the desire for debased currency in order to keep the students out of their hair, so they can conduct their preferred research or, possibly, just enjoy more leisure.

Along with the "collegiate culture," today's system emphasizes vocationalism or credentialism, getting a college degree in order to get a job. The critics seem divided on the extent to which this tendency ought to be deplored. Surely, a degree can be a legitimate device for screening job applicants; no one objects to asking prospective engineers to get a degree

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*When students, like health-care consumers, pay less than the full cost for the services they receive, they have less incentive to do a good job of monitoring the tradeoffs among time costs, money costs, and quality.*

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in engineering. But vocationalism seems to be squeezing out the Western tradition of "liberal" education (now blandly called "general education"), with its assumption that education should improve the entire person, creating a better citizen and fostering a more cultivated life.

Faculty preferences may be contributing to the decline in general education. In some schools, faculty insist that students



take large numbers of credits in their major fields, boosting enrollment in the specialists' own courses but leaving little time for broad or divergent interests. Faculty often design introductory courses to lay a foundation for the major discipline, not to introduce an undecided student or non-major to a general field of knowledge. Thus, students lack the time to explore a variety of fields, and when they try, they get trapped in narrow, technical courses. According to one manager of a general-education curriculum at a major university, the biggest reason for the decline in offerings of broad and fundamental courses is that "the faculty doesn't want to teach them. Professors want to teach courses directly related to their research, because it's their research that earns them promotions."

## Historical Roots

Although I have painted with a broad brush, the complaints I've listed do seem to add up to neglect of serious undergraduate education. How did it happen?

Historian John Thelin (in "A History of American Higher Education") puts some blame on the new kind of university that emerged after the Second World War as the federal government poured money into scientific research. At many of the better universities, the emphasis on research and specialization in graduate school demoted undergraduate education to second-class status. Initially channeled to the top universities, the federal largesse inspired others to mimic them; they too would become "research universities."

Federal funding affected universities in another way: by providing students with grants and loans. "In the 1999–2000 school year," Vedder says, "nearly 58 percent of full-time undergraduate students in American universities were receiving some form of federal assistance." More than 82% received some form of aid from sources other than their families — from government, employers, or other organizations.

This funding has merit, of course. It has enabled many students to go to the schools they want. But third-party payments have also created problems like those afflicting American health care. When students, like health-care consumers, pay less than the full cost for the services they receive, they have less incentive to do a good job of monitoring the tradeoffs among time costs, money costs, and quality.

As in health care, additional dollars fuel higher prices. College tuition rose faster than the Consumer Price Index every year from 1981 to 2003, offsetting much of the benefit of scholarships while increasing the education industry's constant pressure for more federal funding. Indeed, the high cost, the reliance on third-party loans, and a suspicion that all the expense may not be worth it after all may be inspiring much of the new criticism of higher education.

## Structural Characteristics

In addition to these historical factors, the fact that the university system is not (by and large) a profit-making business helps explain its mounting problems. Two economists, Ryan Amacher and Roger Meiners, focus on economic structure in their book "Faulty Towers." Because universities are nonprofit organizations — and often government organizations — they lack the profit goals that discipline firms and corporations.

For-profit companies aim at maximizing profits over the long run; if they don't, shareholders who have their fortunes at stake will force management changes or takeovers or simply

sell off their stock, perhaps threatening bankruptcy. But most universities don't face that level of market discipline. A university must cover its costs (often with lots of government help), but it faces little pressure to be efficient.

Without powerful market pressures, say Amacher and Meiners, trustees and administrators become passive and timid and bend with the political winds. Unmotivated by the rewards and penalties of the market, people often find it hard to summon the will to make unpopular decisions.

In higher education, many of these decisions should be made by the faculty, although I have not discovered a consensus on what role the faculty plays in the apparent decline. One does get a consistent picture of university faculty, however — an image of well-paid, well-housed, full-time professors supported by a growing minority of low-paid, untenured adjuncts who sometimes wander from school to school.

Tenure, a tradition that protects (but does not ensure) lifetime employment for a faculty member, seems to be a nearly universal characteristic of American colleges. According to Vedder, about 62% of full-time faculty are tenured. Again, one does not have to be an economist to know something of economic reality: secure employment has efficiency ramifications; one can't help comparing tenure to, say, the lifetime promise of a job that many General Motors workers enjoy. Surely, waste and inefficiency are a result.

Critics treat tenure gingerly, however. Bok hardly uses the word (it is not in the index of his book). But he frequently cites the incentives of faculty to explain why education isn't better: "However much professors care about their teaching, nothing forces them or their academic leaders to go beyond normal conscientiousness in fulfilling their classroom duties."

Vedder believes that as a faculty member who has taken unpopular positions, he has benefited from the academic freedom allowed by tenure — but he still criticizes the practice. Tenure "makes university administration difficult, less efficient, and more expensive, and slows needed changes in curriculum and academic direction."

Amacher and Meiners don't deny that tenure imposes costs, but they conclude that it cannot be blamed for protecting incompetent faculty. Reviewing relevant court cases over the past decade or so, they find that the courts almost always support universities that fire faculty: "As long as a college follows its procedures properly, it is quite free to establish whatever competency standards it wishes for its faculty and to enforce those standards." In their view, the more important factor is the failure of university administrators to take action. Administrators lack the strong incentives that a for-profit institution would provide.

## What Comes Next?

The biggest obstacle to correcting the deficiencies I have discussed may be the absence of a sense of crisis. Two factors have let colleges and universities off easy.

Their first reprieve is the public's general unawareness of the problem — or indifference to it. Tom Wolfe, author of "I Am Charlotte Simmons," a novel that dissects life in a top university, wrote in the foreword to "Declining by Degrees": "I have never heard a single parent speculate about what value might be added by those four undergraduate years, other than the bachelor's degree itself." He notes that parents are frantic

*continued on page 45*

# Nukes and NIMBY

*by Gary Jason*

When even the environmentalists want more nuclear reactors, it's clearly time to build some. But where?

The pragmatic libertarian, in my view, is one who has libertarian goals but is mindful of realities. One such practical reality is that in the battle of ideas, you cannot battle something with nothing. Rather than, say, merely showing the defects of some big-government approach to a given social problem, one should put forward a libertarian alternative. This is nowhere more important than in the energy crisis America currently faces.

By now it is surely obvious to everyone that our national decision to stop building nuclear power plants was a profound mistake, a mistake that has cost us dearly in money and lives. In the late 1970s, we essentially put a moratorium on nuclear power. The cause was an accident at Three Mile Island that killed nobody, and a relentless campaign by the true believers of the environmentalist religion — a propaganda blitz that would have made Joseph Goebbels proud.

Since then, we have sent hundreds of billions of dollars to repressive countries for their oil, empowering them to maintain their tyrannies and in many cases to fund terrorists who want to kill us. To protect our energy sources, we projected military power at a cost of thousands of soldiers' lives and billions of taxpayer dollars. And we have burned untold amounts of fossil fuels, a practice that the high priests of the environmentalist faith now assure us is causing a global warming that may kill or sadly discomfort us all. There is also the steady loss of hundreds of people a year through mining and oil-industry accidents and industrial illnesses, although these losses never seem to merit much notice by the media elite.

But a counter-movement toward common sense now seems to be underway. Political polling shows majority public support for building more nuclear plants, and there is increas-

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ing recognition by politicians such as Tony Blair that Kyoto-type attempts to choke off the use of fossil fuels without a workable alternative will result in massive economic recession. Over the past couple of years, President Bush has been trying to reopen the issue of nuclear power.

Most strikingly, there are hints of a grudging acceptance of the need for nuclear power by prominent enviro-mavens, including James Lovelock, originator of the Gaia Hypothesis, and Patrick Moore, founder of Greenpeace. In London's Independent, Lovelock urged that:

Opposition to nuclear energy is based on irrational fear fed by Hollywood-style fiction, the Green lobbies, and the media. . . . Even if they were right about its dangers — and they are not — its worldwide use as our main source of energy would pose an insignificant threat compared with the dangers of intolerable and lethal heat waves and sea levels rising to drown every coastal city in the world. We have not time to experiment with visionary energy sources; civilization is in imminent danger and has to use nuclear, the one safe, available energy source, now, or suffer the pain soon to be inflicted by our outraged planet.

Last year, Moore testified before the Subcommittee on Energy and Resources of the U.S. House of Representatives as follows:

I want to conclude by emphasizing that nuclear energy — combined with the use of renewable energy sources like wind, geothermal, and hydro — remains the only practical, safe, and environmentally friendly means of reducing greenhouse gas emissions and addressing energy security.

These dramatic shifts in political sentiment are, I am sure, driven by a growing recognition of several important facts.

First, the people of this planet simply will not accept the mass unemployment and privation that severe energy shortages would bring (although, let's face it, these seem to be what

*We have sent hundreds of billions of dollars to repressive countries for their oil, empowering them to maintain their tyrannies and in many cases to fund terrorists who want to kill us.*

some environmental extremists really want). A dramatic increase in the costs that consumers have to pay for transportation and home heating and cooling would seem likely to lower what they can spend on consumer goods, and would also affect the prices of everything else the consumer buys.

Second, the alternatives to nuclear power (fossil fuels and "renewable energy sources") often have bad environmental effects, or simply aren't yet feasible. Fossil fuels pollute; windmills massed over a large area are as ugly as a strip mine and are just fabulous at shredding birds; and hydro power manages to drown massive amounts of flora and fauna. On the other hand, hydrogen, ethanol, and solar power haven't been shown to be useful on the large scale needed to sustain our economy. Moreover, economically feasible fusion power remains an elusive dream. (Long ago, when I was a physics student at UCLA, the professors would brag that fusion power was just around the corner. It has proven to be a mighty long corner.)

Third, our 103 existing "nukes," along with the hundreds owned by other free-market countries, have operated safely for hundreds of thousands of man-hours. This is in stark contrast to the coal mining industry. While American deaths in coal mines have been declining for decades, from about 1,550 men per year in the late 1930s down to about 100 per year in the 1990s (according to the Mine Safety and Health Administration), that is still a hundred brave souls dying each year, compared to zero deaths in the nuclear power industry. That is just in America — Wan Ping, in the Epoch Times, estimates that the death rate in Chinese coal mines is a hundred times as high!

The fact that 60 people died at Chernobyl is irrelevant here: neither the U.S. nor western Europe has ever had the screwy design for nuclear reactors that the Soviets did. The Chernobyl reactor was dangerous at low power levels, and had coolant rods that when inserted actually sped up the reaction at first. Moreover, our industry (as well as the Western European industries) had and have far better trained and supervised work-

ers — indeed, the Chernobyl crew was not qualified on that model, didn't know about its design flaws, and violated its operating procedures (for example, by having less than the minimum number of control rods). Add to this a lack of communication between safety officers and the workers conducting the test that led to the explosion, and you have dangers of historic size — and no probability of occurring at an American site.

Fourth, our existing nuclear plants have already stopped 3.4 million tons of sulfur dioxide and 1.2 million tons of nitrogen oxide from entering the atmosphere (according to the Nuclear Energy Institute). Those pollutants would have created lots of smog and acid rain. If you multiply the figures by four, you get what the nukes of the world have saved us.

Those Americans — such as Supreme Court justices — who look to more enlightened countries for guidance should note that nuclear power has been widely embraced abroad. In the past 25 years, while this country has built no nukes, France (which everyone — at least at the New York Times — knows is the repository of the world's wisdom and culture) has built 58 of them. As Jean-Francois Cope, France's current budget minister, noted in a recent Wall Street Journal editorial, France derives almost 80% of its electricity from nuclear energy, at competitive rates, and is now 50% energy-independent. France is not alone. Japan is generating about a third of its electricity from nuclear power, and that percentage is rising rapidly. China has announced plans to build 30 large new reactors, just to start, with some experts predicting that it will be building as many as 200 by the year 2050. (The Chinese are working on the most promising design idea, pebble-bed reactors, which are meltdown-proof, because the fissionable material is embedded in inert briquettes.) Many other countries have built nuclear plants as well.

So how can we move ahead with nuclear plant construction? For starters, the administration — from the president on down — needs to make the case for nuclear power, clearly and continuously, in every available forum. To Bush's credit, he has pushed the issue more forcefully than any of his recent predecessors; but much more needs to be done.

The most important thing is to address people's legitimate security concerns, one of which is that nuclear power plants are attractive targets for terrorists. My suggestion here, for the short term, would be for the federal government to allow private companies to build nuclear power plants on military bas-

*The fact that 60 people died at Chernobyl is irrelevant here: neither the U.S. nor western Europe has ever had the screwy design for nuclear reactors that the Soviets did.*

es, where security would be assured. The 103 existing American nukes produce about 20% of our electricity, and some of these plants are aging. We will need perhaps 100 new nuclear plants if we want to raise nuclear power to 40%, and maybe

200 if we want it to reach 60%. As it happens, we have over 200 military bases in the U.S. within which they could be located.

In the longer term, we need to develop our own pebble-bed technology, which will give us plants virtually immune to terrorist attack. A side benefit would be that we could start shifting the use of natural gas, growing ever more costly, from heating homes to powering vehicles, especially buses. But all this will remain a pipe-dream unless we successfully take on that formidable force, nimby.

"NIMBY" ("Not In My Back Yard") is a natural reaction based on self-interest. People want the benefits of power plants, refineries, freeways, mental institutions, prisons, and so on, but they don't want them located near their homes. They will fight to keep them out, and fights of this kind are ordinarily successful.

But there is a way to combat nimby. It is mimpy — MIMBP — "Money In My Back Pocket."

We should reward people who are willing to tolerate nuclear plants in their communities. Start with the troops: every soldier on a base where a nuclear power plant is located could be paid a substantial fee (generated by the sale of power that plant produces) for every month the soldier is stationed there. We might consider giving the citizens of the state in which the plant is located a cash payment, or at least charging them less for power than citizens of other states. And we certainly ought to offer to build nuclear plants on bases that are slated to be closed. To a community worried about the loss of revenue from the closing of its local base, we can say, "All right — we'll keep it open, if you will let us put a nuclear power plant on it." If the community agrees, it will not only maintain its revenue stream, but (because the service personnel will be paid for the presence of the plant) actually enhance its revenue. The community's cash income will be higher, and its power bills will be lower.

The amount of nuclear waste would increase: a reactor produces roughly one cubic yard of waste per year. For this reason we need to apply the mimpy approach to the citizens of Nevada, where the Yucca Mountain storage facility is located. In exchange for seeing an increased flow of waste, every resident of Nevada, all two and a half million of them, could be paid, say, \$2,000 a year. Five billion dollars would be a small price to pay for their forbearance in our nation's quest to become

energy independent, once and for all.

Alaska is a model for what I have in mind. The people of Alaska strongly favor the energy development of ANWR (the Arctic National Wildlife Reserve); their elected representatives fight for it ferociously. But why are they so willing to see oil exploration and drilling? Well, of course it does bring jobs, and the state receives large revenues from lease royalties and fees from the oil reserves exploited. It uses these revenues for various programs and infrastructure projects. But a big reason for the popular support of energy exploitation is the hefty dividend check each citizen receives from the Alaska Permanent Fund, created in 1976 to set aside a quarter of all revenue the state receives from oil. That check is now over \$2,000 per year, and will increase if Congress finally opens ANWR up.

A dramatic shift towards nuclear power would, I believe, have broad appeal. Libertarians tired of funding foreign tyrants and risking American lives to protect energy supplies should support the move. Protectionist conservatives and liberals who are worried (foolishly, in my view) about jobs being "exported" abroad should also support it. Mercantilist conservatives worried about our large trade deficit (again, foolishly) should support it. And Greens who are worried (even more foolishly) about global warming should welcome it. This is an issue upon which pragmatic libertarians can align with others to further a useful approach to an important policy issue.

Many libertarians dislike the fact that nukes have traditionally received federal subsidies. But we need to keep in mind that the oil, gas, hydropower, and coal industries have received (and continue to receive) federal subsidies as well, as have solar, ethanol, wind, and other non-fossil energy sources. Subsidies are inherently bad, we all agree. But if we are in the habit of subsidizing energy industries, why not the one that is proven to work, can't be accused of contributing to global warming, and allows us not to have to subsidize totalitarian, terrorist-promoting states?\*

\*Readers interested in learning more about current trends in nuclear power might start by logging on to the Nuclear Energy Institute's website ([www.nei.org](http://www.nei.org)) or that of the Uranium Information Centre ([www.uic.com](http://www.uic.com)). John McCarthy, professor emeritus of computer science at Stanford, also has a nice website on nuclear at [www-formal.stanford.edu/jmc/progress/nuclear-faq.html](http://www-formal.stanford.edu/jmc/progress/nuclear-faq.html).

## Tattered Groves of Academe, *from page 42*

about getting their son or daughter into a school at the top of the U.S. News rankings, but once the student is accepted, they lose interest. As a result, few colleges have come up with measures showing, with any persuasiveness, that four years of study actually increase a student's human capital.

The second finger in the dike is the enormous appeal of the aforesaid "collegiate life," even though it frequently squelches true education. Fanned by the American fondness for sports, collegiate life is what many alumni remember most about their university experience. Everywhere among the population of large universities, collegiate life is the drug of choice. "This very night," write Hersh and Mellow, "we are filming at a campus bar on the day of the week known on this campus as 'Boozeday,' which the rest of us know as Tuesday."

That commitment to "fun" should sober us about the

chances of broad reform. Still, the American public is not unintelligent, and the rising costs of mediocre education may well press students and their families to consider alternatives. Competition remains the key.

Perhaps the most important goal for the higher education community — including the schools themselves but also the many groups concerned about declining quality — is to develop convincing ways of identifying and measuring genuine educational success. If these emerge, competition will take the next step, as students and their families demand and search out higher educational quality, corresponding to their individual goals and circumstances. In today's environment, high-caliber undergraduate education seems elusive, but the obstacles may turn out to be far less overwhelming than they currently appear.

# Digital Welfare

*by Vince Vasquez*

In trying to make phone service affordable for everyone, the federal government reached out and put the touch on millions of someones.

For more than 20 years, the United States government has operated a program designed to ensure "affordable" telephone service for every American. Phone service? Yes, phone service. Yet this modest-seeming program has become a giant technology management and subsidy scheme, costing billions of dollars a year, entailing enormous amounts of waste and fraud, and producing untold damage to America's communications system.

This is the story of the Universal Service Fund, better known, to those who have heard of it, as "America's digital welfare system."

## How Phone Service Became "Universal"

The original concept of universal service is widely attributed to Theodore Vail, former president of AT&T. In the early 20th century, many telephone service providers did not interconnect their networks with those of their competitors, thus preventing consumers served by different companies from communicating with one another. In 1907, Vail created the concept of "one policy, one system, universal service," as a way of fostering a cohesive interconnection policy in America. AT&T's attempt to implement this vision by buying out rival telephone companies ruffled the feathers of the federal government.

In a letter that was later known as the "Kingsbury Commitment," AT&T assured the U.S. attorney general that, among other things, it would stop purchasing additional competitors and would voluntarily provide long-distance connections to independent phone companies. The federal government tacitly agreed to tolerate AT&T's vast network of subsidiaries, the "Bell System." The result was a government-endorsed national telephone monopoly, granted with the belief that a single service provider could efficiently build out a landline

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network to provide all consumers with affordable, high-quality service. By using universal service doctrine to establish a noncompetitive relationship among telephone companies, Vail successfully entrenched Ma Bell's dominant market position, which would endure for more than half a century.<sup>1</sup>

The Communications Act of 1934 later codified universal service as a national goal of providing, "so far as possible," efficient radio and wire-based communications at reasonable rates; but it did not explicitly enlist corporate subsidies to achieve this goal.<sup>2</sup> AT&T instead sought private, non-compulsory ways of producing universal service, thus escaping additional regulatory requirements from the government. The decision paid off. In less than 50 years after the signing of the Communications Act, more than 90% of American households owned a telephone.

AT&T had achieved the goal of universal service by voluntarily signing cooperative service agreements with small rural competitors, and by leveraging its network assets to facilitate new investment. Through a practice of "cross-subsidization," AT&T raised rates for businesses and urban consumers, enabling it to lower rates in poorer, less developed regions.

In the 1980s, the government broke up AT&T. This event, and the consequent volatility of the telephone market, threatened to disrupt decades of progress for ubiquitous access.



With the elimination of AT&T's vice-like grip on the telephone market, the private agreements and internal rate controls used to reach universal service goals also disappeared. In an effort to prevent rural and low-income consumers from losing their artificially low rates for phone service, the Federal Communications Commission (FCC) stepped in to create the Universal Service Fund.

The Fund was a national subsidy system that supported independent phone companies and others that had once enjoyed private rate-stabilization agreements with AT&T. It was, essentially, a welfare scheme for the companies and their clients.

To finance this scheme, the FCC initially levied fees on AT&T and other long-distance calling companies. But the relatively narrow scope of this government effort soon ballooned into a massive bureaucracy. Then came the Telecommunications Act of 1996.

### How "Universal" Became Unlimited

In the 60 years that followed the Communications Act of 1934, the telecommunications market had experienced a series of radical changes. The industry had moved from monopoly toward competition. Cellular telephony had emerged, and the World Wide Web. Cable television had become almost universal. Congress decided to address these developments, and other major policy concerns, in a single act.<sup>3</sup> The Telco Act of 1996 set the stage for an unprecedented increase in public spending and government growth in the universal service system. It expanded the funding base of the USF, created additional program priorities, and increased the role of government in broadband deployment and telecom connectivity.

Before the act, only long-distance phone companies paid into the Universal Service Fund. This, of course, limited the money available for bureaucratic spending. Now, however, in 1996 Congress required that "all providers of telecommunications services" make contributions to the universal service system.<sup>4</sup> The FCC later interpreted this mandate as requiring all carriers that provide interstate and international service to pay a percentage of their long-distance calling revenue into USF.<sup>5</sup>

In one swift stroke, the FCC levied a revenue fee on nearly all landline and wireless phone companies, payphone providers, and paging service companies. (More recently, the FCC decided to tax Voice over Internet Protocol, or VoIP, for the aid of Universal Service.) At the behest of rural congressional

Congress authorized the creation of a new board of regulators to make recommendations for future universal service procedures, directing this new government body, as well as the FCC, to craft policy suggestions based on seven new ex-

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*Less than 50 years after the signing of the Communications Act, more than 90% of American households owned a telephone.*

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pansionary principles. Everything should be done that was deemed "necessary and appropriate for the protection of the public interest."<sup>7</sup>

The Telco Act was designed to foster industry competition and technological ubiquity in America. What it delivered was disastrous results for both businesses and consumers. By changing the legal definition of universal service to "an evolving level of telecommunications services" deemed "essential" by bureaucratic regulators, the act opened the doors for unlimited government programming and unlimited public spending.

### Universal Service Today

With advice from Congress and other sources, the FCC created four main funding mechanisms within the Universal Service Fund — Low Income, High Cost, Schools and Libraries, and Rural Health Care.<sup>8</sup>

The Low Income division aims to ensure "affordable" telephone service for qualifying "low-income" consumers through three sub-programs — underwriting monthly phone bills, hook-up fees, and toll limitation services. The High Cost program is a collection of corporate subsidies for phone service providers that operate mainly in remote, rural areas. Schools and Libraries, also known as "E-Rate," provides discounts of up to 90% of the costs for phone service, internal connection, and broadband access for qualifying schools and libraries. Finally, under Rural Health Care, small-town medical providers such as hospitals and clinics receive low-cost internet access and telephone service, in an effort to "equalize" telecom service rates between rural and urban areas.

As previously noted, the FCC has ordered all long-distance calling revenue to be subject to the Universal Service Fund. The rate of corporate payment is determined through a mechanism known as the Contribution Factor, reassessed each quarter by the FCC, and based on changing program demand. That's the theory. In practice this is an unbridled telecom tax, raking in billions of dollars for subsidies at the will of unelected bureaucrats and nonprofit administrators.

The arrangements have proven precarious. Aside from the economic distortions created by universal service taxes, one of the biggest problems with the system is the management of the fund itself.

To handle corporate billing and distribution of USF funds, the FCC appointed in 1998 a private non-profit corporation, the Universal Service Administration Company (USAC). The scope of USAC's duties made even some in Congress uneasy.

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*This modest-seeming program costs billions of dollars a year, entails enormous amounts of waste and fraud, and produces untold damage to America's communications system.*

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legislators and education advocates, the Telco Act pledged universal service support to a broad array of schools, public libraries, and rural health-care providers.<sup>6</sup>

This program naturally provided for its own expansion.

Acknowledging concerns about a nongovernment entity disbursing billions in public funds and possibly setting future policy, the FCC directed early on that the USAC "may not make policy, interpret unclear provisions of the statute or

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*Auditors found that more than one-third of reviewed recipients were noncompliant with government guidelines.*

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rules, or interpret the intent of Congress."<sup>9</sup> However, as recently as August 2004, the FCC asked USAC to "identify any USAC administrative procedures that should be codified in our rules to facilitate program oversight,"<sup>10</sup> a deferential order that raised doubts about how involved the FCC actually is with universal service management.

Originally, the FCC intended to review USAC's management performance one year after it was given the reins of the universal service system.<sup>11</sup> That review never took place. USAC is now controlled by a 19-member board of directors composed of individuals representing groups eager for a piece of the USF pie — education advocates, telecom industry executives, and state regulators.<sup>12</sup> As directors review the budgets for programs that may benefit their myriad interest groups, there is a free-for-all with public funds.

Regulators wield power like a teenager with a credit card, recklessly spending money without consequence. Because the FCC largely pegs the Contribution Factor by how much money the USAC commits to recipients, and the FCC has added E-Rate and Rural Health Care to the USF payroll, the telecom tax has soared.<sup>13</sup> USAC has tripled the size of program disbursements since 1998. The FCC has followed suit, tripling the telecom tax rate, which has culminated in more than \$48 billion in USF disbursements.<sup>14</sup>

Some proponents of universal service have argued that the rapid growth in funding demands has mainly resulted from shrinking profits in the long-distance market. Government analysts, however, have concluded that it is mainly caused by voracious USAC spending practices.<sup>15</sup>

With open-ended congressional expansion of universal service, and out-of-control spending by unaccountable bureaucrats, the beneficiaries and profiteers of USF programs have become a national embarrassment, a constantly recurring source of splashy headlines about government fraud, abuse, and waste.<sup>16</sup> The carte blanche attitudes of universal service regulators are matched only by their ineptitude at managing the actual programs.

### **Please Be Honest: Would You Like Affordable Service?**

One of the dubious government policies that beset the Low Income program was a "self-certification" system that allowed consumers to receive financial support by simply telling their telephone service carrier that they participate in a qualifying means-tested public assistance program, or met a qualifying income level.<sup>17</sup> Unfortunately, there has been no

system to verify these personal testimonies. It's not surprising that USF's Low Income division has seen incredible growth in the number of recipients.

Since 1990, administrators have added nearly six million more Americans to the Link Up and Lifeline programs<sup>18</sup> — peculiar results, considering that most of the recipient growth occurred during a period of economic expansion that created more than 22 million new jobs, and saw unemployment reach a 30-year low.<sup>19</sup> The failure of government to acknowledge this contradiction, and to demand transparency for the murky universal service program, remains troubling. So do ongoing problems in USF High Cost operations.

In 1986, about \$55 million was disbursed for High Cost support through USF. Now, more than 60% of the total USF budget — \$4 billion — is earmarked for the High Cost funding mechanism, a staggering figure that's doubled since 1999. Evidence suggests that High Cost funds are more in the category of corporate welfare than consumer welfare. As one economic study of the High Cost program estimated, USF funds are subsidizing rural carriers at twice the level necessary for efficient operation, with more than half a billion dollars wasted each year.<sup>20</sup>

The High Cost funding mechanism deters prudent corporate consolidation and cost-cutting, because it awards the smallest rural phone companies quadruple the subsidy rate received by larger, presumably more efficient carriers.<sup>21</sup> In the category of weird results, consider the fact that California has nearly twice as many telephone lines as any other state (23 million), but in 2005 California received less High Cost funding than the island of Puerto Rico (which has one million lines).<sup>22</sup>

Because High Cost funding insulates rural carriers from market forces, and does little to require effective business practices, some of the recipient companies have become masters at exploiting the vulnerable system. One example is Big Bend Telephone, a company that serves 6,000 customers in the town of Alpine, Texas. It reported that more than 95% of its revenue — \$13 million — came from universal service subsidies, leaving consumer sales to shore up the meager rest.<sup>23</sup> XIT Rural Telephone Collective, a tiny utility serving 1,500 residents in the Texas panhandle, did so well under government largesse that it paid out an average of \$375 in dividend payments to its shareholding customers, an amount more than the average \$202 they paid for actual phone service that year.

As for the E-Rate program, it too is a basket of ugly issues. The rules governing E-Rate disbursements do nothing to prohibit "gold-plating," the overprocurement of goods and services, beyond the needs of recipients. This regulatory loophole, along with the ineptitude of federal officials to crack down on abuse, has led to rampant waste.

In late 2004, the FCC Inspector General issued a damaging report that revealed the results of more than a hundred audits of USF-recipient schools and libraries.<sup>24</sup> FCC Inspector General H. Walker Feaster III stated that he had "numerous concerns" about E-Rate and believed that the program was subject to a high risk of fraud, waste, and abuse through non-compliance and program weakness. The report uncovered numerous scams — bid rigging, false reporting, misappropriation, kickbacks. Auditors found that more than one-third of reviewed recipients were noncompliant with government

guidelines. USAC had mismanaged at least \$17 million through E-Rate.<sup>25</sup>

Other revelations have also dogged USAC officials, demonstrating incompetence and an inability to curb system abuse. FCC audits found that Virginia schools were able to use E-Rate subsidies to purchase 85 cell phones and 195 pagers, despite the fact that cell phones and pagers aren't approved for subsidies.<sup>26</sup> In 2003, five people were charged with diverting more than \$1 million in E-Rate funds from schools in Illinois and Wisconsin, using the money to buy automobiles and a home, and to wire more than \$600,000 to Pakistan.<sup>27</sup> In 2005, a congressional inquiry determined that although USAC had disbursed more than \$100 million over three years to connect Puerto Rico's 1,540 schools with broadband access, few computers were connected, and more than \$23 million of telecom equipment was sitting in unopened boxes in a warehouse.<sup>28</sup> The same investigative body found that in 2000 USAC approved a "plainly fraudulent application" for more than \$48 million in E-Rate subsidies for the San Francisco Unified School District. This followed on the heels of an alleged scheme by the Gambino crime family to use a Missouri-based E-Rate service provider to defraud the program of nearly \$22 million.<sup>29</sup>

With more than 8.5 million individual recipients, and a growing budget of \$7.1 billion, universal service now rivals the basic cash assistance program of the federal welfare program.<sup>30</sup> Universal service has devolved into a *digital welfare system*, repeating institutional mistakes that have plagued the nation's general welfare system for decades.

### Prospects for Reform?

In summer 2005, the FCC opened a broad investigation into USAC management, asking for public comments on improving the public administration of USF institutions, programs, and disbursements.<sup>31</sup> Responding to criticisms of Low-Income self-certification, the FCC modified its rules to improve the effectiveness of program enrollment, and asked that all states establish procedures to verify the continued eligibility of local recipients.<sup>32</sup> As a result of the Inspector General's damning E-Rate audit report, the USAC Administrator planned to conduct 700 audits of universal service recipients in 2005 to target fraud and abusive practices, including 250 audits of schools and libraries.<sup>33</sup> In addition, USAC hired a firm to conduct 1,000 site visits to inspect E-Rate recipient locations.

One may wonder why no one did this before. Any possible answer to that question will make one skeptical that internal audits and reviews will achieve any meaningful reform. As the Government Accountability Office (GAO) noted in an April 2005 report, the "FCC has been slow . . . to use audit findings to make programmatic changes. For example, several important audit findings from the 1998 program year were only recently resolved by an FCC rulemaking in August 2004."<sup>34</sup>

Expecting public officials to reorganize effectively, restrain spending habits, and cede authority ignores the enormous strength of the government culture to protect and expand jurisdiction at all costs. Policy makers handling universal service funds retain an unhealthy political interest in expanding programs and available financial resources, regardless of the consequences for consumers, for businesses, or for industry innovation.

Though some would suggest that the benefits of a (dysfunctional) universal service system for schools and low-income Americans outweigh the costs to the telecom industry and average consumers, a broader perspective of what stands at risk must be taken into account.

Short-sighted laws have the power to turn consumer markets into stagnant pools. The Telecom Act and the demands for revenue under universal service have stalled the deployment of technologies like DSL and Broadband over Power Lines, as investors choose not to waste their money on overregulated enterprises. Wireless calling companies have also found difficulty making a business case for entering regions where government-picked winners are insulated by subsidies and have no incentive to make business operations more efficient.

For too long, lawmakers have propped up landline telephony with billions of industry dollars through the USF system that could be otherwise invested elsewhere. This has skewed the business decisions of service providers and placed power in the hands of inept regulators. As a result of harmful provisions in industry laws, the U.S. has been left in the dust when it comes to deployment of advanced communications methods — many of which were developed here in our own country.

In April 2005, the International Telecommunication Union (ITU) announced that the United States had dropped from 13th to 16th place in global broadband penetration, lagging behind such countries as Canada, Israel, and Norway.<sup>35</sup> The Organization for Economic Cooperative Development (OECD) found similar results, with the U.S. tumbling from 4th place in 2001 to 12th in December 2005.<sup>36</sup> The international laurels once accorded the United States for superior market-driven policies and technological innovation have been revoked, and will continue out of reach so long as the voices of regulators and lobbyists drown out the real needs of consumers and the national economy.

### Just End It

After years of legal rewrites, the "universal service system" is a combination of a public entitlement program and an old-fashioned pork barrel, predictably plagued by abuse, fraud, and waste. As President Reagan once said, "Government does not solve problems, it subsidizes them." Real consumer needs can be better served through market forces, rather than the self-serving whims of unaccountable bureaucrats. The USF

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*In one swift stroke, the FCC levied a revenue fee on nearly all landline and wireless phone companies, payphone providers, and paging service companies*

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confirms the axiom that it is much easier to start a government program than to end it. Nevertheless, the time has come to tear down this digital wall, and set consumers and innovators free. □

## Notes

1. For further information, see Adam Thierer, "Unnatural Monopoly: Critical Moments in the Development of the Bell System Monopoly," *Cato Journal* 14 (Fall 1994).
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3. For a more detailed history of the '96 Act, see Deonne L. Bruning, "The Telecommunications Act of 1996: The Challenge of Competition," 30 *Creighton L. Rev.* 1255, 1997.
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17. Federal Communications Commission, "Report and Order and Further Notice of Proposed Rulemaking." WC Docket No. 03-109. GPO, April 29, 2004.

18. Federal Communications Commission; "Trends in Telephone Service." GPO, June 2005.

19. "The Clinton Presidency: Historic Economic Growth." 2005. The White House. Nov. 16, 2005. (<http://clinton5.nara.gov/textonly/WH/Accomplishments/eightyears-03.html>).

20. "Lost in Translation: How Rate of Return Regulation Transformed the Universal Service Fund for Consumers into Corporate Welfare for the RLECs." Economics and Technology, Inc., February 2004, p. iv.

21. *Ibid.*, p. v.

22. It's worthwhile to note that in late 2005, the Puerto Rico Telephone Company convinced the FCC to tentatively adopt a new "non-rural insular support mechanism" to supplement High Cost funding to the Commonwealth of Puerto Rico, adding to the headaches of growth and bureaucracy in the Universal Service Fund.

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# Reviews

*"Flags of Our Fathers,"* directed by Clint Eastwood. Dreamworks, 2006, 137 minutes.

*"Ghost Soldiers,"* by Hampton Sides. Anchor Books, 2002, 344 pages.

## Bringing the Boys Back Home

Jo Ann Skousen

Much of what I know about World War II I learned from movies. Our freedom was secured nobly by handsome, courageous, wisecracking heroes and the gracious, long-suffering women who supported them. They were smart, they were virtuous, and they were in Europe. During the war, Hollywood was almost a fifth branch of the armed services, providing feel-good movies that gave the folks back home a sense of honor and purpose. But they were about the war against Germany, not Japan.

I first began thinking about this a few months ago, while reading Hampton Sides' excellent book *"Ghost Soldiers"* (2002), which recounts the daring rescue of British and American prisoners of war in the Philippines. But the book is far from triumphant. While telling the story of the Rangers' heroic march to the rescue, Sides also tells the back stories of these young — so young! — men who had been captured early in the war, starved, beaten, and massacred, and all but forgotten until early 1945, when the Americans finally began to overpower the Japanese. But

they were still mostly forgotten. Where were the Japanese war movies?

One difficulty in making movies about the war in the Pacific was practical: Hollywood was populated by actors of European descent who could easily step into roles as Germans and Italians. It was more difficult to make a movie about the Japanese, when most Japanese-Americans weren't at liberty to work anywhere, let alone in the movies.

But there is a deeper reason that might explain the lack of movies about the Pacific theater: we weren't winning the war there. Pearl Harbor wasn't the only American base attacked by the Japanese in December 1941; bases all over the Pacific were destroyed, severely crippling the American fleet before the war even began. With no backup on the way, tens of thousands of U.S. soldiers and sailors were forced to surrender. It simply wasn't a story the folks back home wanted to see. There is nothing to cheer about the Death March of Bataan.

That's why Joe Rosenthal's Pulitzer Prize-winning photograph of the flag being raised above Iwo Jima was so important. As James Bradley, author of

*"Flags of Our Fathers"* (2000) and son of one of the flag raisers, explains, "War is a complicated thing. To make sense of it we need an easy-to-understand truth — and as few words as possible." By 1945 people were becoming tired and cynical about war, and money was lagging. A flag being raised by six exhausted Marines (well, five Marines and a Navy Corpsman) is about as easy to understand as symbols come. It was a truth people wanted to believe in.

The war department saw the fundraising possibilities immediately, and brought the flag-raisers home to begin a nationwide bond-selling campaign. Trouble was, these young men didn't feel like heroes. Not for raising the flag, anyway. They had seen and experienced too much of the reality of war, and it wasn't something to crow about. In fact, it must have been agony for them, forced to relive the horror again and again, night after night, for the fawning, voyeuristic satisfaction of the donors back home.

*"Flags of Our Fathers,"* Clint Eastwood's film of Bradley's book, captures that mental anguish effectively as it moves back and forth between the battle scenes, the fundraising



tour, and Bradley's interviews in the 1990s of the men who had been in his father's platoon. Eastwood uses subtle lighting techniques to demonstrate the changing time periods: somber, undersaturated processing that looks almost like black and white for the war scenes in the men's memories; vivid, Technicolor lighting for the fundraising campaigns; and heavy shadows for Bradley's interviews with the elderly soldiers, when memories had dimmed. Some critics have complained that the film doesn't make clear which soldiers are being interviewed in these scenes, but I think the ambiguity is deliberate, given the misidentification of the flag raisers at the time the photograph was published. They were treated interchangeably then, and Eastwood makes them interchangeable now.

The campaign was a financial success (they raised an amazing \$42 billion), but after the war, few of the soldiers could speak of their experiences. In the film, Rene Gagnon, one of the raisers, says to another, "Back home, the ones who didn't go, it's hard to even talk to them." Like Krebs in Hemingway's poignant "A Soldier's Story," even those who came home didn't make it out alive. "The things I did weren't things to be proud of," another raiser, Ira Hayes, tries to explain. Eastwood shows the gruesomeness of battle, but he also leaves much to the imagination, demonstrating that some scenes simply can't be shown, or even described.

"Flags of our Fathers" is certainly not pro-war, but it isn't exactly anti-

war either. Eastwood does not attempt to justify the American position, but neither does he vilify it. He simply doesn't discuss the reasons for the war at all. The fact that he simultaneously directed a film from the Japanese point of view (to be released in February under the title "Letters from Iwo Jima") reveals his desire to present the human story rather than the political one. At the end of the film Bradley urges, "Remember them how they really were." Not heroes, but heroic. Of the Americans, Bradley says, "They fought for their country, but they died for their friends." It will be interesting to see whether the Japanese are portrayed as having the same priorities in the sister film.

Does this film present them "how they really were"? As the final credits roll, Eastwood runs photos that were taken by Rosenthal and other official photographers during the battle. It's as though the soldiers in Eastwood's film walked right out of Rosenthal's photographs. Even the scrub grass and rock faces match the photos — which is amazing, considering that Eastwood had to go to Iceland to reproduce the black volcanic sands of Iwo Jima. No one can know what they thought and felt, but Eastwood manages to show us what they saw. (I happened to be in Iceland at the time it was filmed, staying at the same hotel as Eastwood — alas, our paths never crossed.)

And what about those imprisoned soldiers and sailors whose stories are told in "Ghost Soldiers"; were they

given a hero's welcome? Well, sort of. While the Marines were preparing to storm Iwo Jima, the Army Rangers

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*The young men didn't feel like heroes. They had seen and experienced too much of the reality of war, and it wasn't something to crow about.*

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were preparing a different raid in the Philippines: the rescue of the remaining American prisoners of war.

By January 1945 the war had begun to turn in the Pacific. Rather than allow prisoners to be repatriated, the Japanese began shipping the healthier ones to Japan and massacring the weaker ones by the thousands. These liberated prisoners were as emaciated as the Holocaust victims, many of them crippled and even blinded by malnourishment. The Rangers who staged the "audacious enterprise," as they called it, "felt a glow of satisfaction that in the midst of the fighting we had participated in a life-saving operation."

Sides writes, "The story carried immense symbolic importance; here was a story of redemption, the first definitive reversal of fortune in an otherwise desperately bleak chain of events that had begun with the fall of Bataan." The rescued soldiers were cleaned up, fattened up, and shipped home for fundraising victory tours at almost the same time as the Iwo Jima heroes. But there wasn't the same thrill of vicarious victory in the story of men beaten, tortured, and starved. Sides reports, "After the initial flurry of press attention, the raid was quickly eclipsed by other developments in the war — Iwo Jima, Okinawa, Hiroshima . . . and largely faded from the public consciousness."

The men received their medals, but the parades ended. Maybe the War Department worried that if we knew how badly our men were treated, we wouldn't be as quick to send them off to war.

Maybe that's why Eastwood made this movie. □

### ***Calling All Economists!***

Since the Left depends entirely on the assumption that taking from the rich to give to the poor reduces inequality, it would be utterly demolished by the opposite-most conclusion, that it didn't reduce but increased inequality.

That is the "new idea," with the gold coin prize for refuting it, regularly offered here, and simply ignored by the "experts," afraid to stick their necks out.

With real economists, new ideas come first. But, with the pusillanimous panjandrums of the Chicago and Austrian Schools, they don't even come last.

But the ultimate onus is upon the sycophantic libertarians letting them get away with it. For, with all their lip service to Questioning Authority, they worship it blindly, idolizing "fearless, fighting champions" who won't fight, but are "above" it, defending their titles only in the record book, never the ring.

If sports were like this, John L. Sullivan would still be heavyweight champion.

For the real economists, and champions, see the **Open Forum** at [intinc.org](http://intinc.org).

**"While Europe Slept: How Radical Islam Is Destroying the West From Within," by Bruce Bawer. Doubleday, 2006, 237 pages.**

# The Hour is Late

Andre Zantonavitch

This stunner of a book about Continental Islam has two main themes. The first is that Europe has a simply incredible Muslim immigration and reproduction problem. Evidently the Muslim population is vigorously expanding, and it is not being assimilated or integrated into European culture. This radically new and explosive demographic, according to the author, is not being converted to western liberalism or adopting western styles of life.

"While Europe Slept" argues that while Europe is currently only about 8–10% Islamic — vs. 2% for America — if present trends continue it will take only a generation or two for Muslims to become the majority. The Continent will become what intellectual fellow-traveler Bat Ye'or in 2005 called "Eurabia." The claim by Bruce Bawer is that well before 2050, most of Europe is likely to become an outpost of Islamdom governed by Shariah law. Europe will be alien to western culture and an enemy of western civilization.

His second theme is that Europe today is a hellhole of leftist multiculturalism, far worse than anything in America, and far worse than almost anyone in America suspects. American expatriate Bawer — who has lived the past ten years in various European countries, mostly Holland and Norway — is almost uniformly alarmed by every country he lives in or visits. According to him, political correctness and multiculturalism are "a habit of thought

that in America is an annoyance but in Europe is a veritable religion."

Bawer excoriates his European friends for their propensity to display phony "respect" and "understanding" of the various foreigners in their midst, especially Muslims. He blasts their cult-like belief in the mantra of multiculturalism and their unlimited "belief in peace and reconciliation through dialog," even when militant Islamists emphatically reject peace, reconciliation, and dialogue as methodologies or ideals. "While Europe Slept" makes the interesting observation that there is virtually no American-style "religious right" to oppose growing Muslim power. Virtually the whole Continent is atheist or de facto atheist, he claims. Thus in Europe the religious right is Muslim. (Such an extreme claim is perhaps valid for the Low Countries and Scandinavia, but much less so in the Catholic-dominated south.)

The somewhat novel form of European left and right leads to some odd political terminology and alliances. Bawer consistently champions what he calls "the liberal resistance," but he doesn't seem to know where to find it or even how to describe it. Though he tries to be optimistic, and he does offer suggestions to ameliorate the demographic onslaught that he predicts, he describes in appalling detail the means by which the multicultural left protects the Islamic religious right, and he concludes that "Europe is steadily committing suicide, and perhaps all we can do is look on in horror." Bawer essentially writes off Europe (which seems a little

harsh), arguing that America is the last hope for western civilization and the whole world.

This book is an easy, if horrifying, read. Despite the speed with which its mere three chapters can be consumed, it has plenty of documentation for its claims, from almost every nation in Europe. Bawer, who is also a translator, speaks Dutch and Norwegian fluently and is conversant in several other European languages as well. His insider's perspective helps him find quotations, incidents, and stories from all over the Continent — many based on his personal experience.

Possibly the most terrifying part of the book is the way some European Muslims are confidently planning to rule Europe. A popular Swedish T-shirt reads simply "2030 — then we take over." With France still only 12% Muslim, the leading Parisian newspaper *Le Monde* seems to have surrendered already. In 2004 it praised France for its oneness of mind with Islamic nations on almost all issues and "the fact of its having and accepting the role of the first Muslim country of Europe."

How did Europe ever reach such a seeming dead end? The problem began rather recently, in the late '60s and '70s, with a temporary labor shortage and subsequent special "guest worker" programs. But the shortage is long gone and the Muslims are still there. And as Bawer points out repeatedly, they aren't being integrated into the various populations, as they tend to be in America. Almost all Muslims live in suburban ghettos and are often rejected by the native and slightly nativist whites.

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*Europe today is a hellhole of leftist multiculturalism, far worse than anything in America, and far worse than almost anyone in America suspects.*

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Most Islamists, in turn, utterly reject their new country and its western liberal ideology. The vast majority — even second generation kids — aren't fluent in the local European tongues.

This growing cultural threat is exacerbated by a custom called "fetching" marriages. Males from Europe use "family unification" laws to bring in illiterate females they've never met from their former country, and then marry them — usually as uneducated teenagers. The young girls are kept at home, in a virtual prison, where they quickly begin to bear children. Bawer observes that "already in most of western Europe, 16 to 20 percent of children are Muslim." These new citizens rarely learn the local languages or customs but they do qualify for vast welfare benefits and quickly produce more Islamist-oriented males and slavlike females. Then the process starts all over again.

The effect of all these Muslims on the life of Europe is remarkable. Homophobia is way up, as is opposition to abortion and divorce. "Honor" killings are disturbingly common, along with female genital mutilation. In many parts of Europe all women must wear scarves covering their faces lest they be deemed whores and "for everyone." In such places, any Muslim or Muslim gang can rape any uncovered girl. Afterwards, the girl may be killed by relatives to end the "shame" of her family.

Now, not all European Muslims agree with this, naturally; but they face immense pressure from Islamists and multiculturalists to eschew any cultural criticisms. The rapists, unfortunately, almost always go unpunished. And because native Europeans disdain this

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*Some European Muslims are confidently planning to rule Europe. A popular Swedish T-shirt reads simply "2030 — then we take over."*

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practice, most unwesternized Muslims think of white men as weak and effeminate, scorning them for not being able to control their women. They think of normally dressed western women as lowlifes without honor and as unloved harlots, valuable principally for group violation and subsequent termination.

Among the nightmarish statistics cited by the book are these: 80% of the women in Oslo's shelter system are Muslims fleeing abusive families, husbands, and boyfriends. Danish Muslims make up 5% of the population but 40% of the welfare rolls. Refugee-friendly Switzerland is already 20% Muslim. The world's most wonderful city (in my view), Amsterdam, is now close to majority Muslim. Seventy percent of all French convicts are Muslim. The four London bombers who killed 56 in July 2005 had received almost a million dollars in welfare benefits.

And the bad news just keeps coming! "While Europe Slept" is relentless at relating it, and at discounting the possibility of a revival of the still-noble European Enlightenment liberal spirit.

Bawer's book has been praised by many on the political Right, but a note

on his own politics seems in order. He previously edited a book slamming America's multicultural left called "Beyond Queer: Challenging Gay Left Orthodoxy" (1996). Yet he's also writ-

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*The four London bombers who killed 56 in July of 2005 had received almost a million dollars in welfare benefits.*

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ten a book called "Stealing Jesus: How Fundamentalism Betrays Christianity" (1998), which trashes America's religious right. In the end, he calls himself a part-time "libertarian" and is essentially a strong western or classical liberal. □

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**"Andy Warhol," directed by Ric Burns. PBS, 2006, 240 minutes.**

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# Fame and Flackery

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Richard Kostelanetz

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Not unlike others involved in the art world I viewed attentively from beginning to end Ric Burns' four-hour public-television feature about Andy Warhol, admiring it initially for excerpts of 16mm films not seen in decades (especially "Chelsea Girls," which is Warhol's masterpiece), and then for insightful commentary by the critics Stephen Koch, Wayne Koestenbaum, and Dave Hickey.

Another virtue of the film is its definitive establishment, not only of the intelligence of an artist who often appeared stupid, but also of the striv-

ing calculation of a slight homely swish child of Ruthenian immigrants. The film shows how Warhol moved from lower class Pittsburgh, where he was ignorant of even bourgeois American life, to become a major cultural celebrity within only two decades of his arrival in New York. This alone is a unique and improbable story which could happen only in America.

Often seen in the film is the writer Ronald Tavel, whom I knew during the mid-1960s when he was Warhol's script-writer. I admired him both for his plays, which epitomized "the theatre of the ridiculous," and for his novel "Street of Stairs" (1968), which appeared from Olympia Press (more prominent than

than now), only in an abridged version, so he claimed. Sitting in my living room around 1967 he told how Warhol's Factory was bestowing success on him. Though I was not gay, Ronnie gave me the impression that I could join the train. As a native New Yorker familiar with shaky celebrity, I feared that he was consumed by a balloon that would burst on him, as indeed it did. As the film makes clear, the Warholies, perhaps every single one, were cast aside. This sort of professional ride was not for me, I realized then, and smugly congratulate myself now.

What mars Burns' work are puerile, inflated comments, first from the artist Laurie Anderson, who was recruited to act as the pretentious narrator, but mostly from art dealers and other promoters. One of them closes the film with the outrageous claim that Warhol stands for the late part of the 20th century as monumentally as Pablo Picasso did for the earlier part! The art hucksters' extended and repeated appearances raised questions in my mind about the critical intelligence of the filmmaker. Though the film includes a clip of the highly voluble art dealer Ivan Karp in 1968, why doesn't he appear now, and say something less predictable? Don't be surprised if some of the flackery disappears when (and if) the film or DVD goes into general release.

Reading the credits, as I normally do with such films (partly to look for the names of friends), I discovered that the "executive producers" include the art collector Peter Brandt, who owns lots of Warhols, and the hugely successful art dealer Larry Gagosian, whose specialty has been not the discovery of new artists but the more successful exhibition of figures already established. Precisely because public television denies explicit extended commercials, it becomes receptive to highfalutin donors with pecuniary interests. In his "Myths, Lies, and Downright Stupidity" (2006), John Stossel, the ABC commentator who began his television career by exposing product frauds on commercial stations, notes that "PBS carries almost no consumer reporting, probably because the bureaucrats who run it are too nervous about offending anyone." Conversely, cultural institutions afraid of offending anyone are vulnerable to donations from everyone.

Another peculiarity of the Burns film is the lack of any footage from Warhol's residences, beginning with the townhouse he shared with his mother until her death. His last house, reportedly 90% storage, was filled with the objects he collected in the final two decades of his life — not only art but bric-a-brac reflecting a taste at once high class and low (but not bourgeois), serviced by unlimited funds.

Burns' Warhol reminded me of a certain economic truth. The great tragedy of the art market is that you can't sell short — you can't sell what you don't own, buying it back in the future; betting, in effect, that the value of an overinflated artist's work will decline, leaving his col-

lectors holding unwanted bags. Perhaps those currently owning lesser Warhols, which must number several thousand (prints included), will come to resemble the fans of Pavel Tchelitchew or Ben Shahn, from a previous generation, Kenny Scharf more recently, or Eugene Speicher, whom *Esquire* magazine identified in 1936 as "America's most important living painter." Had a speculator been able to short these Warhols a decade ago, he or she might now be under water, as stock shorts would say; but as I watched the Burns film, I sensed that underlying some of the extravagant claims made for his art was the desperate fear that Warhol shorts might eventually be right. □

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**"The Conservative Soul: How We Lost It, How to Get It Back,"** by Andrew Sullivan. HarperCollins, 2006, 280 pages.

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# Conserving Conservatism

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Martin Morse Wooster

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Study the history of the conservative movement and you'll find that periods of false consensus are followed by furious conflicts between various factions. If you looked at the pages of *National Review* in 1986, for example, you would find editorial after editorial announcing that conservatives agreed on everything. Shortly thereafter, the paleoconservatives and the neoconservatives began a bitter war that continues to erupt from time to time.

Conservatives today live in an age of false consensus. The statist faith of Sean Hannity and Laura Ingraham is simple: *shut up and obey*. President Bush is always right. If you knew what he knew, you'd follow orders and do what

you're told. Government only acts for the best. Disagree with the president and you're a dupe of the mainstream media. If you're a Democratic presidential candidate, Osama bin Laden is your running mate and Ayman al-Zawahiri your secretary of defense.

Because of the ineptitude of the Republican-controlled Congress and the debacle in Iraq, this flaccid statism is coming under attack. Into the fray steps Andrew Sullivan. Though best known as a blogger, pundit, and gay activist, he has a doctorate in political philosophy, and "The Conservative Soul" is his attempt to write a serious book about what conservatism means.

Sullivan is almost a libertarian; his ideas for the most part intertwine with and strengthen libertarian arguments. He disagrees with us about public

schools, and supports the war on terrorism more than most libertarians would like. But in his view, "the great and constant dream of the conservative is to be left alone by his own government, and by his fellow humans, as much as is possible." Sullivan argues his case for liberty-minded conservatism with force

and power. This is a very good book with one unfortunate aspect.

Drawing on the thought of the great political philosopher Michael Oakeshott, Sullivan promotes a "conservatism of doubt." Conservatives, he argues, should know that they don't know everything. Government, in his

view, should establish the rule of law and provide basic police protection to ensure a free and stable society. This society would then enable its citizens to be free: to live, love, play, even goof off, without government nineties telling them how to run their lives.

Sullivan forcefully argues that the Bush administration's political beliefs are far removed from his form of conservatism. In this century, he contends, "America went from being a constitutional republic, under the law, to an imperium of one man, answerable only to an election every four years, empowered to break any law and violate any moral law if he believes it necessary for national security."

But how did America become such an imperium? Sullivan blames "theo-conservatives," men such as Robert P. George, a Princeton political scientist; Father Richard John Neuhaus, editor of *First Things*; and Sen. Rick Santorum (R-Pa.), who has said "I don't want a government that is neutral between virtue and vice."

Sullivan provides many quotations to show that these people would like to crack down on gays and prostitutes. But there have always been authoritarians in the conservative movement. (Does anyone remember Ernest van den Haag?) What have these bad guys *done* to make government an enforcer of virtue? How successful have they been?

Here Sullivan punts. He argues that in one session of Congress, Santorum introduced 150 bills to make America

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*Conservatives today live in an age of false consensus. The statist faith of Sean Hannity and Laura Ingraham is simple: shut up and obey.*

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more moral. Did any of these bills pass? Sullivan doesn't say. In fact, he doesn't point to a single bill or policy that theocrats have successfully introduced into law. Compare this to liberal prohibitionists, who are successfully banning smoking and starting to ban fatty foods on the "scientific" basis of "improving





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—Patrick Henry, 1776*

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the public health," and you'll see that in public policy debates the "theocons" are relatively ineffective.

Of course the notions of theoconservatives should be vigorously debated. But we shouldn't skew the debate by investing the theocons with power that they don't have.

Overall, Sullivan's heart is in the right place. His foes are our foes. "In the modern world," he writes, "conservatism often means repealing laws, abol-

ishing unnecessary institutions, getting rid of needless government departments in order to let people make their own choices."

For libertarians, Sullivan's "conservatism of doubt" allows us to frame our arguments in new ways. Sullivan reminds us that the burden of proof for expanding government should always be on the statist. We should repeatedly ask: "What gives you the right to control us?" □

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**"Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan,"** directed by Larry Charles. 20th Century Fox, 2006, 84 minutes.

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# Road Trip US and A

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Andrew Ferguson

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It's a rare comedian who manages to spark an international incident, but then there are few comedians quite like Sacha Baron Cohen. The Brit garnered critical acclaim for "Da Ali G Show," which brought unwitting semi-prominent public figures into the studio to be interviewed by Ali G, an idiot gangsta wannabe. Freed from the social graces that dampen the interview format, Baron Cohen as Ali G peppers his interview subjects with blunt, bizarre non sequiturs, often outright telling the emperor that he's naked (first question to the chairman of the Arts Council of England: "Why is everything you fund so crap?"). Faced with seemingly irremediable stupidity, the increasingly frustrated interview subjects often reveal aspects of their personalities that they'd rather keep off camera, particularly the dread *-isms*: racism, sexism, elitism.

Baron Cohen raises the stakes with "Ali G Show" spinoff character Borat Sagdiyev, an affable, leering television presenter from Kazakhstan, or at least a version of Kazakhstan that boasts of its prostitutes as "the second cleanest in the region," where towns belabor horned, hook-nosed papier-mâché mascots each year during the "Running of the Jew." Now, the Kazakh government was none too happy with this and, by way of proving that Kazakhstan is now an enlightened modern country, pulled the plug on Borat's website ([borat.kz](http://borat.kz)) and threatened to take Baron Cohen to court if he continued his portrayal.

Sued by Kazakhstan? Who could dream of such publicity? But Baron Cohen (who, as you might have guessed from his name, is Jewish) wasn't about to let them off that easy. Soon after, Borat hosted the MTV Europe Movie Awards, and there vehemently denied any connection between himself and Baron Cohen; in fact, he "fully sup-

ported" his government's decision to "sue that Jew!" After that and other humiliations (e.g., a four-page ad in the New York Times praising the liberality of the country dismissed by Borat as "lying propaganda from assholes Uzbekistan"), the Kazakhs sat on their hands and waited to see how bad they'd catch it in the movie.

They catch it pretty bad, all right — Baron Cohen tweaked their noses by having his fictional Kazakh government commission Borat to make a documentary in "US and A" — but the ones who will be wincing most are the people Borat meets and films on his trip across the country, New York to Los Angeles, by way of the Deep South. He flummoxes a gaggle of feminists, butchers the Star-Spangled Banner in front of a rodeo crowd, crashes a fancy Southern dinner party (held on Secession Lane), and ensures that a group of Midwestern marketers will never forget their convention.

Borat's antics are hilarious, obscene, and offensive beyond belief (seriously, if right now you're thinking "It can't really be *that* bad," this is not the movie for you), but Baron Cohen's improvisatory skill is such that every utterance of his character, no matter how callous or outlandish — he brings with him to America "a jar full of gypsy tears to prevent AIDS" — seems less a product of deliberate cruelty than of innocent cultural misunderstanding.

The movie's oblivious co-stars certainly swallowed the schtick: a few even filed suit once the deception was revealed — though they'd signed waivers allowing footage featuring them to appear in the "documentary." A pair of misogynist frat boys (parting advice to Borat: "Never! let a woman! define who you are!") now claim they said what they said, and signed the release, only because the film crew got them drunk first. As the target audience of the "Girls Gone Wild" series (unofficial motto: *In vino veritas*), you'd think they'd have learned a thing or two about the combination of alcohol, cameras, and binding contracts. Instead, they're left to ponder the concept of shame for perhaps the first time.

The lawsuit, of course, will only serve to embarrass them further (just ask the Kazakhs) and rack up another

testament to Baron Cohen's greatest comedic gift, one that he shares with Trey Parker and Matt Stone of "South Park": he forces the world to meet him on his terms. Another example: the scenes in Borat's hometown were filmed not in Kazakhstan, with its endless steppe, but in a poor mountain village in Romania. The villagers, disputing the movie's portrayal of them as incestuous Jew-baiting drinkers of horse urine, are gathering together their meager livelihoods so they too can sue Baron Cohen — prompting this remark from a local official: "They got paid so I am sure they are happy. These gypsies will even kill their own father for money."

Exactly the sort of comment Borat would make, or maneuver someone else into making. Truth is funnier than fiction.

Which actually points to the movie's one failing: though it made me laugh as hard as any movie I've seen in the theater — up there with "The Big Lebowski," "Clerks," and "South Park: Bigger, Longer, and Uncut" — it doesn't offer much in the way of replay value. Some will of course watch it hundreds of times: those types who quote reflexively from "Monty Python" or "The Simpsons" will find plenty of catchphrase fodder and visual gags (there's a lovely Abbott and Costello tribute) to keep them obsessed. But Baron Cohen

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*Borat's antics are hilarious, obscene, and offensive beyond belief. If you're thinking "It can't really be that bad," this is not the movie for you.*

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isn't the type to wait around for a second viewing: there are awards shows to host, interviewers to bamboozle, governments to humiliate.

"Borat" is excellent as a provocation, but with all due respect to the stone-faced crew that made it believable, it's ultimately no more than a temporary receptacle for a creation of true genius: the character of Borat Sagdiyev, Kazakh provocateur. □

# Booknotes

**Dragon lib** — The background of Naomi Novik's novels ("His Majesty's Dragon," "Throne of Jade," and "Black Powder War"; Del Rey; 2006; 384, 432, and 400 pages) is the British navy during the Napoleonic wars, a setting familiar to readers of C.S. Forester's Hornblower novels, Patrick O'Brien's Aubrey-Maturin novels, and, source for them all, the 19th-century novels of Captain Frederick Marryat, who actually fought in the Napoleonic wars. Novik's setting differs in only one small detail from the others: dragons — large, intelligent, and capable of speech. Some of them are domesticated, providing the British military with its aerial corps.

Like O'Brien, Novik has two protagonists. We first meet the human protagonist, Captain Will Laurence, as the ship under his command is accepting the surrender of a badly battered French frigate. Inspecting his prize, he discovers why the enemy put up such a desperate fight. On board the French ship is a dragon egg.

The good news is that the egg is worth a fortune in prize money. The bad news is that it is about to hatch. A newly hatched dragon imprints on a human being, who then becomes the dragon's captain and life companion. Whoever on the ship ends up in this role will be forced to abandon his life in the navy and start a new life in the aerial corps, a much less respectable career. The ship's officers draw lots to decide which of them must face that unfortunate fate.

At which point the second protagonist arrives — more precisely, hatches — and takes things into his own quite capable claws, ignoring human plans for his fate and imprinting on Captain Laurence. At hatching Temeraire is about human size and very hungry. By the time he approaches his full growth, he is the size of a small ship; the battles of the aerial corps involve not only dragons but also crews of humans riding them, with occasional boarding actions.

Novik is an able story teller, and Temeraire and Captain Laurence make a team as interesting, in its way, as O'Brien's Jack Aubrey and Stephen Maturin. Laurence is an intelligent and honest man who, like most of us, takes the institutions of his own society — including its treatment of dragons — for granted. Temeraire, to whose inquiring mind everything is new, does not. Thus Laurence finds himself faced with questions he is unable to answer: why humans get paid and dragons do not; why dragons are treated, by everyone except the humans of the aerial corps, as beasts that talk rather than very large people. Through the series these questions become increasingly central, providing an intriguing and sophisticated intellectual and moral counterpoint to the entertainingly done military fiction.

They are very good books, and I eagerly await the next one.

— David Friedman

**Malign neglect** — The most provocative blurb on the back dust-jacket of "American Conservatism: An Encyclopedia" (edited by Bruce Frohnen, Jeremy Beer, and Jeffrey O. Nelson; ISI Books, 2006, 1,004 pages) comes from Paul Buhle, who acknowledges it as the mirror image of his own "Encyclopedia of the American Left," as indeed it is (and was in fact commissioned to be). AC has articles of comparable lengths in a book of comparable length (979 large pages for AC; 928 for EAL, both double-columned). As most of the articles in both books reflect labors of love, they are largely written by nonacademics.

For me, one measure of both these books is how well they treat their libertarian fringes. While the "Libertarian" article by David Boaz is agreeable, that

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on Murray Rothbard fails to acknowledge why this early contributor to National Review stopped appearing in its pages. The reason was that Rothbard couldn't accept the Cold War as an excuse for big government. In the article on American conservatism, Reason and The Freeman are recognized, but Liberty is not. Karl Hess, perhaps the most prominent conservative to become a libertarian, gets no entry. Nor does Benjamin Tucker, the publisher of the first Liberty (1881–1908); nor Paul Goodman, whose last book was subtitled "Notes of a Neolithic Conservative"; nor Wendy McElroy, whom I consider the most legitimate heir(ess) to Emma Goldman as a major independent feminist; nor David Friedman, though his father Milton is honored.

The neglect of libertarian figures by writers waving banners of either left or right is a recurring problem in scholarship of all kinds. For instance, in Cary Nelson's resuscitation of radical American poetry, "Repression and Recovery: Modern American Poetry and the Politics of Cultural Memory, 1910–1945" (1989), communist writers are featured while anarchists aren't mentioned at all.

By making communism the central experience of the American Left the Buhle anthology earned an unfavorable review in the periodical Anarchy. The comparable problem in its successor is making National Review the central development in American conservatism. Both encyclopedias thus diminish competitive strains that have finally been more influential — in the former case, democratic socialism (which Karl Hess once joked had conquered America without ever winning a major election) and in the latter, neo-conservatism.

What is necessary now is a comparable comprehensive encyclopedia of American anarchism and libertarianism, which, as I've repeatedly argued in these pages, have more in common with each other than either has with the canonical Left or the canonical Right. This projected book surely wouldn't be as thick, nor (I hope) as problematic.

— Richard Kostelanetz

**Gut feeling** — Kazuo Ishiguro challenges the placid acceptance of one's "place in society" in "Never Let Me Go" (Knopf, 2005, 304 pages), a science fiction story set in Britain at the close of the 20th century. Like his award-winning 1990 novel "Remains of the Day," which also examines the stoic acceptance of class structure, "Never Let Me Go" is written as a memoir, tinged in sadness and steeped in unfulfilled yearning, as the narrator, Kathy H., reminisces about her best friends, Tommy R. and Ruth S.

Its premise becomes apparent early in the book, so I am not giving away a major plot twist by revealing that the three main characters are alumni of a school for unparented children who have been cloned as spare parts for "real" humans — the kind conceived in the traditional manner. Like the butler, Stevens, in "Remains of the Day," the cloned characters never challenge their assigned roles. They will grow until their organs have matured, serve as "carers" for other donors until they are called upon to begin service, and then provide "donations" until they have "completed" — that is, run out of viable organs and died. In the meantime they are free to study, socialize, travel (to approved locations), and have sex — as long as it is safe sex. Mustn't damage those organs.

Cloning is simply the setting of the book, not its agenda. Yes, there are political issues to consider in a book about a group of people created solely for the purpose of serving others. Ishiguro

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*Anarchism and libertarianism have more in common with each other than either has with the canonical Left or the canonical Right.*

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writes in a style that encourages reflection, and it is impossible for a reader not to consider these issues while reading the book. Class system, animal rights, abortion, and slavery are among them. But the book does not make a case for or against the idea of farming humans.

Instead, Ishiguro's story remains focused on the characters and their unrealized ambitions. Ishiguro's characters drift through a life of missed opportunities and then accept the loss with a stoic shrug of the shoulders, resettling the burden without letting it go. Learn from this, he seems to say. Don't let time and opportunities pass you by. Carpe diem!

While the book does not directly discuss the ethics of cloning, it does encourage the reader to consider what makes a person human. Is it the miraculous infusion of a soul at the moment of traditional, egg-and-sperm conception? Or is it a more abstract "conception" — the ability to "create a concept" through poetry and art? Does the ability to love make us human? And what difference does it make anyway — should humans be entitled to preferential treatment?

Like Stevens in "Remains of the Day," the characters in "Never Let Me Go" are not heroic. No one charges the ramparts, commandeers a boat, or even vows to go down fighting. The possibility of escape or of changing the system never occurs to them, even when they are looking at a boat that has washed up on the shore. Ultimately, this lack of superhuman heroics could be what makes these cloned characters most human, and gives the greatest pause for reflection at the conclusion of a finely written book.

— Jo Ann Skousen



"You're going to have to trust me on this one, okay?"

## Letters, from page 6

acknowledges, he's not actually suggesting we try it. Well, here's a label that's both apt and more likely to be politically effective: "progressive."

"Liberal" and "socialist" have too much baggage. Socialism is deeply associated with Marxism and, contrary to Danielson's view, gives bad vibes to Americans everywhere except in places like San Francisco and Madison. Liberal, though highly accurate, is on the tip of every dittohead's tongue, ready to be spat out like an unwelcome gnat.

"Progressive" is a better choice. First, who's not in favor of progress? That's why the Left likes the word, just as it likes "affirmative action." Second, *progressive* is a rough synonym for *liberal*, but without the baggage: the Left doesn't yet have a monopoly on the word, and it's hardly on the radar screen of the average conservative.

Stealing the socialist label won't fool anyone, but any libertarian can preface his letter to the editor with "As a progressive . . ." and keep a straight face.

David R. Snyder  
Cary, N.C.

## Antisocial Behavior

Yes! Let us embrace the label of socialism, wrap ourselves in it, and call the opponents of liberty "antisocialists"! When you think about it, this is pretty antisocial: to force other people to support your pet charities; to tell people that they aren't allowed to possess, or manufacture, or use certain substances; to force other people's children into your schools, and force others to pay for them; to tell other people how to run their businesses; to make people ask and pay for permission to drive, or marry, or conduct business; all at the point of a gun, with the threats of kidnapping, fines, captivity, and slavery.

People have too long confused "society" with "government." "Society" is the realm of voluntary social interaction; "government" is the realm of force. Where government expands, society withers, and vice versa. We, who want government to wither, thereby want to expand the role of society, of social interaction: we are the true socialists. From now on, I will call myself a socialist.

While we're at it, there is a particular kind of antisocialist that deserves their own additional label: Pharisees. These are the people who are totally concerned

with making others obey the Law — all laws, no matter how idiotic or obscure — and have no concern for justice, or mercy, or the love of God or the supreme law of the land: the Constitutions, state and "federal." They use the Law as a hammer against other people but ignore it when it's inconvenient — which is one reason Jesus called them hypocrites.

This puts us socialists on the side of Jesus and those antisocialist leaders among his enemies — and puts them on the defensive, trying to prove that they aren't Pharisees, even though they patently act like Pharisees, from their public PC pieties, to their living off of guilt and taxes, to their use of the law to persecute people who have harmed nobody. Anybody with more than a passing acquaintance with the Gospels can see it. It also points out the religious persecution involved in antisocial law, persecution directed against those who obey the laws of Jesus rather than the Law of man.

This "socialist" rhetoric comes easily to the tongue and the fingers. This can work.

Rycke Brown  
Grants Pass, Ore.

## Wonderlust

While Danielson makes a number of valid and interesting points, his proposal to steal the "socialism" label for freedom-lovers isn't practical. Freedom-lovers of many political stripes are brave and smart enough to resist the "socialist" tag, even at the risk of being called "antisocial" and worse. Danielson lacks imagination and doesn't go far enough. We freedom-lovers need to call ourselves "wonderfullists," since we all sincerely believe that a free society would be a wonderful thing. Our opponents would flounder, defending themselves against accusations of being anti-wonderfullists. Wouldn't that just be wonderful?

Titus Stauffer  
Houston, Texas

## To the Five Boroughs

Gary Jason's "Middle-class shrinkage" (Reflections, November) reminded me how much Los Angeles and New York City have in common. In the Big Apple, between rent control, zoning, NIMBY, ULURP (Urban Land Use Review Procedures), local community planning boards, and prevailing union wages for construction workers, along with the usual excessive regulations

and taxation, there is no incentive for the private sector to build affordable new housing stock for the middle class. As a result, not only in the borough of Manhattan, but in many surrounding neighborhoods in the outer boroughs of Brooklyn, Queens, and the Bronx, middle-class people can no longer afford to buy or rent. Our last bastion for middle-class housing is Staten Island. I fear that both Los Angeles and New York City will soon be home only to the very rich and the very poor, while middle class residents will simply be commuters from the suburbs traveling to and from work, looking out the window at neighborhoods they can only dream about living in.

Larry Penner  
Great Neck, N.Y.

## Letters to the editor

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## Gretna, Va.

A modern-day Renaissance man, written up in the *Washington Post*:

Shaquille O'Neal was present during a botched child pornography raid while working in Virginia as a reserve sheriff's deputy. The Miami Heat center, who pursues his interest in law enforcement during the offseason, denied yesterday taking part in serving the search warrant at the wrong house Sept. 23. However, Bedford County Sheriff's Lt. Michael Harmony confirmed that O'Neal was there.

A.J. Nuckols, who said his family has filed formal complaints, wrote in a letter published in the *Chatham Star-Tribune* that the raid at his home "scared beyond description" him and his family.

## Eastside, Wash.

Sterling preparation for office, noted by the *Seattle Times*:

After legislative candidate Deb Eddy had campaign volunteers pull up a large number of opposition yard signs that she said were illegal and misleading, the King County Republican Party filed a complaint with police.

Eddy, an attorney, said she did not commit theft under state law because she told the Republicans she took the signs and had no intent to deprive them of their property.

## Isseluku, Nigeria

Cain invokes the insanity defense, from the *Lagos Champion*:

A murder suspect accused of killing his brother with an axe told police investigators he actually attacked a goat, which was only later magically transformed into his sibling's corpse.

Spirits have been blamed before for causing violence. In 2001, eight people were burned to death after one person in their group was accused of making a bystander's penis magically disappear.

## Weymouth, England

Striking fear into the hearts of criminals, from the *London Daily Mail*:

Two policemen dressed as Batman and Robin captured a suspected drugs offender. Sgt. Tony Smith and PC Mike Holman pretended to be drunks looking for a fancy dress party and knocked on the door of the suspect's home.

Those inside refused to answer the door to the loud, comically dressed visitors — which was what the officers wanted. Batman and Robin then went around the back, while seven uniformed officers went to the front door.

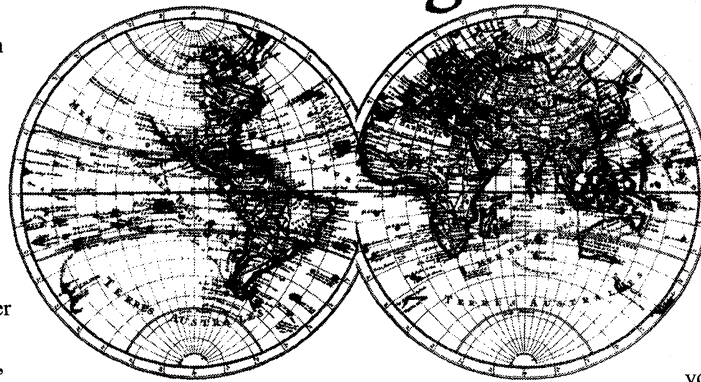
Those inside the house were pleased to see the policemen and complained to them about the fancy dress drunks. They then invited the officers in. However, one of the men inside the house ran out of the back door on seeing the policemen — to where the superheroes were waiting. Batman gave chase, jumped over a fence, and arrested him.

## Moscow, Idaho

Keeping art relevant in the Gem State:

The Kenworthy Performing Arts Centre presents a staged reading of "The Oldest Profession," a comedy by Paula Vogel, [which] focuses on the lives of five older prostitutes working in New York and facing the problems of an aging clientele, competition from younger street walkers, rising rent prices . . . and all without the safety net of social security or health insurance. The play is set in the eighties, just before Reagan is elected, and so is relevant to today — a backdrop of the upcoming elections, trickle-down economics, rising gas prices, high rents, social security, etc. There's even a reference to strip mining.

# Terra Incognita



## Perrysburg, Ohio

Unintentional meme, captured by *The Wall Street Journal*:

Universal Tube & Rollform Equipment Corp. said the cost of hosting its Web site — [utube.com](http://utube.com) — has grown significantly. "We've had to move our site five times in an effort to stay ahead of the youtube.com visitors," said Ralph Girkins, president of Universal Tube,

which sells used machines that make tubes.

The company, with just 17 employees, got 68 million hits on its site in August, making it one of the most popular manufacturing websites.

## Los Angeles

The battlefield of ideas, surveyed by the *Daily Trojan*:

A lecture by an Ayn Rand Institute speaker ended in the throwing of meat and condoms as about a dozen protesters from the LaRouche Youth Movement interrupted the speech.

The USC Objectivist Club hosted Andrew Bernstein of Marist University as its speaker for a lecture titled, "Global Capitalism: The Solution to World Poverty and Oppression." Witnesses said that as Bernstein spoke, an LYM member unwrapped a raw steak and slammed it onto Bernstein's notes on the podium.

"I believe he said, 'On behalf of the LaRouche campaign, we dedicate this raw meat to you for supporting a philosophy that results in the death of millions of children,'" said Blake Adams, a freshman member of the Objectivist Club. A purple-robed protester also interrupted the lecture, claimed that he was Ayn Rand, and threw condoms with Vice President Dick Cheney's and other political figures' faces on them at the audience.

## South Portland, Maine

The career arc of a public figure, in the *Portland Press Herald*:

Former gubernatorial candidate Tom Connolly was charged with criminal threatening after he stood at a site visible to commuters on Interstate 295 while wearing an Osama bin Laden mask and carrying a fake assault rifle. Days before the 2000 election, Connolly divulged George W. Bush's past drunken-driving arrest.

Special thanks to Russell Garrard, Tom Isenberg, and Starchild 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](mailto:terraincognita@libertyunbound.com).)

# 7-7-7 in Las Vegas!

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- **Jack Pugsley**, The Sovereign Society: "The Case *Against* Free-Market Think Tanks."
- **Marshall Langer**, foremost international tax attorney: "Yes, You Can Still Live and Invest Abroad Tax Free."
- **Michael Denton**, M. D., microbiologist, University of Otago: "Evolution, Yes; Darwin, No!"
- **Lanny Ebenstein**, philosopher: "History's Most Dangerous Philosopher: Karl (but Not Marx)."
- **Nelson Hulberg**, America for a Free Republic: "How Ayn Rand and Murray Rothbard Took Liberty Down the Wrong Road."
- **Brian Doherty**, *Reason* Magazine: "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement."

Plus other top speakers: **Steve Moore** (Wall Street Journal), **Dinesh D'Souza** (Hoover Institution), **Jerome Tuccille** ("It Usually Begins with Ayn Rand"), **Ted Nicholas** (marketing guru), **Tom DiLorenzo** (Loyola College), **Mark Tier** (Hong Kong/Philippines), **Mario Livio** (astrophysicist/mathematician), **James O'Toole** (Aspen Institute), **Greg Lukianoff** (FIRE), **James Marsh** (University of Hawaii), **Bill Westmiller** (Republican Liberty Caucus), and **Mark Skousen** (producer, FreedomFest).....More speakers added daily at [www.freedomfest.com](http://www.freedomfest.com).

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**For more information, or to register, go to [www.freedomfest.com](http://www.freedomfest.com), or contact Tami Holland, our conference co-ordinator, at [tami@freedomfest.com](mailto:tami@freedomfest.com), or toll-free 1-866-266-5101.**

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See you in Vegas on 7-7-7!

P. S. FreedomFest is an open forum. If you and your organization would like to exhibit or sponsor a session at FreedomFest, please contact us immediately.

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Then Minneapolis took away my freedom to design and hang signs.

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I stood my ground and won.

*I am II*

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