

Liberty

July 2000

\$4.00

The Eyes of Janet Reno

If you think the case of
Elián González
Is Not Important,
Think Again!

by Stephen Cox, Miguel Faria, & others

Crisis in a Small Party

by R. W. Bradford, Peter Gillen, and Martin Solomon

Ayn Rand for Beginners

by Bryan Register

Guilt on the Left

by Michael Allen

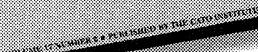
Also: *Jane Shaw* on the lost friendships of Norman Podhoretz, *Richard Kostelanetz* on the avatar of audacity, *Peter Gillen* on "fuzzy logic"
... plus other articles, reviews & humor



"Liberty should reach every individual." — Joseph Addison

AN INTERDISCIPLINARY JOURNAL OF POLICY ANALYSIS

—Milton Friedman



Recent and forthcoming authors include James M. Buchanan, Steve Hanke, Emily Chamlee-Wright, Justin Yifu Lin, Douglass North, Charlotte Twight, José Piñera, Anthony de Jasay, Jerry Jordan, Leland Yeager, Anna Schwartz, Walter Williams, Alan Greenspan, and Walter Wriston.

YES! Please enter my *Cato Journal* subscription.

☐ 1 year (\$24) ☐ 2 years (\$45) ☐ 3 years (\$65)

☐ Check enclosed (payable to Cato Institute)

Charge my: ☐ Visa ☐ MasterCard ☐ Amex

Account # _____ Exp. Date _____

Signature _____

Name _____

Address _____

City _____ State _____ Zip _____

Cato Institute • 1000 Massachusetts Avenue, N.W. • Washington, D.C. 20001
Please mail or fax to: 202-842-3490

1

Liberty

R.W. Bradford
editor & publisher

Stephen Cox
John Hospers
Jane S. Shaw
senior editors

Brien Bartels
David Boaz
Alan Bock

Douglas Casey
Eric D. Dixon
Brian Doherty
David Friedman

J. Orlin Grabbe
Bettina Bien Greaves

Leon T. Hadar
Gene Healy
Robert Higgs
Bill Kauffman
David Kopel
Bart Kosko

Richard Kostelanetz
Loren E. Lomasky
Sarah McCarthy
Wendy McElroy
Peter McWilliams
Robert H. Nelson
Randal O'Toole
Ross Overbeek

Durk Pearson
Dyanne Petersen

Ralph Raico
Bruce Ramsey
Scott J. Reid
Sheldon Richman

Sandy Shaw
Tim Slagle
Fred L. Smith, Jr.
Clark Stooksbury
Thomas S. Szasz
Leland B. Yeager
contributing editors

Kathleen Bradford
copy editor

S.H. Chambers
Rex F. May
cartoonists/illustrators

Peter Gillen
Martin Solomon
assistant editors

Jon Kalb
Jim Switz
computer consultants

Caroline Evanger
circulation

Inside Liberty

July 2000
Volume 14, Number 7

4 Letters If you're so smart, why don't you write us a letter?

7 Reflections We resist the Census, scrutinize the stock market, explore the political spectrum, suffer the poverty of welfare economics, expose un-Americanism in the American pastime, and unspin the spinmeisters.

Features

15 Under Cover of Darkness Why did Janet Reno order the seizure of Elián González after Elián's Miami family had agreed to surrender him on her terms? *R. W. Bradford* explains.

16 Come, Child a poem by *Pam Singer*.

17 The Eyes of Janet Reno *Stephen Cox* explores the weird psychology of the special sort of person willing to kill or endanger children in order to "save" them.

22 Elian Gonzalez and Dred Scott Under what conditions is it right to send a person back to slavery? *Timothy Sandefur* wonders.

25 The Trail of Cuban Tears The betrayal of Elián González is not the first time Americans have betrayed Cuba, *Miguel A. Faria, Jr.* points out.

27 A Little Boy's Nightmare *Ron Scutt* shudders at Americans' indifference to the terrorizing of a little boy.

29 "A" is for Activism *Chris Bernard* learns that chatting with IMF protesters may not illuminate issues, but it does offer insight into the leftist mindset . . . and a few laughs.

31 Crisis in the Libertarian Party *Liberty's* editors investigate charges that the Libertarian Party's 1996 presidential nominee Harry Browne suborned loyalty of LP employees, with disastrous results.

Reviews

47 The Mind is a Terrible Thing to Replace *Peter Gillen* takes a close look at "fuzzy logic," according to which, he discovers that a house not only is not a home, it's not a house either.

48 Friendships Lost What's a nice libertarian like *Jane Shaw* doing rubbing literary elbows with a bunch of New York socialists?

50 Introducing Ayn Rand Not all Ayn Rand primers are equally bad, opines *Bryan Register*.

53 Guilt-Edged Politics *Michael Allen* examines the theory that socialism is a misguided attempt by wealthy people to assuage guilt.

55 The Avatar of Audacity *Richard Kostelanetz* looks at a modern-day Mencken.

58 Notes on Contributors Stuff about us, should you care to know.

62 Terra Incognita Reality, should you care to accept it.

About Your Subscription

Q: When does my subscription expire?

A: Please look to the right of your name on your mailing label. There you will find (unless you are getting a renewal notice) the number of issues left in your subscription, followed by the word "left," as in "3 LEFT."

Q: I've moved. Where do I send my change of address information?

A: Liberty, P.O. Box 1181, Port Townsend, WA 98368. Please include your previous address (it's best to send us your label from your magazine) and telephone number. Allow us six weeks to receive and process your address notification.

Q: I'm receiving duplicate copies; what should I do?

A: Take a look at both mailing labels, clip 'em out and send 'em to us. We'll make sure that you receive all the issues you've paid for.

Q: Can I change my address with a telephone call also?

A: No. We must get your address corrections in writing, either by U.S. mail or by email.

Q: Can I use your toll-free number to change my address?

A: No. Our toll-free number connects to an answering service. It can be used *only* to make credit card purchases.

Q: What do I do if I have a question about my subscription or a problem of some sort?

A: Write us either by email (circulation@libertysoft.com) or U.S. mail (PO Box 1181, Port Townsend, WA 98368) or telephone us (360-379-0242).

Our sales and subscription fulfillment office can be reached at 800-854-6991 (foreign callers call 360-379-8421).

Letters

The Raid Went Like Clockwork

The seizure of Elián has had the effect of taking a sledgehammer to the house of cards I call my optimism. The video of the abduction drove me to tears. I am truly ashamed to be an American. As a lover of freedom, I try to remain optimistic, despite the overwhelming evidence that we are doomed to a sinking ship of socialism.

If you have any doubts as to where to stand on the Elián issue, all you have to do is ask any escaped Cuban. (The Cuban exile community prefers "escaped" to "defected.") Go ahead, ask one. Those who have lived under Castro's oppression overwhelmingly object to sending anyone back to that prison. In Cuba, the father has no custody — the child belongs to the state. Furthermore, neither the son nor the father have any rights whatsoever. These actions by both the Cuban and U.S. government are strongly reminiscent of Anthony Burgess's *A Clockwork Orange*, with two slightly different socialist regimes using a child to further their agendas.

Like it or not, young Elián has become a symbol of freedom, and look what happened to him. Heavily armed soldiers burst through the doors of his loving relatives' house and took him by force. They didn't even bother with the formality of a proper warrant. The poor child's "re-education" most likely started via a syringe the second he was in the helicopter headed to Andrews Air Force Base. Can Clinton stand on any higher moral ground than Castro? The chilling answer is a resounding "no", and Slick Willie is the leader of the (formerly) free world.

Doug Smith
Akron, Ohio

Just Following Orders

The Border Patrol, aka the SS, seized Elián González, aka Anne Frank, and sent him off to a concentration camp,

aka the gulag of Cuba.

If it wasn't so tragic it would have been comical.

L.J. Copas
Corpus Christi, Tex.

Children Belong to the Future

Gene Healy's excellent article on the Elián González case ("Hillary, Newt and Elián," June) is an intelligent analysis of the principal dilemmas involved. And his conclusion (return the boy to his father) is defensible, though hardly inescapable.

I would assess the risks differently. We normally assume that biological parents are the best custodians for children because genetic connection makes their interest in the child's welfare presumptively stronger than anyone else's. But this is a rebuttable presumption.

Ultimately, children do not "belong" to their parents any more than they "belong" to the state. They belong instead to the future, and our interest in defining that future depends upon what sort of adults we want them to become. This is inevitably a political judgment on our part. If we wish to see them develop into autonomous moral agents, with a broad sense of their own powers and possibilities, then Justice Douglas' dissent in *Yoder* has a point. We may have to interfere with a parent's desire to narrow a child's education in order to ensure that future. Similarly, we may have to deny a parent's political choices to prevent the child from growing up in conditions of moral and economic slavery.

The risk, of course, is that the power to make such interventions may be misused, and Healy is right to worry about vesting such power in the state. But an inflexible rule that biological parents should always have the power to control their children's future, so long as they are not abusive, does not seem to me to work very well either. Elián's return to Castro's Cuba looks to me

Liberty (ISSN 0894-1408) is a libertarian and classical liberal review of thought, culture, and politics, published monthly by the Liberty Foundation, 1018 Water Street, Suite 201, Port Townsend, WA 98368. Periodicals Postage Paid at Port Townsend, WA 98368, and at additional mailing offices.

POSTMASTER: Send address changes to Liberty, P.O. Box 1181, Port Townsend, WA 98368.

Subscriptions are \$29.50 for twelve issues. Foreign subscriptions are \$34.50 for twelve issues. Manuscripts are welcome, but will be returned only if accompanied by a self-addressed, stamped envelope (SASE). A writer's introduction is available: send request and an SASE.

Opinions expressed in *Liberty* are those of the authors and not necessarily those of the Liberty Foundation. Copyright © 2000 Liberty Foundation, except for the material on pp 25-26, which is copyright Miguel Faria. All rights reserved.

much like the return of fugitive slaves in an earlier period of American history.

Tom Redkal
Seattle, Wash.

Guilt by Association

Gene Healy's "Hillary, Newt and Elián" (June) is more an ill-conceived attack on Hillary Clinton than a cogent explanation of the Elián controversy. After extensive quoting from a 27-year-old law review article by Hillary to support his characterization of Hillary's views on children's rights, he lamely argues that her position on Elián that the family court should decide is only explained by his conclusion — "she's a communist sympathizer"!! His support for this character assassination? "Mrs. Clinton is a child of the New Left . . ." He then seals his "argument" by quoting from a 1960s open letter to Castro from that other child of the New Left — Norman Mailer! Anyone who was able to continue reading Healy's explanation after these insights then learned that Healy's solution to the case of Elián González was that the matter should be "decided in the family court." He agrees with Hillary! What should we call Healy? An apologist for a communist sympathizer?

Robert Miller
Brooklyn, N.Y.

Healy responds: My characterization of Hillary Clinton as a communist sympathizer was admittedly rather flip. I included the quotes from Abbie Hoffman and Norman Mailer as amusing illustrations of Castro-worship by New Leftists, and not, in the main, for any probative value they have toward establishing Ms. Clinton's communist sympathies. That Ms. Clinton sympathizes with collectivist authoritarianism hardly needs proving, I should think.

Mr. Miller's statement that I "agree with Hillary" because I wanted the Elián González case decided in a family court doesn't strike me as a very interesting or insightful observation. Everyone from Tom Delay to Al Gore wanted it resolved in family court. The interesting question for purposes of libertarian theory isn't in what forum the case ought to be decided, but what principles ought to be used to resolve it. I said that the inquiry ought to be

limited to (1) what does the father really want; and (2) does life in Cuba constitute child abuse? Ms. Clinton hasn't said what principles should be used to resolve this specific case. But the Hillary of old would have favored an open-ended inquiry into what's best for the child, regardless of what his father actually wants. And all too many conservatives and libertarians have started to echo her "kiddie lib" arguments when talking about the Elián González case.

Bradford's Blindness

As a long-time fan of R.W.
Bradford's thoughtful, reasoned analy-

ses, I was stunned to read his piece on Elián González (Reflections, June). Go back again, Mr. Bradford, and look at the pictures of Elián while he was held a captive of his Miami relatives. Are you so blind that you cannot see they don't give a damn for the boy's health as long as they can use him as a prop for their political games?

As for the conditions in Cuba, yes, they are terrible, and yes, Castro is a despicable dictator. So why doesn't Bradford call for an end to the embargo that strangles the nation, even as it gives Castro the bogeyman he needs to

From the Editor . . .

You may have noticed this is an extraordinarily large issue of *Liberty*. That's because we have some really exciting features and reviews for you this month. And because you have so much for us: The real stars of this issue of *Liberty* are our readers, who correct our mistakes, tell us off, offer their insights into the controversies that fill our pages — and generally demonstrate why we have the smartest readers in the world!

If you think the case of Elián González is unimportant, think again.

If you are like most Americans, you're sick and tired of the whole matter of Elián González. You probably figure that a child belongs with his parents and you wish it hadn't required federal police to reunite little Elián with his father, but sometimes in dealing with stubborn and unreasonable people, naked force has to be used.

If, like most people, you're sick and tired of reading about Elián González, I have a wager to make with you. Read the very thoughtful articles about the González case beginning on page 15 and see whether your thinking changes. Our writers have a variety of perspectives, but they all agree that the Elián episode reveals a lot more about America than most people think. It goes to critical issues like the rule of law, how we treat our children, how we treat people of other cultures . . . and, most importantly, how much we value human liberty.

For the past two months, the editors of *Liberty* have investigated charges that the Libertarian Party and its presidential candidate have entered into a dysfunctional marriage, resulting in deception of party members and campaign supporters. We spoke to dozens of people, examined thousands of pages of relevant documents, and tried to get straight answers from the people involved. It's dirty work, but somebody had to do it. (Scandals are a lot more fun when they aren't happening to your friends.) You can read what we discovered beginning on page 31. Even if you're not particularly interested in the Libertarian Party, you're liable to learn a lot about the dynamics of a small political group and the ways it raises funds from its members.

Of course, this issue is not all small-party politics and Cuba.

Chris Bernard spends a couple days talking with anti-capitalist protesters at the World Bank/IMF meetings in Washington. Peter Gillen takes a penetrating look at "fuzzy logic," popularized by *Liberty* contributing editor Bart Kosko. Bryan Register examines two new books that purport to provide an introduction to the philosophy of Ayn Rand.

Jane Shaw enjoys Norman Podhoretz's account of how he lost his friends, Richard Kostelanetz celebrates the greatest American critic since H. L. Mencken, and Michael Allen looks at a book about how the left uses guilt to get what it wants.

America is a grand circus, full of spectacles and sideshows. As always, we begin with *Reflections*, our Editors's enjoyment of that circus . . . we hope you enjoy that too!

R. W. Bradford

How to Subscribe to

Liberty

Liberty takes individual freedom seriously . . . and the status quo with more than one grain of salt!

Every issue of *Liberty* brings you news you can't miss, opinions you won't find anywhere else, and the best libertarian writing in the world.

You won't want to miss a single issue!

Act Today!

Liberty offers you the best in individualist thinking and writing. So don't hesitate. You have nothing to lose, and the fruits of *Liberty* to gain!

Use the coupon below or call:

1-800-854-6991

Please enter my subscription to *Liberty* immediately!

☐ 12 issues (One Full Year) \$29.50

☐ 24 issues (Two Full Years) \$56.00

Add \$5 per year for foreign subscriptions.

name _____

address _____

city _____ state _____ zip _____

☐ I enclose my check (payable to Liberty)

☐ Charge my ☐ VISA ☐ MasterCard

signature _____

account # _____ expires _____

Send to: Liberty, Dept. L87,
P.O. Box 1181, Port Townsend, WA 98368

stay in power? He manages to ramble on for paragraph after paragraph without even acknowledging the issue.

It is the height of irony that I find myself in support of Bill "Weenie" Clinton and Janet "Waco" Reno, two people whose actions 99% of the time leave no doubt as to their loathsome character. But for once they did the right thing, unlikely as it seems.

Bradford usually hits the bullseye, but he shot the arrow behind his back this time.

John A. deLaubenfels
Longmont, Colo.

Totalitarian Bliss

Concerning R.W. Bradford's statement (Reflections, June) "The problem is not that Cuba is a poor country. The problem is that it is a totalitarian country." I am glad there was no R.W. Bradford around with the power to kidnap me when I grew up in Nazi Germany. You could not have found a happier and busier little guy in the whole wide world than I was in Berlin in the 30s. Apparently my parents provided the right environment for their son, because even today I remember those years fondly. I seriously doubt that I would have been a Libertarian Congressional candidate in 1988, 1990 and 1992 — which I was — had one of FDR's 'humane persons' interfered and done to me what R.W. Bradford suggests be done to Elián González.

Geb Sommer
Lexington, S.C.

Bradford responds: For the life of me, I cannot figure where reader Sommer got the idea that I favor removing children from their homes in totalitarian countries and relocating them elsewhere.

It's true that if his parents had been divorced prior to his birth and his mother had died trying to escape Germany but her efforts had succeeded in getting him into the U.S., I would not want him returned to Germany without a hearing in an appropriate court, at which he himself would have a say.

If I were a judge in the court that should have heard the case of Elián

González, I don't know what my verdict would be. As I said in my piece, the law should have a strong prejudice in favor of the parent, but Cuba is a terrible place. I want to hear the case for both sets of his relatives as well as what he has to say.

The Truth of Mental Illness

Yeah, Thomas Szasz, what a saint.

I was thinking about him just the other day, when the homeless squeegee man growled and bared his teeth at me after I refused to let him smudge up my windshield. The crazed look in this fellow's eyes put a chill down my spine. I guess I should be relieved, though, that this guy's liberty has not been unjustly abrogated by the state.

The fact that he (and thousands like him) are walking the streets of our fair city is the true legacy of the movement to deinstitutionalize the mentally ill. R.W. Bradford ("A Sage at Eighty," June) may be right that fewer people are being institutionalized unjustly because of the work of Szasz and other abolitionists. And Szasz does make a compelling argument that mere variance from prevailing social and ethical norms should not be taken as evidence that a person has an illness requiring medical or psychiatric intervention.

If that were Szasz's only point, he'd get no disagreement from me. There is more to his argument, however, and most of it is gravely mistaken.

I just finished reading Szasz's celebrated *The Myth of Mental Illness* for my bioethics class. Here he says, "[The psychiatrists'] aim is to create in the popular mind a confident belief that mental illness is some sort of disease entity, like an infection or a malignancy. If this were true, one could catch or get a mental illness . . . one might transmit it to others, and finally one could get rid of it. Not only is there not a shred of evidence to support this idea, but, on the contrary, all the evidence is the other way . . ."

This is the single most patently false statement I encountered in all of the

continued on page 56

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

Send letters to: Liberty, P.O. Box 1181, Port Townsend, WA 98368. Or use the internet: letterstoeditor@libertysoft.com.

Reflections

What goes around — At his first press conference in more than two months, Vice President Gore said that George W. Bush has a credibility problem, claiming to be an environmentalist when Texas has serious pollution problems. "These things just catch up to you over time," he said. Then, as the *Washington Post* put it: "When asked if he thought his own past statements on his accomplishments would catch up with him, Gore replied, 'No, I don't.'" Sadly, he's probably right.

—David Boaz

A new horse to cheer for — Hail Yahweh! Rudy Giuliani dropped out of the Senate race in New York. Prior to his run for the New York mayor's office, Giuliani proved himself the most vile of all the blackguards ever to be a federal prosecutor, a man so indescribably evil that I could not imagine feeling even the slightest sympathy for his campaign against Hillary Clinton. Politics in America is a sport, and being unable to cheer for either candidate in this highly visible race left me feeling a bit alienated. Who's taking his spot on the ballot? Lazio? Fazio? Who cares?

Vote for Lazio! or Fazio!

—R. W. Bradford

Concrete symbolism — On April 19, Oklahoma City dedicated its memorial to the victims of the worst domestic terrorist bombing in the history of the United States. One Hundred and Sixty-Eight marble chairs. Am I the only one who finds humor in using stone butt cushions as a memorial for fallen Bureaucrats?

—Tim Slagle

Lon Horiuchi, please call your office — Watching the overwhelming display of force put on by the jackbooted child advocates who "extracted" Elián González from his adopted home in Little Havana, I couldn't help but wonder: where was federal sharpshooter Lon Horiuchi in all of this? After his heroism at Ruby Ridge, in which he picked off archcriminal Vicki Weaver as she stood in her front door with her baby in her arms, the feds made sure to have Horiuchi handy at the Waco standoff as well.

So wouldn't things have gone much easier if eagle-eyed Lon was on the scene in Miami? Set him up in a safe house across the street with a sniper rifle, and he could have whacked Marisleyxis and Donato the Fisherman any time either of them stepped near a window. That would surely have smoothed the feds' entry into the González home. (Sorry, I meant to say "compound.")

—Gene Healy

Send the boys home — "We are at war, and we're experiencing the consequences of that war in terms of violent encounters, and I only see that increasing," one DEA agent was quoted in a deeply disturbing *Los Angeles Times* article "War on Drugs Taking Toll on Border Agents."

The men and women of law enforcement offer their lives to protect our own. They are modern-day heroes who deserve our deepest respect, admiration, and, above all, care.

Need we continue risking the lives of these courageous, self-sacrificing, precious human beings fighting a War on Drugs that, most experts agree, cannot be won?

—Peter McWilliams

From the horse's mouth — This is what the *Washington Post* reported on Friday, April 21, about 22 hours before the seizure of Elián González: "I'm trying to do it the right way; I don't know whether I will be right, but I am dead set and determined to do it the right way, the safest way, the least violent way and the soonest way I possibly can under the law," Attorney General Janet Reno said.

—David Boaz

"Get this: I want nothing." — I like to get the biggest bang for the smallest buck, so as a general rule, when it comes to responding to intrusive government, I am inclined toward passive resistance. That's why I wrote a reflection a couple of months ago explaining that I would not be among those filling in part of their census forms but protesting the more intrusive questions, and I expected I wouldn't bother to answer the door when strangers call during the next few months.

No more. I've decided that if a census taker should happen my way I'll openly refuse to provide information. No, it's not that I have a hankering to go to jail or pay a fine. What happened is I finally listened carefully to one of the ubiquitous ads the Bureau of the Census has been running on television. Here's a transcript:

Where does a school go? Or that firehouse? You tell me. Is it needed in your neighborhood? You say where it belongs by answering Census 2000. Your answers can help decide who gets what, like a job training center or a building for health care. You can answer Census 2000 and get what you need, or you can leave it blank, and get this: nothing. Welcome the community census worker representative when they stop by.

I've got enough schools and firehouses and job-training centers in my neighborhood. I don't want more. And the Bureau of the Census (oops, I mean "Census 2000") has told me what I should do if I don't want more government spending in my neighborhood: "You can answer Census 2000 and get what you need, or you can leave it blank, and get this: nothing." So I will.

And since it is Census 2000 itself that is giving me permission to do nothing, I don't think I'll do it in a passive way.

—R. W. Bradford

The face without pain or fear or guilt — Two recent quotes from Our Maximum Leader:

"The rule of law has got to be upheld. If we don't do it here, where do we stop?" Bill Clinton, in Atlanta on April 14, commenting on the Elián González case

"One of [Congressional Republicans'] great strengths is,

by the way, they have no guilt and no shame. I mean, they'll say anything. You know, you'll never see them blink about it." Bill Clinton, remarks before DNC fundraiser, March 30.

As I see it, there are two possible explanations for these statements:

(1) brazen contempt for civilized norms and decent people's sensibilities: i.e., fuck-you-Jack-I-got-away-with-it; (2) a lack of self-awareness so staggering as to deserve its own entry in the Diagnostic and Statistical Manual of Psychiatric Disorders.

Which it is hardly matters. What matters is that a man characterized by either (1) or (2), above, has command of the world's largest military and easy access to the nuclear football. The worst get on top indeed.

—Gene Healy

Looking for locks in all the wrong places

—Conspicuously absent from the gun, in the now famous Elián González "rescue" photo, was a child-proof trigger lock. You'd think if there ever was a time and place for one, it would be on a machine gun pointed at a six-year-old boy's head.

—Tim Slagle

Ministry of Truth, The Nation branch

In the very last days of the Socialist Century, ideologue-savant Christopher Hitchens seized the opportunity to fire off one final iconoclastic dissent — right in the direction of all those "many intellectuals who thought that the 20th Century was uniquely cruel and violent, marrying medieval barbarism to modern technology," with socialist totalitarianism virtually defining the nadir of man's inhumanity to man. Ah, but how mistaken they were. "Nazism and Stalinism. . . were utterly and comprehensively defeated . . . because even at the time they could be analyzed as fraudulent and obscene." (When next he finds himself alone at *The Nation's* home office, Hitchens might think to peruse its archives to learn how his journal, to say nothing of the other organs of the Left, actually analyzed the Stalinist regime "at the time.")

Contrast the 20th Century with "the 14th Century, [when] men and women had to endure war and despotism and plague in the belief, shared by even the most intelligent, that such things were supernaturally mandated. No tyranny over the mind could be worse than that, which means in turn that it is wrong and ahistorical to describe Hitler and Stalin as unprecedented."

I can't imagine what could explain it, but evidently Hitchens just doesn't recognize that there is something immeasurably more heinous than telling a man his slavery is simply the fate dealt him by faith, religion and tradition: tell-

ing him his slavery is really the freedom given him by reason, science and progress. It is precisely this marriage of medieval barbarism to modern terminology — exploiting the language of liberalism to narrate the reemergence from the crypt of pre-liberal oppression — that is the real revolution socialists brought to human events. Their weapons and prisons were ancient; it's their Newspeak that was novel.

—Barry Loberfeld

Stock-market jumpiness and the undefined dollar

—Journalists offer several explanations for wild swings in stock prices these days. One strand has traders paying rapt attention to changing clues and hunches about what the Federal Reserve, to "fight inflation," will do to "interest rates" (wrongly supposed to be the essence of monetary policy). Actual or supposed clues about inflation dangers form a major factor. But why should such disruptive uncertainty prevail about future price levels? The answer is the undefined character of the dollar, an absurdity dating from 1971 and indeed from 1933. The purchasing power of today's dollar depends precariously on nothing better than interaction between a highly changeable demand to hold money and a quantity of money indirectly and loosely managed by the Federal Reserve.

Alan Greenspan is arguably doing a much better job than his predecessors, given the institutions that he has to work with. These institutions are what require reform. A suitable and operational definition of the dollar, making its purchasing power dependable, would go far toward curing the arguable irrationality and the wide gyrations of the financial markets.

—Leland B. Yeager

Across the spectrum — A major national news page of the *New York Times* on April 17 included two stories in which the protagonists were libertarian. One described Silicon Valley venture capitalist Tim Draper's school choice initiative for California. The story quoted Draper as calling public schools "socialistic" and endorsing the legalization of drugs and referred to "familiar . . . free-market and libertarian strains" in Silicon Valley. The other article, continued from the front page, described a father in a small Texas town who objects to mandatory drug testing of his 12-year-old son. "His stance seems far more libertarian than liberal: he also says that growing gun control efforts violate the constitutional right to bear arms," the *Times* reported. So what's the connection? Well, at least arguably, the two stories demonstrate that libertarians are not a small band of intellectuals and outcasts; rather, libertarian strains run deep in the American soul and crop up repeatedly from Lockney, Texas, to Silicon Valley.

—David Boaz

Chunky commie ice cream — In April, America bid a fond adieu to Ben & Jerry's Homemade Inc. \$326 million capitalist dollars was the bloody ransom paid for the greatest corporate social experiment since Twentieth Century Motor Company. This funky ice cream brand now sits in the Unilever portfolio, alongside Skippy Peanut Butter, Hellman's Mayonnaise, and Pepsodent Toothpaste. And with the Ben and Jerry's deal, Unilever also acquired Slimfast, to insure they have you coming and going.

Founders Ben Cohen and Jerry Greenfield had stumbled



"Never mind the minorities — I say the Democratic Party had better stop taking us drunks for granted!"

Liberty

Greatest Hits

Let's face it — time is a precious resource. So why waste it? Whether you spend too much time in your automobile or you have time to kill at home, wouldn't you rather be using it productively? That's why we offer our most popular talks ever, available on audio and video cassettes. Take a look at the selection below, and remember — when you're listening to a *Liberty* speaker, you're never wasting time.

Anarchy Via Encryption • New encryption technologies are going to revolutionize the world by making absolute privacy possible for the very first time. **David Friedman** explores the encrypted world of the near future. (audio: A116; video: V116)

What Libertarians Can Learn From Environmentalists • **Randal O'Toole** has worked with environmentalists for years, observing the strategies of one of the centuries most successful political movements. In this fascinating talk, he applies his insights to the battle for freedom. (audio: A152; video: V152)

Sexual Correctness • A new breed of feminist has declared war on individual liberty, in the process undermining women's autonomy — the very value they claim to uphold. **Wendy McElroy** runs down the latest illiberal court precedents and speaks up for the civil liberties of men and women alike. (audio: A155; video: V155)

Searching for Liberty Around the World • Whether you're fed up with encroachments on your liberty, or just interested in opportunities ranging from Nicaragua (!) to Hong Kong to Zambia, this is the tape for you. Hear **Doug Casey**, *Investment Biker* author **Jim Rogers**, international journalist **Bruce Ramsey**, and travelers **Scott Reid** and **Ron Lipp** — the men who've been there. Includes a special discussion of the problems of escaping the IRS. (audio: A103; video: V103)

Selling Liberty in an Illiberal World • **Fred L. Smith, Jr.** offers a revolutionary approach to spreading Libertarian ideas, and explains how to frame issues for maximum appeal. (audio: A410; video: V410)

How to Write Op-Eds and Get Them Published • Join former *Business Week* editor **Jane Shaw**, *Orange County Register* senior columnist **Alan Bock** and *Seattle Post-Intelligencer* business reporter **Bruce Ramsey** for a workshop on how you can air your opinions in the newspaper. Learn Jane's six points that will send you on your way to publication, and hear the one phrase which Ramsey says is taboo at his paper. (audio: A412; V412)

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

Does the Libertarian Party Have a Future? • **R.W. Bradford** makes a powerful case that the LP is failing to

advance freedom, and suggests a controversial new approach that could lead to a political breakthrough. (audio: A408; video: V408)

Using the First Amendment to Smash the State • **Durk Pearson** and **Sandy Shaw** tell how they've used the First Amendment to wage total war against the FDA. (audio: A417)

Why the Great Depression Lasted So Long • **Robert Higgs** explains how government, not free markets, caused the Great Depression; how the New Deal prolonged it, instead of curing it; and why World War II didn't

bring the Depression to an end. (audio: A216; video: V216)

The Liberty Group • **R.W. Bradford**, **Tim Slagle**, **Fred Smith**, **Alan Bock**, and **Durk Pearson** look at the hottest topics of the day and presciently analyze the current political madhouse and slaughter sacred cows with abandon. You listen to conservative and liberal pundits on the radios and television. This is a fast paced journey of libertarian commentary. Find out how libertarian pundits measure up! (audio: A401; no video available)



Yes! Please send me the following selections from Liberty's Greatest Hits conference tapes.

- ☐ Please send me all of the Greatest Hits audio tapes for only \$57.95 — a savings of more than 24%!
- ☐ Please send me all of the Greatest Hits video tapes for only \$164.95 — a savings of more than 24%!
- ☐ Please send me the following tapes for \$6.95/audio or \$19.95/video.

☐ I enclose my check (payable to Liberty) shipping & handling \$3.00

☐ Charge my: ☐ VISA ☐ MasterCard total enclosed: _____

name _____

address _____

city, state, zip _____

account # _____ expires _____

signature _____ phone _____

Call (800) 854-6991 — or send to: Liberty, Dept. L87,
PO Box 1181, Port Townsend, WA 98368

into the greatest marketing scheme of the eighties. Their ice cream is nothing more and nothing less than a frozen half pound candy bar. Flavors like "Chubby Hubby" mock how truly decadent their confection is. This would normally cause your average liberal to shiver with guilt, for adding lipids to their already excessive forms, while societies are starving in Africa.

Ben and Jerry's ice cream was the biggest vendor of guilt relief in the modern world. Health consciousness had forbidden the kind of fat-laden, cholesterol-rich delight that lives in those recycled paper tubs. But who can resist? Instead of relieving your guilt by promising 100% of your daily vitamin requirements, Ben & Jerry offer something a little more substantial, *social* nutrition. Sure you're clogging your arteries and gaining weight, but never mind, We'll help save the earth with every mouthful. Yum, was that a saturated fat-filled nut I just sank my tooth into? Yes, but don't worry, it was a Brazil nut from the South American rain forest; every one you eat saves a little bit of forest. Sure, that was a mouthful of rich Swiss Chocolate, but it came from a chocolate company that never starved infants. Yes, our cream is 100% milk fat, but that milk fat came from family farmers, and was blended with 100% pure cane sugar in a plant where everybody makes almost the same wage.

The company also became an unintentional experiment in the nature of the CEO. Marxists like Michael Moore find humor in the fact that the CEO of IBM cannot reconfigure a hard drive. The assumption, of course, is that anybody can be a CEO. Women and minorities constantly decry the "Glass Ceiling" that prevents their ascension to the top floor offices, held back solely by their gender or race. When Ben & Jerry decided to retire and enjoy the largesse of the capitalist system, they went in search of a socially responsible CEO. Certainly a woman or minority would be preferred. But because they organize their corporate structure in a socially equitable pattern, the highest paid employee could only make five times the pay of the lowest. The company was flooded with applications for the \$60,000 per year position, but not one was qualified.

To great fanfare they announced in February of 1994 they had succeeded in their search for a qualified CEO. Robert Holland, an African-American, took the helm of the company for a much greater salary than the \$60,000 advertised. The truth is that Qualified Women and Minority CEOs are in such high demand that they can pretty much write their own tickets. Holland was forced to resign two years later amidst

rapidly plummeting stock prices.

Ben and Jerry, obviously consumed with greed, then hired a white executive from a gun manufacturer to replace him at an even higher salary. Apparently social justice is only important when your stock price is up. Ben and Jerry, now very well educated in the truth about capitalism, decided to take the money and run. Godspeed, blessed comrades, Godspeed.

—Tim Slagle

The most dangerous drug — Someone sent me a new product that contained concentrated coffee and was marketed to give a "lift." He asked my opinion, no doubt wanting my view of the packaging or marketing. Instead, he got this:

Are you letting people know that caffeine is an addictive drug to which the body builds up an immunity within two weeks, and after that you're pretty much taking it to ease the pangs of addiction and to get back to "normal" again? A little warning label such as that, and you'll have a great product, marketed with integrity!

Caffeine is marketed to children as Coca-Cola and a dozen other "sodas." Yes, Coca-Cola is a drug-delivery device. Pepsi-Cola has a six-year-old pitchwoman. Caffeine is a harsh drug, closely akin to cocaine. It should be used sparingly by adults — once or twice a week at most. Children should *never* use it. What it does to their developing nervous systems is nothing short of horrific!

That tens of millions of kids swill "sodas" every day is the most serious drug problem in this country. That's why I call it the most dangerous drug in America.

—PeterMcWilliams

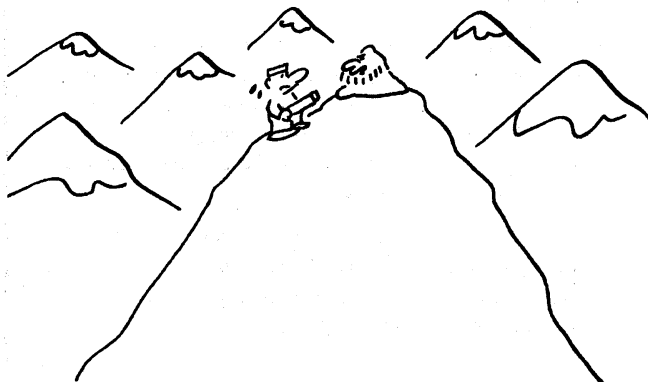
Earth first! — According to Peter Ward, author of the pretty convincing *Rare Earth*, the chance that there is *life* (let alone the intelligent kind) in outer space is about as close to zero as a finite number can get. Furthermore, even if it were out there, it'd be so far away as to make space travel impractical (unless you were *that* committed to the notion that your great-great-great-grandchildren would be the first to make contact with the Exotopians).

I, for one, am happy to hear it. Would we really want the worst to be true, viz., that there are indeed folks just like us out there — except that they're all living on a subsistence level? Can anyone doubt what the fallout would be? Immediately the universal economy would come under fire for giving us so much and leaving them so little. The Ivory Tower would demand to know why we Earthlings — who, as it turns out, happen to comprise only 2% of the universe's intelligent life — nonetheless control over 95% of its wealth. Of course, the U.N. (Universal Nations) would begin debate regarding the best possible foreign aid program — and anyone who mentions honest-to-God free trade would be denounced for advocating Terran imperialism, Terraism and cultural genocide.

So good riddance to the possibility of extra-terrestrial intelligence; we have enough problems fighting for liberty on this planet.

—Barry Loberfeld

Defining poverty up — In the March 23 edition of *The New York Review of Books*, Robert M. Solow reviews *The Real Worlds of Welfare Capitalism*, a comprehensive study of the Dutch, German, and American approaches to reducing



"I said no anchovies!"

poverty. After crunching mountains of data, the authors of the study concluded that the Dutch way is best, the American is worst and the German is somewhere in between.

What caught my eye was the way poverty was defined.

The idea of making the actual cost of necessities such as food, clothing, and shelter the poverty line within a given country was rejected, both by Solow and the authors of the book. One problem with this absolute standard, Solow says, is that what was thought to be middle class fifty years ago will, if trends continue, be considered poverty fifty years hence. He points out that a family in 2050 with the median income, adjusted for inflation, of a family of 1950 could not be called poor using the absolute definition even though they would be "excluded from nearly everything that the society values as part of a decent life." He calls this a paradox and shows how it can be escaped by defining poverty in relation to the median family income within the country being studied. Solow and the authors define as poor any family that has an income that is less than half the median family income of the country in which they live.

Solow's defense of this definition includes the following:

... it is what has to be done for international comparisons, because there is no good way to define equivalent absolute poverty lines in say, Denmark and Bulgaria. Clearly the concept of relative poverty mixes together the notions of absolute poverty and gross inequality, but maybe that is appropriate. Most of us would want to describe as "poor" a child whose clothing and diet are regarded as shameful or laughable by ordinary children in the class, even if she gets just enough calories and clothing to survive.

Absolute poverty and relative poverty, as Solow uses the terms, overlap, but are quite different. The absolutely poor cannot afford necessities such as food, clothing and shelter. I have lived in India and have seen the absolutely poor. Theirs is a harsh physical reality.

In contrast, many of the relatively poor, those with less than half the median family income, may have, depending on the country in which they live, adequate food, clothing and shelter, though not of the quantity or quality enjoyed by the rest of the population. In fact, relative poverty need not involve physical deprivation at all. In some cases it may refer only to the psychological problem caused by social and personal expectations. Solow says as much when he refers to a child's clothing and diet as being "shameful" and "laughable." It is also entirely possible that a family could qualify as relatively poor and not suffer from even this psychological malady. A family could have adequate food, clothing, and shelter and have a loving, strong family raising healthy, happy children and still fall within the definition of relatively poor. I know such families. I have been in their homes. They do not think that they are poor. Neither do I.

Solow writes that "maybe" it is appropriate to mix together the concepts of absolute poverty and gross inequality. Maybe not. The harsh physical reality of absolute poverty and psychological problems caused by jealousy and cruelty based on inequality are very different phenomena. Absolute poverty can be eliminated once the necessities of life are acquired. The psychological problems caused by inequality will always be with us. Just as cruel teen-agers will always laugh at unfashionable shoes, so cruel adults will

always find some status symbol to try to elicit jealousy in others. As long as cruelty and jealousy exist, these psychological problems will exist. They have little to do with poverty, relative or otherwise.

It is probably true that what was thought of as a middle class family fifty years ago will be thought of as a poor family fifty years hence. But where is the paradox? It simply means that people are getting wealthier. People realistically expect to live better than their grandparents did. It is called progress. It is what market economies do best. To call a family with the equivalent of 1950 middle class purchasing power "poor" by any definition brings to mind the overweight and overfed child who bursts into the kitchen and whines, "I'm starving!" They aren't and he isn't. And would this family in 2050 really be "excluded from nearly everything that the society values as part of a decent life?" Such as what? Annual vacations on Mars? Even if we were all to agree on the meaning of "decent" in this hypothetical context, the honest answer would still be, "I don't know."

—Scott Chambers

Metaspin — Administration flacks, and even many ordinary people in conversations and in letters to editors, say that the rule of law requires the Castro-Clinton-Reno position in the Elián González case. Well, what is the rule of law? It is a metalegal principle meant to serve individual freedom. It requires laws to be general, applying impartially to all persons in the circumstances covered, including legislators and government officials as well as private citizens. It calls for protecting individuals, their property, and their contracts from arbitrary government action. To this end, ideally anyway, the legislative, executive, and judicial powers are kept separate. The rule of law enhances predictability in people's lives and expands opportunities for voluntary cooperation.

The principle does not suppose that specific laws already

Editorial Position Available

Liberty seeks to fill an editorial position with an individual with excellent editorial skills, including manuscript evaluation, working with authors, line-editing, and copyediting.

The successful candidate will be well-organized, adaptable, accustomed to meeting publication deadlines and able to flourish in a non-hierarchical work environment. Experience with desktop publishing and web publishing would be a substantial plus. Salary commensurate with experience and ability.

If you have the requisite ability and an interest in working for *Liberty*, send your resume and salary requirements to R. W. Bradford, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

exist in exhaustive detail, unambiguously and definitively dictating the exact outcome in every individual case that might arise. It does not bar further factual investigations nor eliminate all scope for judgment and flexibility in interpreting particular laws and applying them to specific cases. That preposterous supposition would imply replacing judges with computer programs.

Agreed, ordinary law strongly presumes that a young child's sole surviving parent is his proper care-giver and spokesman. But this presumption is not always immediate and conclusive. A child is no mere chattel of his parent. The González case cries out for further investigation. It is truly exceptional — in the harrowing circumstances of Elián's trip to the United States, in worries about his future life back in Cuba, and in doubts whether the boy and especially his father are free to express his interests and his wishes forthrightly, free from surveillance and free from fear of reprisals.

The prospect of a classical tragedy of faulty communication looms. Will the mother's death and the boy's ordeal have been in vain? Will his and perhaps also his father's readily imaginable yearnings for asylum be cruelly frustrated by American failure to read between the lines of their quite possibly programmed actions and words? No "rule of law" dictates courting this tragedy. None precludes further detailed investigation, aired before impartial courts and conducted in the context of adequate U.S. protection of and assurances to the boy and his father and other relatives. Circumstances have thrust onto the United States the moral responsibility of assuring them full opportunity to express their wishes, free from fear. Yet sadly, to judge from opinion polls, most Americans accept the comfortable thought that the law already unambiguously dictates one result, leaving no room for investigation, judgment, and compassion, and maybe later for remorse. Parenthetically, how galling it is that lectures about respect for law should come from, of all people, Clinton and his Attorney General! —Leland B. Yeager

Voodoo economics — A front-page *Washington Post* headline blares, "In Haiti, Push to Free Markets Has Local Costs." Here we go again. Another media story about the victims of heartless markets. Inside, the drumbeat continues: A figure caption reads, "Annual income per person in Haiti has declined since the start of free-market policies." A photo caption: "Rice paddies lie abandoned . . . after

free-market policies forced farmers to seek work elsewhere." A pull quote: "In the past 15 years . . . Haiti has moved from a subsistence economy to one based on free markets. But most Haitians are worse off now than before." The text of the story repeatedly refers to "a prime example of the failure of free-market policies" and "a gap between free-market theory and Haitian reality."

By now readers are probably thinking, "Haiti has free markets? Who knew?" and reaching for their copies of *Economic Freedom of the World: 2000 Annual Report* to check it out. Well, guess what. Haiti doesn't have free-market policies, as the author makes perfectly clear, apparently not realizing what his words tell us.

In fact, this is what happened (according to the website of the anti-globalization group Global Exchange, which seems to have it right this time): "The IMF forced Haiti to open its market to imported, highly subsidized U.S. rice at the same time it prohibited Haiti from subsidizing its own farmers." The reporter goes on to say, "Development economists point out that the competition between Haitian and American rice growers was hardly fair, since U.S. rice production is subsidized through a wide variety of mechanisms."

Turns out there is no "gap between free-market theory and Haitian reality" but rather a gap between the myth that the International Monetary Fund supports free markets and the actual policies that the reporter described. Obviously, subsidized rice production is a prime example of corporate welfare, not free markets. And when it's subsidized for export, it's mercantilism, not capitalism. And when you send subsidized products into a poor country, you make it impossible for local farmers to produce at a profit. To be sure, getting something cheaper than you can make it yourself should be good for an economy; Haitian rice farmers should be able to move into fields where their skills are more highly valued, as American farmers have been doing for more than a century and Chinese farmers for about 21 years. But Haiti's economy may be so underdeveloped that it has not developed any alternative industries; or more likely, the economy may be so crippled by state intervention that other industries can't develop. Global Exchange is right to criticize the IMF and the U.S. government. The only error is that the IMF and Global Exchange conspired to convince a *Washington Post* reporter that the IMF supports free markets and that corporate welfare and mercantilism are "free-market policies."

—David Boaz

The principal of the thing — Margaret Loder-Healy was the principal of Memorial Elementary School in Newton, New Hampshire. She was noted for her part in making that small town's school into New Hampshire's best.

She resigned her position in November of 1999. It seems she had a small problem. She had been a heroin addict for years — years during which she substantially improved the school she was in charge of.

To my way of thinking, her problem wasn't so much the heroin. Obviously, the use of that drug did not interfere with her ability to do her job and do it well. No, the problem was the present scheme of drug prohibition laws. They, not the heroin, caused her downfall.

What if Loder-Healy had been an alcoholic, not a heroin



"Whatever happened to 'In God We Trust'?"

user? Suppose she was one of those millions of alcoholics we are surrounded by every day, in every walk of life (including politicians, prosecutors, judges, and the police), and hardly notice — the ones who “nip” from the bottle all day long and go home to several stiff drinks in the evening.

Could Margaret still have done as good a job as school principal then? I’m not sure. Perhaps. Or, perhaps not. Different drugs affect different people in different ways. But here is the important question: Would you choose a good principal who was known to have a alcohol problem over an excellent principal who was addicted to heroin — assuming there were no laws in place to criminalize either drug choice?

What I am sure of, is that Margaret would not have been arrested for federal alcohol possession charges, stemming from a police investigation into an alcohol ring.

—David A. Nichols

ZOWIE! Discovering an entry on oneself in Britannica.com

— One of the ironic disadvantages of professional unaffiliation is that you rarely know how well you are doing. Money is no measure in art or writing, in part because it is more easily earned elsewhere, but mostly because it is commonly known that money in culture generally flows to bad stuff. Academic position is no reward either, because everyone who needs to know knows that most artist-professors are professionally inconsequential. Power is no measure, because it is inherently transitory, bringing temporary visibility to those who have it (and, thus, invisibility when power is given up or taken away). Reviews, no matter how favorable, don’t last because most appear in periodicals that are swiftly discarded. Prizes are no measure either, because they result from either conspiracies or accidents, and are for that reason rarely remembered beyond the initial press release.

What ultimately counts are milestones that survive — acknowledgments in the histories of one’s art, entries in encyclopedias that are selective, citations by others in permanent media such as books. That accounts for why I’ve come to treasure the entries under my name that have appeared in such directories as *Contemporary Poets*, *Contemporary Novelists*, *Baker’s Biographical Dictionary of Musicians*, the *Merriam-Webster Encyclopedia of Literature*, *A Reader’s Guide to 20th Century Writers*, and the like, if only because they represent the surest way known to me to anticipate the survival of my work.

Now that I’ve hooked my computer to the Internet, I’ve discovered measures that reflect independent decision making — unsolicited votes, to speak. When I open a super-search engine such as Google.com, I find it offering 1,650 entries under my name in websites around the world: publishers’ lists, reviews, articles, private reading lists, etc. (Isaac Asimov scores 28,597; Samuel R. Delany, 4,708.) Though many citations duplicate one another or incidentally identify a site that has my esoteric surname miles apart from my common first name, most of these 1,650 actually mention me, crediting the appearance of my name in an article or sometimes a bibliography. Some even cite texts I didn’t know about before, such as a reprint in a science fiction anthology two decades ago. (As far as I can tell, the publisher disappeared along with the book.) I’ve printed out some of these citations on paper for my scrapbook, if only because they

might disappear from the computer storing them. (Although purportedly a medium more substantial than a periodical, Internet Central might eventually be just as fragile.)

The biggest surprise, however, was discovering an entry in Britannica.com — I say “surprise,” because no one had told me about it before. In my experience, someone else usually discovers this sort of recognition before I do; or someone desiring credit from my account boasts of arranging it. (That’s why I’ve established the Jewish Mother of the Week Award for whoever spots my name in print first. The prize is something worthy of a Jewish mother — a blintz in the flavor of your choice, to come in the mail.) Whereas some encyclopedia entries about me are insufficient, if not peculiar, in emphasizing one or another of my activities to the neglect of all the others, this one was thankfully accurate and remarkably complete:

American writer, artist, critic, and editor of the avant-garde who is productive in many fields.

Kostelanetz attended Brown University (B.A., 1962), Columbia University (M.A., 1966), and King’s College, London. He served as visiting professor or guest artist at a variety of institutions and lectured widely.

In 1971, employing a radically formalist approach, Kostelanetz produced the novel *In the Beginning*, which consists of the alphabet, in single- and double-letter combinations, unfolding over 30 pages. Most of his other literary work also challenges the reader in unconventional ways and is often printed in limited editions at small presses. Kostelanetz’s nonfiction work *The End of Intelligent Writing: Literary Politics in America* (1974) charged the New York literary and publishing establishment with inhibiting the publishing and promotion of works by innovative younger authors. His “visual poetry” consists of arrangements of words on a page, using such devices as linking language and sequence, punning, alliteration, parallelism, constructivism, and minimalism.

Among his other works are *Recyclings: A Literary Autobiography* (1974, 1984), *Politics in the African-American Novel* (1991), *Published Encomia, 1967-91* (1991), and *On Innovative Art(ist)s* (1992). His films include *A Berlin Lost* (1984) and *Berlin Sche-Einena Jother* (1988), both with Martin Koerber. Kostelanetz issued many recordings and audiocassettes on his own label and edited works on musicians such

Learn at Liberty!

Liberty offers full-time, paid internships at all times of the year. Interns at *Liberty* work closely with the editors. Responsibilities include fact-checking, researching, circulation and advertising work.

Liberty interns have gone on to become editors at *Liberty*, *Reason* and *Regulation*, authors of articles in major magazines and newspapers, researchers at think tanks, and to win major fellowships and scholarships.

For information, write: R.W. Bradford, Editor, *Liberty*

P.O. Box 1181, Port Townsend, WA 98368

email: rwbradford@bigfoot.com

as B.B. King and Philip Glass. His *A Dictionary of the Avant-Gardes* was published in 1999.

The descriptions of my works in more than one art are accurate; so are the spellings of some of my unusual titles. The description of my criticism is as free of error as the characterizations of my poetry. My radical moves both esthetically and professionally are accepted without qualification or snotty remarks. My mother couldn't have done much better if she could write. The only major detail missing, to my mind, is acknowledgment of institutional independence. This short entry is so generous and reasonable that I wonder who wrote it. Would the author please come out from behind the Britannica wall of anonymity? I'd like to emboss the stamp of my personal "D. Kosti" on his or her forehead.

You see why I've come to regard Google.com as a well from which, if you fish, pennies emerge.

—Richard Kostelanetz

Tyranny's team

— Emotional as sports fans sometimes get about their teams, it's rare when a professional sporting event actually involves a choice of good versus evil. But now, Americans have their first opportunity ever to root against a team which is actively managed to promote tyranny.

That team is the Baltimore Orioles, owned by tort lawyer and tobacco extortionist Peter Angelos. In May, Angelos announced that his team would become the only team in baseball to refuse to sign Cuban defectors.

Last year, Angelos arranged for the Orioles to play an exhibition game in Havana, against a Cuban all-star team. Angelos sat next to Castro in the stands, and cooperated with Castro's jackbooted thugs to make sure that none of the Cuban players defected. One Cuban all-star, considered a defection risk, was not allowed on the field.

Angelos' policy violates the Civil Rights Act of 1964, which prohibits job discrimination on the basis of national origin. But

the baseball establishment has ignored Angelos' announcement of his intention to break the civil rights law. Contrast this treatment with how Atlanta Braves relief pitcher John Rocker was treated (a two-week suspension, plus mandatory psychological treatment) for expressing bigoted thoughts to a *Sports Illustrated* reporter, after the reporter told Rocker that the remarks would be kept private.

Other than the Orioles, the closest any American baseball team has come to promoting tyranny was the Cincinnati Reds.

In the 1950s, they rejected requests to change their nickname, which happened to be same as the nickname of supporters of the Stalin Khrushchev Evil Empire. The baseball Reds retorted, quite correctly, that their name was simply a shortened version of their original 1869 name, the Red Stockings. And besides, the baseball team had the "Reds" name before the Bolsheviks did — so the Bolsheviks were the ones who ought to get another nickname.

In the 1990s, Cincinnati Reds owner Marge Schott was forced to sell the team, after she made some admiring remarks about the Nazis.

If saying nice things about a totalitarian regime that was destroyed fifty years ago makes a person morally unfit to own a baseball team, what about actively helping an existing totalitarian regime — and breaking American civil rights law to do so?

Major League Baseball has spent tremendous energy in recent years celebrating Jackie Robinson. If MLB had

actually learned from the celebration — if MLB wished to retain any legitimate claim to still be "the American pastime," Peter Angelos would have been promptly expelled from baseball.

In football, many people all over the country root for the Dallas Cowboys as "America's team." Perhaps Americans who care about freedom and civil rights will start rooting against Peter Angelos' Orioles, who have now become tyranny's team.

—David Kopel

TWO VIEWS OF GOVERNMENT VIEW NUMBER ONE :



VIEW NUMBER TWO :



S. H. Chambers

Two Minutes and Thirty-Four Seconds

by R. W. Bradford

Shortly after the Miami family of Elián González had agreed to surrender custody of the little boy to the Justice Department, Attorney General Janet Reno ordered heavily armed agents to seize the little boy at gunpoint.

On April 20, a federal court refused Janet Reno's request for authorization to remove Elián González from the home of his Miami relatives. It also refused her request to deny the little boy a hearing on his request for asylum.

This presented the Attorney General with a problem. She was 0-for-2 in court and little Elián was happily ensconced with family members in Miami, visible to the entire world. Reno was losing face and it looked like she might very well fail in her attempt to return the little boy to the socialist paradise of Cuba.

Reno realized she had to act fast to save her reputation as a decisive leader. The federal court had refused her request to authorize her to seize the little boy — but it hadn't prohibited her from doing so. She had better grab him quickly before she lost any more court cases. She couldn't grab him right away, since the next day was Good Friday, a sacred holiday in the heavily Roman Catholic neighborhood in which he lived. Easter Sunday was out for the same reason, and the following week . . . well, more adverse court decisions might come down by then and her reputation would certainly take a beating on the Sunday talk shows if she didn't do something quickly. That meant she had to grab him on Saturday.

And not just any time Saturday. Little Elián's home had been surrounded by people protesting Reno's attempt to return the little boy to the dictatorship of Fidel Castro. But President Clinton had solemnly promised Senator Bob Graham (D-Fla) that he would never allow the both boy to be removed from the home under cover of darkness, and Reno herself had promised not to do anything sneaky. "You don't go in, you don't pick up little boys like that," she told reporters, "You work through an issue, and everybody sits down and figures out how you comply with the law."

So it had to be Saturday, under cover of darkness in the

early hours of the morning, when protesters would be few and the element of surprise the greatest. But still one problem remained.

Reno had been negotiating with Elián's Miami family. On Friday evening, Reno was told that the family agreed to her terms and agreed to surrender the boy. This plainly took Reno by surprise. She had insisted on one condition she thought Elián's Miami family would never accept: that both Elián's Miami family and his father have access to the boy until his asylum case was resolved. But the Miami relatives had accepted it.

It appears that the main reason the family had agreed to accept Reno's position was the very strong counseling of leaders of the Miami community. These Americans of Cuban ancestry had a strong desire to see the rule of law maintained and to avoid any kind of confrontation in the streets. So they persuaded the family to accept Reno's offer.

Joint access to Elián meant that he would still be free to speak to the press, still be free to say he preferred America to Cuba, still be free to ask to stay with his Miami family. Bad publicity was the likely outcome. Plus, joint custody was plainly a compromise, and having just been beaten in a court of law, Reno was in no mood to be perceived as a wimpy compromiser.

What could she do? Simple. Call off the deal, impose new terms, then seize the boy before the new terms could be agreed to. One of the negotiators, Carlos Saladrigas, a Miami businessman, philanthropist and civic leader, described what happened in these words:

We had a deal that we signed at 5 o'clock in the afternoon

[the day before], and we heard from the attorney general that there were problems with that deal at approximately four thirty in the morning of Saturday. So, obviously the terms of the deal changed all of the sudden [and] we only had five minutes to react to those changes. And we were doing our darn best to get the family to agree to those changes when the stormtroopers came in. . . . We were minutes away from the family accepting the two conditions that were thrown upon us by the attorney general at the very last minute at about 4:30 that morning.

The other negotiator, Carlos de la Cruz, president of Eagle Brands and Chairman of the Board of Trustees of the University of Miami, described the scene this way:

We were around the dining room table, all standing up and on the dining room table, was a small cell phone that had a speakerphone capability. And so we were all cramming over the table, trying to listen to the cell phone and to speak and we realized that basically that it was very urgent

What could Janet Reno do? Simple. Call off the deal, impose new terms, then seize the boy before the new terms could be agreed to.

. . . then we heard noises. I mean it was a cacophony . . . huge, noises like banging . . . and then there were lights, very bright lights, cause remember this was still before daybreak, way before daybreak, so it was in the middle of the night. And all of the sudden you see . . . you're blinded with lights, and banging, . . . we could hear things breaking . . . there was the sound of people screaming and whiffs of tear gas started coming at us from the front of the house. . . . We were screaming "Why? I mean we have a deal. Why? Why are you taking him away? This is terrible!"

In less than three minutes, it was over. The terrified child was in the hands of government agents. Less than an hour later, Janet Reno stood before television cameras announcing that she had "taken action to restore the rule of law and unite a family" and the little boy was on his way back to his father.

And so it came to pass that a gang of heavily armed men fired gas at the handful of people in the streets near the home, broke down the fence around the home, broke down its front door, fired gas into the home, knocked down the only photographer they saw on the scene, grabbed the terrorized little boy and hauled him out to a van to be loaded onto a government plane and shipped northward to the nation's capital where he could be held in seclusion from reporters; where his father could try to withdraw his petition for asylum, and where Janet Reno could regain her reputation without having to worry about the interference of the courts or the family that had cared for the little boy, and the Clinton administration could get on with its business of improving its relations with the sole remaining communist dictatorship in the hemisphere. And the American people could get on with their lives, no longer having to worry about the complexity of the case of the little boy whose mother died trying to bring him to a new life in a free country.

The Justice Department officers who had executed the lightning raid celebrated the way winners of the NCAA basketball tournament celebrate: they issued themselves a commemorative T-shirt. On its front are the words "Operation Recovery;" on its back the words "Miami is Behind You" and the numerals "1", "5", and "4," commemorating the fact that the entire kidnapping took only 154 seconds. This was a sign of progress: after the massacre at Waco, the Justice Department officers celebrated by posing with their weapons over the smoldering ashes of the people they had incinerated. □

Come, Child

Come, child, and see my world
View the dreams that lay before you,
Watch fantasies uncurled.
Come, child, and see my land
Where the ocean greets you warmly
As it melts into the sand.
Look, child, at my mountains towering high
Away from all that plagues you—
From the world that's gone awry.
Tap your toes into my rivers
Feel the mud surround your feet
Hear the birds that sing your beauty
As earth and heaven finally meet.
Meander through the water, child
Feel its warmth seep through your skin
You're on the path to bliss now, child
So let your life begin.
Gaze into the sunset—it's eternal if you please.
Watch pink and red melt into gold
Breathe in the crimson breeze.
Come, child, wander up my hill
Watch eternal joy grow near.
Leave emptiness in the cold hard world
Bring only hope, child, here.
Hear laughter echoing in the fields beyond
Feel your toes tickle in the grass
Run toward it child—don't be afraid
We've heard your cries at last.
Come, child, into my arms
See all I have to give:
Warm homes and long embraces
Hearts that all forgive.
The dreams that nightly greet you, child
Shall dreams no longer be.
Come into my world, now, child
Come taste true life with me.

—Pam Singer

The Eyes of Janet Reno

by Stephen Cox

What lies behind Janet Reno's perverse willingness to kill or endanger children in order to save them?

One of the unforgettable remarks that emerged from the American side of the Vietnam War was the declaration that our forces had to destroy a certain village "in order to save it." The remark was as cruel as the war that gave it birth, but it was not wholly illogical. To "save" something in warfare means to prevent the enemy from getting it. There is no pretense about doing good to the thing itself.

Consider, by contrast, the paramilitary campaigns of Janet Reno. In 1993, Reno ordered forces under her command to invade a religious compound at Waco, Texas. Her action was motivated, she asserted, by concern for the welfare of the many children who, with their parents, inhabited the compound. These children, she feared, were being subjected to "abuse." At the time, R. W. Bradford observed in these pages that the abuse seemed to consist solely of the United States government's "denying them proper food, water, and sanitary facilities." But as a result of Reno's acute sensibility for the well-being of the young, the compound was burned to the ground and the children were incinerated.

This April, in another excess of concern for families and children, Reno ordered an attack on the Miami residence of Elián González, a young refugee from communist Cuba whose mother had sacrificed her life during their harrowing escape. The attack on the tiny working-class home was performed by machine-gun-toting stormtroopers possessing enough firepower to level the Reich Chancellery. It might easily have resulted in the slaughter of Elián, his family, and all the other civilians on the block. From Reno's point of view, however, the raid was obviously worth the risk, if only Elián could be snatched from his doting relatives and returned to Castro's soviet state.

To effect that lofty purpose, she labored with all the resources of her office as Attorney General of the United States, tirelessly planning tricks, waging legal battle, plotting with communist sympathizers, and disseminating misinfor-

mation. Once Elián had been delivered to the safe custody of the Cuban goons and thugs who "protect" his father from public scrutiny or escape, once all impartial sources of information about his safety had been closed off, Reno tearfully told the nation about the deep satisfaction she felt in seeing the boy united with his "daddy."

The word "daddy" is a peculiarly sentimental and peculiarly American word. It may remind us that every nation has its own type of cruelty, which is the shadow cast by its own type of virtue. The virtue of the French (to cite one example) is respect for reason; the cruelties of the French — the cruelty of the guillotine, of Devil's Island, and of all their other manifestations of insensate law — are the results of "reason" running wild.

The American style of cruelty is a reflex of our passion for Doing Good. The adherents of the prohibition movement were sincerely determined to save American manhood from the evils of demon rum, no matter how many American men they had to send to prison in order to do it. The exponents of socialized medicine will keep struggling to bring free health care to all Americans, no matter how many old men, young men, women, and babes they kill off in the process.

Every cruel and destructive American crusade — against dirty movies, against recreational drugs, against masturbation, against politically incorrect pronouns, against the Dominance of Gold, against the selling of margarine and the importation of *Ulysses*, against the teaching of German in the public schools and the infestation of our streets by Hunnish dachshunds — every one of them has been motivated by a high moral purpose. The cruel American is typically a crack-

pot and a crank, a professional busybody and demented meddler. He is Upton Sinclair and William Jennings Bryan, Henry Wallace and Carry Nation. He is old John Brown, whose soul goes marching on. But if you are looking for the Platonic form of this seemingly endless parade of tyrants with teary eyes, you need look no further than Attorney General Janet Reno.

In popular parlance, people like her used to be known as

"horse-faced hypocrites," and there is obviously some accuracy in the phrase. Such people always "mean well" by others; they just define "well" in their own eccentric terms. They never worry about anything that the target population of their benevolence might have to say; they just start firing. Their benevolence is unerringly coincident with their will to power.

Not for a moment do they imagine that something good

A Nation of Loss — When the Justice Department tells us we are a nation of laws and the Attorney General states her intent to enforce them, we should brace for an assault on the Bill of Rights. The SWAT assault on six-year old Elián González and his family is the most recent example.

We who live in South Florida watched as events unfolded. There was little opportunity to watch anything else. There for all to see was a picture of a federal agent pointing an automatic weapon at the boy. Reportedly the agents had not had a search warrant. The Cuban-American community and many others were outraged. Shortly thereafter a triumphant Justice Department issued two statements. First, they said, the picture was clearly favorable, since it proved that the agent did not have his finger on the trigger. My magnifying glass shows that his finger was about a half inch away, but I'm splitting crosshairs. Secondly, the Department proudly produced the search warrant. Except for a few quiet voices, that was the last we heard on the question of their authority to invade a private residence.

The Justice Department engaged in blatant forum shopping, legal shortcutting, lack of patience, fuzzy statements about the possibility of firearms nearby, and an ugly, ugly raid on the private home of some pretty decent individuals.

No court issued the type of order necessary for such precipitous acts. No officer politely knocked at the door with such a document and asked for Elián. Strangely dressed people shouting epithets and brandishing weap-

To invoke the concept of "a nation of laws" to justify jack-booted breaking and entering is sheer hypocrisy.

ons in the middle of the night were the chosen messengers from the "nation of laws," about which Janet Reno's defenders have had so much to say.

To invoke the concept of "a nation of laws" to justify jack-booted breaking and entering is sheer hypocrisy. Such activities have no place whatever in a nation of laws. Our concept of law is a protection against that very thing. The authors of our Bill of Rights feared the tyranny of the majority nearly as much as the tyranny of King George.

They designed a system in which government and majority rule were tempered by the requirements of the Constitution and its amendments. Whatever the political agenda, whatever the emotion of the moment, whatever the mood of the mob, we were to be that kind of nation of laws. The fourth amendment declares "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures . . ." The executive branch, in its enforcement of law, may not invade homes without the cool, considered approval of the judicial branch and the issuance of an appropriate order.

Sanctity of the home was a major issue in 1776. Unwarranted searches, the quartering of troops, and forced entries were all common complaints. The Declaration of Independence complains specifically of Americans' being subjected to jurisdictions from beyond and usurpation of local authority.

Child custody is one of the few issues not yet preempted by the Federal government. State courts generally decide custody matters. What is the federal interest here? If Elián were an adult, the INS would have no problem granting perfunctory asylum. Granting of asylum does not mean he must remain here, only that he has permission to do so. If an appropriate court gave custody to the father, Elián would certainly be free to leave. The only interest the INS could have here is that it wants to be the entity to determine custody. Is that its function? The Justice Department must fear that a Florida court might not decide custody in the way the Department would like. If that's its purpose in preempting the state procedure, it certainly violates the spirit of federalism. It is using the power of the federal government to micromanage affairs better left to others. The principle employed is no loftier than "might makes right."

I don't know whether Elián should be with his father, wherever his father goes, or whether he should remain here. I am uncomfortable making decisions about others' lives. I do understand the issues. As Reno and everyone else reminds us constantly, the objective is to do what is best for Elián. U.S. custody law contains a strong presumption in favor of a natural parent. But the argument that this would subject Elián to the Cuban "Code of the Child" is a credible rebuttal. These are issues upon which reasonable people may differ. I am less concerned about Elián than about the Constitution of the United States. I have great faith in the resilience of six-year old boys — particularly those who have already survived shipwreck, the American press, and the loving care of the Attorney General. The Bill of Rights is less resilient. Losses from it are rarely recovered.

—Dan Kiely

might possibly get done without their violent intervention. Not for a moment did Janet Reno consider that Elián González's domestic problems could possibly be solved, in the normal way, by the deliberations of a family court. Other people — hundreds and thousands of other people — suggested that possibility to her. But she could never regard it as an option, because it would leave *her* with nothing to do, and that would be ridiculous, inconceivable, emotionally intolerable.

American puritanism is always on an emotional debauch; in that sense, of course, there is nothing pure about it. It is always a contradiction in terms and an exercise in hypocrisy. Janet Reno is a hypocrite. But at a deeper level,

Faced with an emergency of any sort, Reno's first impulse is to invent some silly, self-righteous lie.

she and her cronies — an administration composed of people almost exactly like herself, people who will defend her every action even unto the death, even unto the last sign-off of the last television station — are perfectly sincere in their view of life. Any self-criticism that they may entertain only leads them to continue being exactly the kind of people that they are, only more emphatically.

In Nirad Chaudhuri's wonderful memoir, *The Autobiography of an Unknown Indian*, there is an archetypal story about the puritan character. One day, Chaudhuri says, a leader of an Indian religious movement was walking down the street, when he was accosted by a stranger who asked him for directions to a theatre. The religious gentleman highly disapproved of stage plays, so he answered, "I don't know." He did know, but he was trying, in this way, to prevent the stranger from indulging his wicked predilections. Having made that attempt, the puritan walked on; but then, suddenly "realizing that he had told a lie, [he] ran back to the man and this time said to him: 'I know but I won't tell.'" There is no indication that any self-righteousness was misplaced or lost at any stage of this affair. A puritan is always *in the right*, whether or not he does an occasional wrong *thing*.

Though told about a Hindu savant, the story makes a remarkably American and Renolike impression. Faced with an emergency of any sort, Reno's first impulse is to invent some silly, self-righteous lie. Explaining her gestapolike raid on Elián's home, she maintained that she needed to exert the maximum force at her disposal because she feared that the family was storing weapons. Evidence? On entering the house, her soldiers were attacked with "ropes." As you know, Ms. Reno is not a person of very high intelligence, and you cannot expect her lies to be very intelligent, either. The vicious "ropes" turned out to be . . . camera cables. But the plausibility of the lie is immaterial. It's just one more symbolic attempt to assert her moral purity.

When lying doesn't work, or when she discovers, to her surprise, that she has actually told what might possibly be regarded as a lie, Reno's second impulse is to stonewall.

Like the gentleman in Chaudhuri's story, she knows, but she will never tell. To tell what she knows about the curious domestic arrangements to which Elián has now been subjected, to expatiate on her still more curious "negotiations" with the American members of Elián's family, or to fill the country in on any of the other bizarreries of this case would obviously do her fellow-citizens no moral good at all. It would be as empty of moral stimulus as, say, the revelation of all the things she knows about the financial dealings of Bill Clinton or Al Gore. It might even lead people to question her own moral leadership. So she'll say no more. The "ropes" will never be brought up again, and neither will the fate of Elián González, after he is placed on the inevitable plane to Cuba.

What we will continue to get from her, in lieu of facts, is her implacable conviction that she is right even when she takes upon herself the august duty of being wrong. If she was trying to save the children of Waco from abuse, and the result was their agonizing death, that was clearly not *her* fault. Their end merely justified her means. If Elián ends up in a prison camp, or floating face-down somewhere off the coast of Florida, his fate will merely prove what a tough set of problems she was dealing with.

This is the thing that maddens Reno's enemies. Here is a woman who, when not engaged in persecuting people who disagree with her, busies herself by protecting her notoriously crooked boss from the just recompense of his deeds — all the while maintaining her ridiculous faith in her own moral integrity. We know that no person of common intelligence and decency would keep working, for eight long years, as the auditor for a crooked plumbing firm. But that is how long the incorruptible Ms. Reno has served as "justice" minister for the most outlandishly corrupt administration in American history. Those are the plain facts, and they madden me, too. But we need to take a somewhat wider view of the phenomenon.

All would-be spiritual dictators have a crooked side, simply because the force they crave is never merely spiritual.

Here is a woman who, when not engaged in persecuting people who disagree with her, busies herself by protecting her notoriously crooked boss from the just recompense of his deeds — all the while maintaining her ridiculous faith in her own moral integrity.

They want the ability to bend other people to their will, and they know, as surely as they permit themselves to "know" anything about themselves, that they can get this ability only by accepting Satan's offer of worldly power.

If artists were still being trained to do what used to be called "history painting," the next Republican administration could commission a series of canvases for the East Room, each of them depicting an episode in recent American politics. One of them could show the moment at which Janet

Reno first encountered Webster Hubbell, the Clinton crony who acted as her "handler" in the Justice Department, before he was sent to prison for the crimes he had committed back in Arkansas. But I digress. The artist could pose Ms. Reno, the would-be Christ, on the brow of an imaginary mountain, gazing down abstractedly at the Washington Beltway. Hubbell could be shown coming up behind her and whispering in her ear — looking like Satan, but a whole lot fatter. The piece could be entitled, "Let's Make a Deal."

The Devil has little need to bother with common crooks,

She does not try to win respect by offering honest and careful explanations of her conduct; honesty and carefulness would exact too high a price. They would ruin the emotional effect.

who lie and cheat for what they frankly recognize as their own advantage. He spends most of his time with refined spirits like Janet Reno, who refuse to admit that they are corrupt or even self-serving in any way, even when they are using their utmost ingenuity to do some corrupt, self-serving deed. The products of Reno's ingenuity are pretty predictable stuff, by now, but people can be twisted without being in the least creative. I am sure that Reno believes implicitly that she possesses more honesty and courage than has ever before been collected on a single continent, and that she will be heralded to the remotest era of American history as a national hero and exemplar to the young. I am sure that her eyes really did well with tears when she had little Elián returned to his "daddy." I am sure that she regards the day on which she delivered him up to the tyranny of Castro as one of the greatest days of her life.

"Castro" is a common Latin American name, but Reno is presumably aware of exactly who this particular Castro is. She presumably knows that he is the same person who for the past four decades has been starving, enslaving, and torturing the people of his country. She presumably knows that he is the man who urged his Russian sponsors to attack her own country with atomic bombs. Yet she has consistently behaved toward Castro's Cuba as if it were a southern province of Canada: a little different from the United States, but still . . . differences like that aren't worth quibbling over. Whether her behavior indicates an active sympathy for the Cuban political experiment or some more contorted conception, having to do with her self-appointment as the messiah of detente, is a question that need not detain us here. Few political ideologies could be less interesting than Janet Reno's. Her notions, however nondescript, are evidently of a leftwing cast; that is all I know of them, and all I need to know. More interesting is her public conduct, and the illustration it provides of the typically American alliance between a raging puritanism and a treacly sentimentalism.

The political culture of the United States was shaped in the late eighteenth and early nineteenth centuries, which were not only a great age of liberalism in its classic form but also the world's first age of institutionalized respect for sensi-

bility, sensitivity, and what is known as "sentiment." This respect was, in a way, the emotive side of liberalism itself. Like the liberal concept of limited government and absolute personal rights, it signified a belief in the value of the individual human being. Feelings are primary expressions of human individuality; therefore, it was thought, they should be cherished and honored.

So far so good. But sentiment in its defective or degraded form becomes the grievous vice of sentimentality. Proper conditions for the transformation were supplied by "progressive" education, permissive child-rearing practices, and the antics of mass media, all of which conveyed to our susceptible fellow-citizens the false impression that it is better to share a feeling than to analyze a fact. Sentimentality became the staple of American political life and the measure of every participant's political correctness. A politician who has the right ideas but does not display his *feelings*, and specifically his *sensitivity* toward other people's feelings, however dopey or even criminal those feelings may be, is a politician who will soon be out of a job.

And once more, Janet Reno exhibits the Platonic form of America's characteristic mental disabilities. When she got into trouble over Waco, the first thing she did was to go on television to display her anguished feelings about the children who had supposedly been abused by David Koresh and who had actually been killed by Janet Reno. When she testified before Congress about the incident, her voice still quivered with these emotions. No one, she maintained, could possibly *feel* more than she did; and therefore, she must have acted rightly.

She chose the same way of extricating herself from the bad press engendered by the Miami raid. She fulminated, she prevaricated, she dispatched apologists to argue that the gun shown pointing at Elián in the famous photograph was

She took her case directly to the Supreme Court of Sentiment, the Oprah Winfrey Show, gladly presenting herself as one more poor soul in the regiment of huggy, teary, snivelly incompetents who populate daytime television.

not in fact pointed anywhere near him or could ever have been dangerous to anyone. And, of course, she stonewalled. But most of all, she whined and whimpered. She took her case directly to the Supreme Court of Sentiment, the Oprah Winfrey Show, gladly presenting herself as one more poor soul in the regiment of huggy, teary, snivelly incompetents who populate daytime television.

No politician of similar prominence has ever dared to do such a thing, at such a juncture. Can you imagine John Mitchell, Reno's almost equally incompetent predecessor as Attorney General, turning up on daytime television to share his distress about the Watergate affair? Even Jimmy Carter, a man of appalling sentimentality, never dreamed of doing anything like that, even after the disastrous failure of his expedition to free the hostages in Iran. Ronald Reagan, that

master manipulator of other people's sentiments, never considered using gals like Oprah to "humanize" his "image" after he fired the air-traffic controllers or got caught bungling the Contra thing. Reno's invasion of the Oprah show was an astonishing new victory for the cause of gush.

I do not suggest that real emotional sensitivity, authentic sentiment, should always be repressed. Profound feeling, warm commitment to ideas, true respect for other people's feelings and commitments, are all too rarely seen in America's political discourse. When they appear, they may indeed have a humanizing and liberalizing influence. Ronald Reagan harbored a genuine passion for liberty (somewhat narrowly defined), and he made his feeling dramatically evident in his remarks about the Evil Empire and the Berlin Wall. That was an overt display of sentiment, but there was no whining appeal for sympathy for the speaker himself. Reagan used sentiment to get his listeners to think about a serious issue, not to relieve himself of his own responsibility for doing so.

Sentimentalism acts in quite a different way. Oscar Wilde said that every sentimentalist is a cynic at heart: he wants to enjoy a feeling, but he does not intend to pay for it. It's a perfect description of Janet Reno. She does not try to win respect by offering honest and careful explanations of her conduct; honesty and carefulness would exact too high a price. They would ruin the emotional effect. Instead, she offers lugubrious accounts of her anxiety, her sadness, her helplessness to discover any alternative to the decisions that she had to make; then she ruefully takes "responsibility." But that taking of responsibility always turns out to be just one more cheap emotional demand. It is worth nothing, and

it costs her nothing.

She has no intention whatever of taking responsibility in the traditional way, by resigning her office. She made that clear in her congressional testimony about the Waco incident, when Congressman Conyers made the obvious suggestion and she reacted as if he had deliberately blasphemed. Her plan is never, never to resign from anything, but merely to keep trying to garner as much sympathy as if she had.

There is no question about her sympathy for herself. Looking into those tiny eyes as they fill up with tears, that is what one sees. But one sees something else, as well; one sees anger and hatred. These, too, are sentimentality. The sentimentalist makes her cynical demand for unearned sympathy; she whines, she cries; but when the sympathy of others cannot be guaranteed, when other people have the impertinence to ask her to explain her actions, then she lashes out in fury.

This is the emotional style, not just of Reno, but also of the administration in which she serves. It is the whole story of the Clintons. Caught red-handed in scandal after scandal, they defend themselves with demands for sympathy that are also threats. They say that they feel your pain — and they require you to feel their own. If you refuse, you are immediately classified as a member of the vast rightwing conspiracy, and they unleash their forces to destroy you.

Have you any doubt about what Bill and Hillary Clinton would do to their opposition if they had an ounce more legal and political power? Have you any doubt what their Attorney General would do? The picture of a machine gun pointed at a tiny boy is frightening, but still more frightening are the little eyes of Janet Reno. □

The Littlest Subversive — Whatever else one might say about little Elián González, most would agree that the innocent little kid has been a most subversive presence, simply because he has made everyone look bad.

1) Fidel Castro looks like a two-bit deceptive dictator willing to risk his prestige not by attacking economic problems in his impoverished country but fishing a kid back home.

2) Miami's Cuban-Americans look like a bunch of loathsome hysterics who would alienate the rest of Miami, not to mention America, to pursue their relentless anti-Castro agenda.

3) General Janet Reno reminds us that she is a super-thug, willing to send out over-armed agents to kill, as at Waco, or threaten to kill, as here, who ought to be indicted for mass murder in the first instance and overkill in the second. By Nat Hentoff's account, "This is the first time in American history that a federal SWAT team has been used to raid a private home in a custody case."

4) Those responsible for curbing government abuses have undermined their own authority by their failure to prosecute Reno for her actions, if only to discourage further federal lawlessness.

5) Bill Clinton looks dumb if he thinks he can swap the fate of a child for the hope of better relations with a dictator not likely to last long as the head of his country.

6) Albert Gore, and other politicians, look like spineless wafflers as they fluctuate between "positions."

7) The American press look like vulgarians who reported nearly every trivial detail about a kid who did not want or need publicity and then largely supported government force in kidnapping him.

8) The National Council of Churches looks like a blindered apologist for Castro to a degree that compromises whatever other do-gooding programs it might have. (No wonder I'd not heard of them before. What else have they done? Or overdone?)

9) 60 Minutes, normally a pillar of independent integrity, looked like a dupe of the National Council of

So many people wanted to make fools of themselves and others, that more important issues got lost.

Churches in portraying Elián's father as an earnest, politically correct clean-cut liberal who could think of nothing better to do on his first Sunday in Washington than attend a black church.

continued on page 28

Elián González and Dred Scott

by Timothy Sandefur

No government has the right to enslave its people and no parent has the right to enslave his child.

Libertarians believe some oddly contradictory things, sometimes. By far the most dangerous, and most common, is the idea that a nation has the right to form any government it wants. It's rather often that one sees a libertarian who, to paraphrase T.S. Eliot, is formulated and sprawling on a pin by the devastating question: "But what if the people *want* communism?" A common libertarian answer is that if the people genuinely want communism — or any other form of government — they have the right to choose it, and others have no right to criticize. This, they believe, is what the Declaration of Independence means when it invokes the right of the people to "institute new government, which to them shall seem most proper."

Unfortunately, this position represents a sad misunderstanding of the nature of government by consent. And it is responsible for the contradictions that libertarians sometimes express, for instance, when Walter Williams defends the old Confederacy, or when Murray Rothbard argued that America was the aggressor and Russia the victim in the Cold War, or when Gene Healy, in a recent article about the Elián González case, wrote that although "Elián González will be subjected to indoctrination and denied a myriad of opportunities that would be available to him in a free society. . . ." (And one should keep in mind that such "opportunities" include the right to his own life), ". . . But if that's what Juan Miguel González honestly wants for his son, then is it really any of Newt Gingrich's [or our] business?"¹ The answer, of course, is *yes*, it is profoundly ours. Juan Miguel González, who, it seems quite clear, is not free to make any "honest" decision in the matter to begin with, has no more right to return Elián to Cuba than he has to sell the boy into slavery. And, for the same reason, the whole people of Cuba — even if its vote were *unanimous* — has no right to create a communist state.

One encounters this argument most commonly with regard to the Civil War, a war that is still unable to lie mouldering in the grave. Many libertarians despise Abraham Lincoln and argue that the South had as much a right to

secede from the Union in 1860 as the colonies had from the British Empire in the 1770s. Secession, they argue, was simply an antigovernment protest, and the South should have been let go.

One libertarian partisan to the South was H.L. Mencken. He described the Gettysburg Address as merely a lovely sounding lie. "The Union soldiers in that battle actually fought *against* self determination; it was the Confederates who fought for the right of their people to govern themselves. What was the practical effect of the battle of Gettysburg? What else than the destruction of the old sovereignty of the States; *i.e.*, of the people of the states? The Confederates went into battle free; they came out with their freedom subject to the supervision and veto of the rest of the country."²

Mencken's view is shared by people who would blush at the idea of defending slavery, including Healy and economics professor Walter Williams. Williams writes, "The problems that led to the Civil War are the same problems today — big intrusive government. The reason we don't face the specter of another Civil War is because today's Americans don't have yesteryear's spirit of liberty and constitutional respect."³

The argument seems simple. The Confederacy is analogous to the American colonies that fought the Revolution; if the colonies were justified in bucking the control of a despotic, overtaxing monarch whom they did not choose to govern them — if, "when government becomes destructive to these [rights], it is the right of the people to alter or abolish it" — then why was the South not justified in seceding? As one writer put it, "Individuals have the right to ignore the state. If so, it follows that a group of individuals also has the right to

ignore the state, and enter into some new political arrangement if they choose. That is, they may secede."⁴

"The Civil War was not about slavery," Williams argues, and that is partly true. But slavery can not be separated from the nature of the Confederacy. Its own vice president, Alexander Stephens, said as much when he declared, "Our new government is founded upon the great truth that the Negro is not the equal to the white man. That slavery — the subordination to the superior race, is his natural and normal condition." In the days of the American Revolution, Stephens argued, the Founding Fathers were laboring under a delusion. "They rested upon the assumption of the equality of the races. This was an error. It was a sandy foundation, and the idea of government built upon it."⁵ The Confederacy was, indeed, based on "subordination."

John C. Calhoun, the intellectual father of the Confederacy, was under no illusions about that. When discussing the Declaration of Independence, Calhoun argued, without embarrassment, that "There is not a word of truth in it." "All men are not created. According to the Bible, only two, a man and a woman, ever were, and of these, one was pronounced subordinate to the other."⁶

The Revolution was not fought over equality anyway, said Calhoun. The "equality" mentioned in the Declaration was only the equal right of the American people as a community to create a government. It was not the equality of man and man. "Breach of our chartered privileges, and lawless encroachment on our acknowledged and well-established rights, were the real causes [of the revolution] and of themselves sufficient." But the rights of man? "It is a great and dangerous error," Calhoun said, "to suppose that all people are equally entitled to liberty."⁷ And yet the libertarian journal *The Freeman* has called Calhoun a great man, and a defender of the Constitution.

Like conservatives today, Calhoun began with society, not the individual. A *people* — not a *person* — has a funda-

The whole people of Cuba — even if its vote were unanimous — has no right to create a communist state.

mental right to self-government, no matter how it may organize itself. In the case of America, the people decided to create a federal republic, but they could, with equal justification, have created any type of government. The choice of a federal republic was based only on experience and tradition, not abstract, rational principles of equality.⁸

Calhoun died in 1850, but he had worked his wickedness. The South did not give up on the notion of State sovereignty — of the right of "the mere will of the sovereign communities" first, with the individual second. If the South wanted to have slavery, it should be permitted to do so, it would argue — and many libertarians now agree. "The great principle" of government by consent, Walter Williams writes, "was overturned by [Lincoln's] force of arms. By destroying the states' right to secession, Abraham Lincoln opened the door" to tyranny.

But as Lincoln pointed out in the debates over "popular sovereignty" in the western territories, Southern partisans have an interesting definition of self-government, which includes the government of others — an entire race of people who had no choice in the matter. "I agree with Judge Douglas that [the black man] is not my equal in many respects," said Lincoln, "certainly not in color — perhaps not in intellectual and moral endowments; but in the right to eat the bread without leave of anybody else which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every other man."⁹

[Stephen] Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying: 'The white people of Nebraska are good enough to govern themselves, *but they are not good enough to govern a few miserable Negroes!!*' Well, I doubt not that the people of Nebraska are, and will continue to be, so good as the average of people elsewhere. I do not say the contrary. What I do say is, that no man is good enough to govern another man, *without that other's consent.*"¹⁰

It was Lincoln, not Calhoun, who defended the true nature of the Declaration of Independence. According to the Declaration the equality of man is the fundamental principle of self government. If all men are equal — none born, as Jefferson said "with saddles upon their backs" — then no man can own another; each owns himself. Ironically, even Walter Williams writes, "Our Founders inherited [the principle of freedom] from philosophers such as John Locke, and it's: each person owns himself."¹¹

Because each person owns himself, he has the right to be free from the control of others without consent — so long as he leaves that right equally to everyone else. But he cannot simultaneously embrace and deny that concept. He cannot assert the right to self-government while claiming the right to control another person, or derogating the very notion of self-ownership. There can be no freedom to enslave, and this is equally true of individuals and societies. As Ayn Rand wrote, "Whether a slave society was conquered or *chose* to be enslaved, it can claim no national rights, and no recognition of such 'rights' by civilized countries — just as a mob of gangsters cannot demand a recognition of its 'rights' and a legal equality with an industrial concern or a university, on the ground that the gangsters *chose* by unanimous vote to engage in that particular kind of group activity."¹² Individual rights come first; state's rights only come second.

This is the principle that makes Nazi Germany or Soviet Russia or Castro's Cuba *illegitimate states*. People do not have the right to create a government that is antithetical to the foundation of the right to create a government. That right rests on each individual's ownership of himself. If he creates a government that abolishes property rights, or abolishes the right of self-ownership, he is undercutting the very principle that makes government-creating possible. It is like selling the keys to buy the car. There cannot be government by consent to a government that does not permit consent, either in the case of Southern slavery or in the case of Cuban communism.

This may seem a fine point, but it's crucial: a revolution does not justify itself. It is justified only insofar as it is founded on the rights of individuals. The principle of self-government is limited, just as the rightful powers of any government are limited, to *those things which may be governed*. No government may enslave its populace, be it authoritarian

or democratic. And an act of revolution must have some legitimate basis. A gang of outlaws is not a nation; it remains a gang of outlaws, despite the subtlest arguments of sympathetic economics professors. As Harry Jaffa writes,

Individual human beings could not form a body politic, nor have a government whose "just powers" are derived from their consent, had there not been such an equality in the original endowment of rights. . . . The Framers of our Constitution clearly and wisely believed that there must be a lawfulness antecedent to positive law for positive law itself to be lawful. . . . The "consent of the governed" from which "the just powers" of government are derived is intelligent or enlightened consent; it is not anything whatever to which men may agree. There is no such thing as a right of the people under the laws of nature to form Nazi or Bolshevik constitutions. Nor was there a right simply to the institution of chattel slavery. . . .¹³

It is sadly ironic that so many libertarians find themselves on the wrong end of this debate. Of course it is a complex issue; it raises questions like, should the United States declare war on Cuba to liberate it? Or China? And what about all the refugees we send back to their homelands? These are not simple questions, and I do not propose to answer them. But when libertarians argue that a slave state is justified "so long as the people really want it," they are undercutting their own argument in a tragic way. We should recall that, as John Adams suggested, the American Revolution was only supported by about a third of the population of America. Liberty is right, whether people know that or not.

All this talk of the Civil War may seem irrelevant to a debate in 2000 about a child from Cuba. But it's actually the same question. In fact, the statutes of the United States once included a clause that would have required the immediate return of Elián González. It's been repealed, but it was called the "fugitive slave clause," and it required that slaves who escaped their masters be returned to slavery. It was one of

People do not have the right to create a government that is antithetical to the foundation of the right to create a government. That right rests on each individual's ownership of himself.

the dark spots on the law of the nation. Yet today many libertarians in effect defend that clause; after all, such a slave might "have adequate food, clothing, and shelter. And — no small matter — he will be with his father."¹⁴ (Of course, slaves did *not* have adequate food, clothing and shelter, but neither will Elián. No matter; at least he will be enslaved *with his father*.) A people has no right to create slave states; and a father has no right to return his child to slavery.

Libertarianism is about *liberty*, not about *democracy*. It is about life, not suicide. It is a philosophy of individual rights, not of voting patterns. (Remember that Bastiat's libertarian classic *The Law* is really an argument against the universal franchise.) This often makes us seem unrealistically philosophical today; when some liberal asks us something like

"How much should welfare payments be decreased?" we often answer, "Wipe them out entirely!" The other person rolls his eyes and walks away.

But we never *have* cared much for popularity. If we did, we would be Democrats. We care about what is *right*. To ask, "What if the people vote for slavery?" undercuts us not only philosophically, but personally. The people of America *have* voted for slavery, time and time again. Yet we march on, and write on, and work toward a day when our children or our grandchildren will be free. I am sure Gene Healy believes in that cause as much as I do. I know that Walter Williams is just kidding when he says, "What do I care for future genera-

Libertarianism is about liberty, not about democracy. It is a philosophy of individual rights, not of voting patterns.

tions; what have they ever done for me?" Libertarians have fought — for as long as we have existed — for the rights of man, whether or not they were popular.

This is a situation that can no longer be ignored. The ideals of American liberty have taken a sharp and painful blow in the whole Elián affair. America's position as the refuge for oppressed peoples has been betrayed by an administration that, frankly, doesn't much object to Cuba's form of government. And an American home has been invaded, by armed Federal agents, who seized a little boy by force, to drag him back into slavery in a country that, over the past half century, has murdered over a hundred thousand people¹⁵ — the regime of a thug left over from the days of Stalinist dictatorship. We should not abide any longer the arguments of those who claim that murder and slavery are *acceptable if only the people vote for them*.

We may, in fact, stand at the final curtain of American liberty. And if that is the case, I, and Gene Healy, and Walter Williams, will probably all still write and fight for our freedoms, regardless of whether the people vote for or against us. We will say, as the great libertarian poet John Milton did, in a day when he thought the cause of liberty was done for,

What I have spoken, is the language of that which is not called amiss "The good old Cause:" if it seem strange to any, it will not seem more strange, I hope, than convincing to backsliders. This much I should perhaps have said, though I was sure I should have spoken only to trees and stones; and had none to cry to, but with the prophet, "Oh, earth, earth, earth!" to tell the very soil itself what her perverse inhabitants are deaf to. Nay, though what I have spoke should happen (which thou suffer not, who create mankind free! nor thou next, who didst redeem us from being servants of men!) to be the last words of our expiring liberty.¹⁶

Notes:

1. Gene Healy, "Hillary, Newt, and Elián," *Liberty*, June 2000, p. 20.
2. H. L. Mencken, *The Vintage Mencken*, Alistair Cooke ed, 1955, p. 80.
3. Walter Williams, "The Civil War Wasn't About Slavery," *Jewish World Review*, December 2, 1998.

continued on page 26

The Trail of Cuban Tears

by Miguel A. Faria, Jr.

The betrayal of Elián González is not the first time Americans have betrayed Cuba.

The political and legal battle for the fate of Elián González is no longer about whether “he belongs with his father,” as cleverly sold to the American people by the liberal media. He has been forcibly reunited with his “father.” The conflict was always about something deeper. It was about the difference between freedom and oppression. Distilled to its essence, it was about the struggle between good and evil that every generation must face.

Elián was forcibly reunited with Juan Miguel, his biological father, but a very deficient sort of father, the type that had been carried away with the tide of the communist revolution. The media has described Juan Miguel as “fit” and “loving of his son,” but was he really? In a fit of angry machismo, he threatened to come to Miami and shoot as many people as he could. It took him four months to get to the U.S. and then he insisted, while surrounded by Cuban agents, that he wanted to take Elián back to totalitarian Cuba. Is this loving and fit? Juan Miguel said that he feared for his life in going to Miami to pick up his son from his uncle’s home, even though Lázaro González invited him to do so peacefully.

All this time after arriving here from Cuba, he stayed in the Cuban Interest Section near Washington, D.C., in a known nest of Cuban spies and communist agents who have nothing but hatred for the U.S. Is that the normal behavior of a “fit and loving father”?

Yet returning Elián to his real father, Fidel Castro, appears to be a done deal between him and the President of the United States, who wants at all costs to leave a legacy of normalization of relations with Cuba — a better legacy, in his view, than his relations with “that woman, Monica Lewinsky.”

And Juan Miguel, by refusing to go to Miami to pick up his son, abetted and encouraged his forceful removal from those who loved and nurtured him. Gun-wielding INS agents wrestled the frightened child from the fisherman who had rescued him from the ocean.

The scene of bucket-helmeted, jack-booted federal agents seizing a young child from a loving family is something I never expected to see in America. The scene, graphically depicted in photographs by Associated Press photojournalist Alan Diaz, has nevertheless not made so deep an impression with the general American public. Americans in their comfortable homes must think that this can only happen to refugee children of illegal aliens, not to American families.

The much-maligned Cuban-American community, armed only with crucifixes, rosaries, Biblical quotations, and flags, felt betrayed once again. Here is a partial list of betrayals.

First, there was the all-but-forgotten disinformation spread in 1957-1959 by *New York Times* reporter Herbert Matthews, who knew the truth about Fidel and lied to the American people about his past history of violence and communism, history that wasn’t known even in Cuba. Matthews was seconded by our own State Department, which insisted that Fidel was a nationalist agrarian reformer and a savior of the Cuban people.

Second, there was the disastrous Bay of Pigs invasion of April 1961, which John F. Kennedy, then in office, adroitly blamed on the CIA. Cuban exile patriots were abandoned without air support by Kennedy to die at the hands of the communists, who outnumbered them by 100 to 1. They fought heroically until they ran out of ammunition, killing more communist enemies than their entire 1,500 man force.

Third, there was the October 1962 Cuban Missile Crisis and, in its wake, the secret understanding between Kennedy and Soviet Premier Nikita Khrushchev that Cuba would remain enslaved to communism in exchange for the removal of Soviet missiles from Cuba.

Fourth, there was the Mariel boatlift. This should, of course, have been an embarrassment to Fidel. If Cuba is such a paradise, why are people fleeing in makeshift rafts and inner tubes, risking their lives to cross an uncertain sea? But in the hands of President Jimmy Carter, it became an immigration nightmare. Fidel turned the tables on him, emptied his jails and mental facilities, and sent their occupants to the United States, where their presence could intimidate this country into future cooperation with Fidel's regime.

Fifth, there was the slap in the face of the immigration agreement by which another young president, Bill Clinton, capitulated to Fidel Castro's insistence that the U.S. government return freedom-seeking refugees rescued in the high seas, instead of abiding by the Cuba Adjustment Act of 1966 that granted political asylum to all Cuban refugees (note: regardless of age).

Sixth, there was the barbaric and criminal ramming and sinking of the tugboat loaded with families attempting to escape from Cuban tyranny on July 13, 1994. The act has been shown to have been ordered by Fidel Castro. Forty-one people, including women and children, were killed. Protests in Cuba were brutally suppressed by communist thugs, the Blas Roca brigades, who were the Cuban model for the turbas divinas ("divine mobs") of Marxist Nicaragua.

Seventh, there was the heinous aerial assassination of four Cuban exile members of Brothers to the Rescue, who were American citizens. Their two humanitarian planes were shot down by heavily armed Cuban MiGs in February 1996. The Cuban government, that is Fidel, used the same excuse as the Soviet Union did after the downing of KAL 007 in 1983, in which U.S. Representative Larry McDonald, a staunch anti-communist, was killed along with 269 other people. Fidel, like the Soviets, said that he was acting to protect national air space!

And now, there is the Gestapo-like raid on an American home and the forceful removal of a terrified boy at gunpoint,

In a fit of angry machismo, Juan Miguel González threatened to come to Miami and shoot as many people as he could. Is this loving and fit?

for delivery back to Castro.

Despite the betrayals and offenses, the Cuban-American community has reacted with stoic restraint and continues to love these United States passionately. Up until the time of this raid, they believed that such a thing could never happen here in America.

A telling example of this attitude is that of Metro-Dade Mayor Alex Penelas, who has been much maligned for standing against the federal authorities. Perhaps I should quote what he said about the federal government's intention of seizing Elián from his loving family, Lázaro and Marisleysis González. Penelas stated, "We will not lend our respective resources, whether they be in the form of police officers or any other resources, to assist the federal

government in any way, shape or form to inappropriately repatriate Elián González to Cuba." He was, in fact, the one abiding by the rule of law, law passed pursuant to and in accordance with the U.S. Constitution, and not the other way around, as we were led to believe by the establishment media.

Mayor Penelas had previously joined the bandwagon of mayors filing lawsuits against the gun industry, a misguided effort to bypass the Second Amendment and instigate gun control through the back door of litigation, thereby making an end run around the Constitution and eroding the rights of

The much-maligned Cuban-American community, armed only with crucifixes, rosaries, Biblical quotations, and flags, felt betrayed once again.

law-abiding citizens. I wrote Mayor Penelas a letter pointing this out in which I concluded:

I know you are a young man who was probably born here, but your father and uncles would have known by personal experience that before 1958, dictator Fulgencio Batista had all citizens register their firearms. After the sweep of the revolution, Raul and Fidel Castro had their communist thugs, aided by the newly formed Committees for the Defense of the Revolution (CDR), go door to door and, using the registration lists of the old regime, confiscate all firearms. In the end, my Cuban brethren lost not only their guns but also their freedom. And yes, as the Elián González raid demonstrated graphically, it can happen here!

Yes, America is rapidly becoming Amerika.

Our Founding Fathers bequeathed to us a constitutional republic for informed and vigilant citizens. But we could lose it within one dormant generation. Will America, absorbed in the enjoyment of material plenty, lose the memory of freedom? Material abundance without character is the path to destruction. □

"Elián González and Dred Scott," from page 24.

- | | |
|--|---|
| <p>4. George Leef, review of <i>Secession, State and Liberty</i> ed. David Gordon, <i>The Freeman</i>, June 1999.</p> <p>5. Edward McPherson, ed., <i>The Political History of the Great Rebellion</i> (1865) p. 103.</p> <p>6. Richard Current, <i>John C. Calhoun</i> (1963) pp. 46, 48.</p> <p>7. Currant, p 45.</p> <p>8. For an insightful discussion of Calhoun's politics, see Charles Edward Merriam, <i>A History of American Political Theories</i> (1969 [1903]).</p> <p>9. Paul Angle, ed., <i>Created Equal? The Complete Lincoln-Douglas Debates</i> (1958) p. 327.</p> <p>10. R. Basler, ed. <i>The Collected</i></p> | <p><i>Works of Abraham Lincoln</i> (1953) 1:266.</p> <p>11. Walter Williams, "General Principles" <i>Jewish World Review</i> May 14, 1999</p> <p>12. Ayn Rand, <i>The Virtue of Selfishness</i> (1964) p. 104</p> <p>13. Harry Jaffa, <i>Original Intent And The Framers of the Constitution</i> (1994) p 94-95.</p> <p>14. Healy, p 22.</p> <p>15. [141,000 according to R.J. Rummel, <http://www2.hawaii.edu/~rummel/SOD.TAB16A.1.GI.F>];</p> <p>16. "The Ready and Easy Way to Establish a Free Commonwealth"</p> |
|--|---|

A Little Boy's Nightmare

by Ron Scutt

Why are Americans so indifferent to the terrorizing of a little Cuban boy?

Three weeks ago, April 22nd, I was in Seattle preparing to attend an education conference. Waking up in my motel room at 2:15 A.M. (5:15 A.M. EST) and unable to go back to sleep, I turned on the TV. I was emotionally, intellectually and spiritually unprepared for the scene developing before my eyes.

For the past twenty-three years I have taught children ranging in age from five to fourteen in Stehekin, Washington's one-room school. Working with children in such an intimate manner for this length of time made it almost impossible to comprehend the sordid spectacle on the screen. Before my eyes, Elián González was taken from the González family. He screamed and cried out in terror. It seemed as if I were witnessing a scene that could only occur in a country that cared nothing for the needs of children. I could not fathom the reason why any child in any nation should be subjected to such terror.

As a father and a teacher, I was shocked to the core. Everything I know about the needs of children was violated that morning. I felt as if a sliver of Hell had pierced my heart. I could not go back to sleep. As the reporting continued, my emotions vacillated between tears and anger. How could any government subject a child to such trauma? I found the abduction of Elián González profoundly disturbing.

Three days later, April 25th, I was stunned again. The headline in *USA Today* boldly stated: "Poll: Most back raid for Elián: 68% oppose hearings." I asked myself, "How is this possible?"

It was incomprehensible to read that a majority of Americans found this adrenalized attack and seizure of Elián acceptable. If the survey is accurate, then too many adults have abandoned the needs of too many children for far too long. I can only conclude that the majority of Americans no longer recognize the sacred responsibilities we share to protect and nurture the physiological and psychological needs of children. It seems to me that you do not subject any child to such trauma unless the life of the child is truly in danger.

And I do not believe that Elián's life was in danger until the moment of the attack on his home.

If the nation condones this type of treatment of children, we are a worthless people. You simply don't sanction the use of such force to tear a child from the only home and family he has known since his mother perished in the sea unless that child is in mortal danger. Elián was plainly not. This fact seems especially obvious when one realizes that a negotiated settlement was near completion, and that the González family signed an agreement, hours before the raid, which guaranteed that Elián would be reunited with his father in a peaceful manner.

Please remember: the door to the González home was broken down while negotiators, empowered by the Justice Department, were in the home and on the phone with Janet Reno. The negotiators have testified that they were putting finishing touches on an agreement and that "the family was negotiating in good faith." They have also testified that they saw no reason or need for the armed attack.

I believe that a convincing case will be developed for the idea that the Justice Department surprised the negotiators and the González family by raising the negotiating bar during the early morning hours just before the raid. While the bar was going up, the attack on the González home was put into motion. I believe the facts will show that the government did not exhibit meaningful concern for the safety of negotiators acting on its behalf or for the González family.

The Justice Department reported that federal agents stormed the house with such force because there were reports of guns in or around the home. Why, then, were

armed agents sent into the home at all while negotiators were on the premises? Why did the government put its own negotiators at risk? It would seem that reports of guns on the premises were either highly exaggerated, or that the government acted irresponsibly, placing negotiators and Elián in grave danger. I don't think the government can have it both ways. I am also curious to know whether there are any previous examples of law enforcement agents making such a

Too many citizens no longer have the capacity to comprehend the fact that the seizure of Elián González tore at the fabric of a child's soul in a way no child should experience.

forceful raid on a home while government negotiators were on the premises?

It was the stated goal of the González family to ensure that Elián not be taken back to Cuba by anyone until he had his day in court, where all the facts of this custody case could be heard. Would any of us, confronted with a custody decision of this magnitude, want anything different for a child?

Fishermen plucked Elián from the sea and brought him to the American shore on Thanksgiving Day. He touched base. He was home free. His mother, who had tied him to an inner tube before she perished, was unable to leave a legal statement of her wishes for Elián. There is no doubt, however, that she gave her life in an attempt to reach American shores with her son. Shouldn't that count for something?

Elián was loved in the González's home. He was surrounded by those who celebrated the miracle of his rescue, by those who understood and celebrated the principles of human liberty. Miami Cubans understand these principles because they are intimately aware of what life is like in a totalitarian state where individual rights do not exist.

I can only hope more Americans will question the use of such force to remove Elián González from the only home he had known in America. It is obvious that too many citizens no longer have the capacity to comprehend the fact that the seizure of Elián González tore at the fabric of a child's soul in a way no child should experience. History should record that many thoughtful Americans refused to condone either the timing of the raid or its violence. As a father and a teacher, I want to go on record now. □

Reno's reward? — Janet Reno's tormenting of young Bobby Fijnje in Miami from 1989 to 1991, the Waco cremation, the seizure of Elián González, and Reno's recent TV performances, all adorned by her professed concern for "the children," form a pattern. Reno comes across as self-righteous and stubborn (though not necessarily decisive). Even traces of sadism appear. Why does Clinton tolerate such behavior from a subordinate? Could his tolerating the way she gets her kicks be her reward for helping keep bothersome investigations under wraps? I don't know, but his and her characters and behavior do invite that conjecture.

—Leland B. Yeager

"The Littlest Subversive," continued from page 21

10) Caucasian Cubans both here and there implicitly remind us that black Cubans by their absence from these political machinations don't count in the Cuban world, their visibility in sports notwithstanding.

11) Aggressive advocates of "family values" look as though certain other values, beginning with anti-Communism, are more pressing to them.

12) Friends of mine struck me dumb when they supported the Reno Raid on the grounds that "the kid should be returned to his father," as though fathers, even once-divorced fathers with new wives who bore younger children, are ipso facto better guardians than other relatives. This last assumption is so obviously untrue you wonder how anyone can think it, given the record of those raised primarily by attentive uncles, aunts, grandparents, and siblings.

13) To this list I add everyone who kept secrets about the Elián experience that should have been revealed, that will be revealed as governmental and journalistic investigations proceed, to their embarrassment.

In sum, the innocent little bowling ball knocked down everyone who chose to get involved but, conversely, improved the appearance of those who kept a distance.

Isn't it clear by now that everything would have been better for everyone concerned, beginning with young Elián, if the press and the politicians simply forgot about the kid and resisted every attempt to make him a press celebrity or a political prize?

As I've argued before in these pages, if the Elián episode were to be publicized, it should have been an occasion to discuss not fathers vs. great uncles, Havana vs. Little Havana, crazy Marisleyis vs. crazy Fidel, but whether the state had the right to move anyone to another country — what we normally call deportation. However, since so many people wanted instead to make fools of themselves and others, that more important issue got lost, to my regret.

Too bad Elián wasn't old enough to get book and film contracts that would have enabled him as a nouveau celebrity to profit personally from everyone else's foolishness. Nothing today is more pathetic than an unwitting celebrity unable to gain from everyone else's prurient interest.

Those predisposed to conspiracy theories might want to ask: Given how pervasively subversive Elián was, knocking down Communists as well as anti-Communists, what alien force sent him?

Should Elián's father and stepmother want to remain in America — a possibility that becomes more likely every day they stay here — consider that all the fools would have another chance to look foolish again.

—Richard Kostelanetz

Political Travelogue

"A" is for Activism

by Chris Bernard

Chatting with IMF protesters may not illuminate issues, but it does offer insight into the leftist mindset. And a few laughs.

I've always wondered what an "activist" is. When I learned that activists from all over the country were descending on Washington, D.C. to protest the International Monetary Fund (IMF) and the World Bank, I took advantage of my proximity to the nation's capital to learn about activists. On April 16th and 17th I went down to the District, with my friend Todd, to check out the protest.

We arrived at 2 p.m. There had been clashes between the police and protesters earlier that morning. By the time we arrived, the protest was diffuse and unorganized. There were hundreds, maybe thousands, of protesters walking around, eating and peacefully carrying signs. The protest was spread out because the police had created a huge perimeter around the building where the meetings were being held. There was no natural spot to protest. I couldn't even see the buildings. I asked a cop where the protest was and he said it had already died down. He was eager to tell me, however, that I had missed topless women protesters by an hour or two.

Todd and I noticed that many protesters were heading towards the Ellipse (an elliptical lawn between the Washington Monument and the White House). We joined them.

At the Ellipse, there was a stage with speakers giving passionate but incoherent speeches. Hundreds of protesters and dozens of activists manning information booths communed. As we approached, a guy handed me a newspaper and said "communist newspaper." At first, I thought he was kidding. He wasn't. I had assumed that most of the protesters would be union members; to my surprise, almost everyone there was a communist, socialist, or left anarchist.

People with bullhorns were giving speeches about the evils of capitalism and glories of communism. Others carried signs. One sign read, "Workers of the world unite!"

We went to the exhibition area, and took an informal poll of the people running the booths distributing propaganda. I pointed out that most capitalist countries are relatively rich while most communist countries are poor and suggested that it did not seem to be a matter of natural resources, culture, or history, since countries like East and West Germany or North and South Korea had shared the same culture, history, and

land. So I asked them to solve the mystery of why West Germany and South Korea were so much more prosperous and less polluted than East Germany and North Korea.

Many answered that capitalist countries steal from and exploit communist countries. I was shocked at this answer. Then I asked if it was fair to summarize their answer this way "Communist countries are, in themselves, economic powerhouses, but capitalist countries victimize and use communist countries to get rich, leaving the communist countries poor." To my surprise, they all agreed that was a fair summary.

The best answer I heard was from the person manning the booth of the Democratic-Socialist party. Overweight and unkempt, he looked so strikingly similar to the owner of the comic book store in *The Simpsons* that I half expected him to say "Get your greasy hands off my collector's edition of *The Communist Manifesto*!" He explained that the difference between the two Koreas and two Germanys is not all that mysterious: communism is weak but socialism works well and West Germany and South Korea were really democratic socialist countries, not capitalist countries.

Many booths focused on issues seemingly unrelated to the IMF: the U.S. Navy's operations at Vieques, Puerto Rico, vegetarianism, food irradiation, the "political prisoner" (and convicted cop-killer) Mumia Abu Jamal. I asked "What does this have to do with the IMF?" A typical response came from the "Free Mumia" people: Mumia spoke on global affairs and the World Bank is a global institution. I guess the connection is that the word "global" can be used in a sentence with both of them.

There was an old lady selling books, stickers, and buttons. As people walked by she hollered to them, "Buy 'capitalism stinks' buttons here!" I pointed the irony out to her. Her response was "I don't make a profit on the products I sell."

I stopped by the Communist Party table, where I was eagerly handed literature praising Chinese communism. I pointed out that China oppresses its population much more than the IMF allegedly oppresses anyone. He agreed that the current regime in China is tyrannical. They have forsaken Mao's revolution and only Mao's revolution should be used to judge Chinese communism. I asked about Tibet and he defended China's repression because "Tibet is historically a part of China."

The rally itself had a carnival atmosphere. Three women, for example, dressed in what looked like red prom dresses, carried red flags and props that were supposed to be copies of the Communist Manifesto. From time to time, they would raise their flags and Communist Manifestos and sing songs in praise of communism. Not exactly Rio or New Orleans, but better than nothing.

We left the rally around 4 p.m. and went home. Our plan was to go back early Monday morning to see some serious protesting.

We arrived downtown on Monday morning at about 7:15. It had been raining and there were no protesters in sight. We walked around until we heard some chanting. A group of about 50 protesters was marching towards us shouting, "There's no power like the power of the people because the power of the people can't be stopped!" We fell in behind this unstoppable group.

They marched past the Ellipse to the corner of 18th and Constitution Avenue. The whole march reverberated with mantras. A cheerleader shouts out "For third world poverty, who do we have to thank?" And the crowd roars back in unison, "The IMF and the World Bank!" "For environmental destruction, who do we have to thank?" "The IMF and the World Bank!" By the end of the march they had blamed all of the world's ills on the IMF.

The protesters got word that the police were going to attempt a mass arrest like they had on Sunday and soon 25 or so police officers clad in riot gear started arriving on the opposite side of Constitution Avenue. An additional 15 officers

A group of about 50 protesters was marching towards us shouting, "There's no power like the power of the people because the power of the people can't be stopped!" We fell in behind this unstoppable group.

on motorcycles showed up, followed by about ten more on horseback. Then came police vans and a black police riot vehicle. The crowd dispersed at this show of force. We followed the general flow of the people towards the Ellipse.

Protesters from around the city were again converging on the Ellipse. Someone showed up with a bullhorn and announced that at a meeting of 400 protesters the night before that they had decided to do civil disobedience in the morning before Tim Robbins and Susan Sarandon showed up to speak at the noon rally. The group divided into those who were willing to risk arrest and those who weren't. We followed the group willing to risk arrest. They formed a huge circle and

then invited the spokespeople of the various "affinity groups" to the center of the circle to discuss the form of civil disobedience they wanted to perform.

They wrangled over it the way my friends and I wrangled over deciding which movie to watch or which restaurant we'd eat at, except that with 400 different opinions that all had to be respected and taken into account, consensus was hard to achieve. These people who think they can run an entire society didn't seem up to the challenge of planning their own arrests.

They eventually decided to shut down the intersection of 18th and K Street. So, Todd and I headed there, a cumbersome process involving crossing a police line. When we finally arrived, there were no protesters. We waited a considerable length of long time. Figuring that they had changed their

They formed a huge circle and then invited the spokespeople of the various "affinity groups" to the center of the circle to discuss the form of civil disobedience they wanted to perform. These people who think they can plan a society were unable to competently plan their own arrests.

minds about where to protest, we went to Wendy's and got some food. Just when we started eating, we heard shouting and motorcycle engines.

We followed the noise. The police had decided to set up a line of riot cops to keep the protesters from blocking K Street, an important thoroughfare. Then they called in motorcycle police and herded the protesters toward 20th and Pennsylvania Avenue. The police created a perimeter around the protesters and moved in on them, compressing the crowd.

About 600 protesters were beating drums, chanting, singing, dancing, and carrying signs. Many had gas masks. The anarchists sprayed their symbol on street signs. Some protesters did little skits.

As the police closed their net, Todd and I feared we were about to be included in a mass arrest. So we tried to escape. As we walked toward the perimeter, a cop in riot gear told me I could not pass. I told him I was not part of the protest. He asked me why I was downtown then. I said I was a tourist who heard noises and went to see the commotion. He looked at my sweatpants and at Todd in his baggy jeans and apparently concluded we were white, 20-something Gen Xers of the liberal persuasion. He told us in a stern voice that he is giving me a lawful order to move away from the perimeter. So, I turned around and walked back into the midst of the protesters. I saw that the same cop let out two older people. So I went back and asked him why they could leave. He said "they're press." So what, I replied. I am a tourist. He was not impressed. Eventually we noticed a section of the perimeter that the cops had abandoned. We quickly took advantage of this opportunity to escape. □

Crisis in the Libertarian Party

Serious and credible charges have been raised against the leadership of the Libertarian Party and the LP's 1996 presidential nominee.

"The national Libertarian Party has suffered what might be its worst debacle in the party's 28-year history." With these words, Jacob Hornberger, longtime Libertarian Party activist, launched a broad attack on the direction the Libertarian Party has taken during its past few years. "Project Archimedes, the four-year direct-mail campaign to bring party membership to 200,000 members by the year 2000, has fallen 170,000 members short of its goal," Hornberger continued. "An estimated \$1,000,000 of donor money spent on the campaign has gone down the drain."

What caused this unprecedented "million dollar" disaster? In two words, Hornberger's answer seems to be: Harry Browne. Browne was the LP's presidential nominee in 1996 and is the overwhelming favorite to capture its nomination this year.

The failure of Project Archimedes, according to Hornberger, is rooted in "the five-year marriage between Harry Browne and the national office of the Libertarian Party." This "marriage" involved "unethical interlocking relationships, conflicts of interest, and improper payments to LP staff members, LP National Committee members, and 'independent consultants' to the LP national office."

Hornberger published his piece on his own personal website (jacobghornberger.com), apparently set up solely for the purpose of making his case. Entitled "The Libertarian Party Needs a Divorce," Hornberger's three-part broadside went on for more than 7,000 words, plus an appendix of another thousand.

Within days, Browne and LP chair David Bergland had responded at even greater length. Hornberger's "accusations are misleading and mean-spirited," they asserted. "And he knows that. This isn't an honest misunderstanding. It is deliberate slander." Three times Browne accused Hornberger of "mud-slinging." He accused him of "slander" (sic) fourteen times. Bergland was even less temperate,

calling Hornberger a "sanctimonious self-appointed Inquisitor General" whose charges are "lies, defamation, innuendo and misdirection."

The charges that Hornberger made have been floating around LP circles for several years. Both as a longtime supporter of Harry Browne and as a journalist, I was interested in them, and I investigated.

I was also curious about how the charges had been received by LP members and activists. Within hours of reading Hornberger's article, I began to contact acquaintances who were involved in the LP. "Have you read Hornberger's criticism and Browne's response?" I asked. "What do you think of them?"

The answers surprised me. With only two exceptions, those who had read Hornberger's article and Browne's response were (a) quite willing to take sides, and (b) not inclined to comment on any of the charges themselves, limiting their reactions to saying either that they thought Harry was a grand fellow and that they wished Hornberger would stop making these accusations, or that they believed Harry's top-down approach to Libertarian Party activism had always been a bad idea and thus sided with Hornberger. Most were quite willing to attack the motives of either Hornberger or Browne, but only four of them commented on the merits of the charges themselves.

In these circumstances, an independent investigation of the charges was clearly called for. My first thought was to find a disinterested person of unquestionable integrity who was highly regarded within the movement and the party. I approached one such individual. He was familiar with the

charges and the evidence, but he didn't want to perform a full investigation because he tentatively believed that at least some of Hornberger's charges were valid and he didn't want to damage Browne's campaign. So I approached another such respected and disinterested person.

In all, I approached five such persons. All refused. And all but one refused on more or less the same grounds as the first. On one hand, they tentatively believed that the Browne campaign had committed some fairly serious mistakes; on the other, they believed that despite these wrongdoings, Browne was the strongest or even the only plausible candidate the LP could muster for the 2000 race, and they were reluctant to do anything that could hurt his efforts.

I sympathized with their concern. I have long supported Browne and believe him to be by a wide margin the best candidate the LP can nominate. I realized that if an investigation concluded that substantial wrongdoing had occurred it could harm his campaign. But my commitment to truth is stronger than my commitment to any individual, so I reluctantly decided that *Liberty's* editors would conduct the inquiry into the charges ourselves. We set out to investigate them and examine the defenses offered by Browne and his supporters, seeking to substantiate or disprove each charge.

In the thousands of words in Hornberger's original indictment, there were three substantial charges:

1) The national Libertarian Party has suffered what might be its worst debacle in the party's 28-year history. Project Archimedes, the four-year direct-mail campaign to bring party membership to 200,000 members by the year 2000 has fallen 170,000 members short of its goal. An estimated \$1,000,000 of donor money spent on the campaign has gone down the drain.

2) [Project Archimedes'] failure is rooted in unethical interlocking relationships, conflicts of interest, and improper payments to LP staff members, LP National Committee members, and "independent consultants" to the LP national office. The debacle is also rooted in the five-year marriage between Harry Browne and the national office of the Libertarian Party.

3) Browne and Bergland knew that they were being . . . deceptive . . . [by] sending out . . . printed fundraising letters that contained what Browne knew was a false representation of fact with respect to the FEC threat of criminal prosecution. . . . the law of fraud inflicts punishing damages on those who intentionally omit material facts with the intent to deceive. [Brown had written supporters advising them that it appeared they faced no risk of prosecution if they joined his protest by making contributions in excess of the maximum allowed by federal law, when he knew that the FEC had threatened to prosecute such individuals.

We made a decision to focus on those charges. I would focus on the claim that Project Archimedes had wasted \$1,000,000 in failing to achieve its goal; Peter Gillen would focus on the conflict-of-interest charges; and Martin Solomon would focus on the charge of fraudulent misrepresentation of the risk of joining Browne's FEC protest.

I made these assignments on the basis of each of our backgrounds and expertise. Martin Solomon is a Columbia-educated attorney, a 20-year member of the bar well-versed in the law and qualified to evaluate the specific

charge of fraud. Peter Gillen is a young journalist with a graduate degree in philosophy, well suited to evaluate the ethical subtleties of conflict-of-interest issues. I am a journalist who has a quarter-century of experience in direct mail, so I am well situated to evaluate the complexities of the ambitious Project Archimedes direct mail campaign. I also served as editor of the finished reports and wrote this introductory note.

The task we faced was an extremely complex one, involving interviews with dozens of individuals, assembling and reading over a thousand pages of documents, and creating an extensive database of expenditures by the Browne campaign.

Before we report on our investigations, I think it only fair to say that all of us are libertarians, but our past contact and experience with, and knowledge of Browne, Hornberger, and the Libertarian Party vary considerably.

Martin Solomon has been a libertarian activist whose involvement with the Libertarian Party goes back to his work processing petitions in the LP New York gubernatorial campaign in 1974. He has served in a variety of positions within the party and was a supporter of Harry Browne before and during his 1996 campaign. He has supported him since then. Also, he has met Browne only once, at a fundraiser. Solomon briefly met Hornberger once at the 1999 LP Washington State Convention, and he has subscribed to Hornberger's *Freedom Daily*.

Before his involvement in this investigation, Peter Gillen was vaguely aware of Browne and the LP, though he had never voted for any LP candidate for any office. He had never heard of Hornberger.

I had extensive experience with both Browne and Hornberger. I first became acquainted with Harry Browne back in 1987, when he sent me a nice letter telling me how much he liked *Liberty*, which had started publication a few months earlier. This pleased me considerably, as I'd long been a fan of Harry's writing. During the next few years, he wrote a few articles for *Liberty* and we spoke occasionally on the phone. Late one evening in the summer of 1994, Harry called me to tell me he was going to seek the LP nomination for president. My first reaction was that he was joking; after all, Harry had long been the most eloquent opponent of libertarians engaging in political action. But he was quite serious, and I was immediately enthusiastic: I thought he'd make a terrific candidate. A few weeks later, I introduced Harry at a conference and publicly endorsed him. I put my money where my mouth was, giving \$1,000 to help him run for office. I also recruited LP activists I knew to his campaign. I wrote and spoke about his campaign in public, and was a member of his campaign committee. After his defeat, I offered him a position as a "Senior Editor" at *Liberty*, and raised over \$50,000 to fund that position.

Our relationship was always friendly, though of course we had our differences. I disagreed, for example, with his belief that the only effective way to recruit people into the libertarian movement was to appeal to their naked self-interest. I also debated him in print on the question of whether Project Archimedes could possibly achieve its

stated goal of recruiting sufficient new members to the LP to swell its membership to 200,000 by the end of 1999.

I've known Jacob "Bumper" Hornberger nearly as long as I've known Harry. Shortly after I launched *Liberty* he contacted me to inquire about his efforts to launch the Future of

Freedom Foundation. We shared a lot of information and encouraged each other's efforts. About a year ago, I accepted for publication in *Liberty* an essay by Bumper that was critical of the Browne campaign strategy.

It was with these experiences behind us that we began our inquiry.
— R. W. Bradford

Project Archimedes: Expensive Disaster?

by R. W. Bradford

The Libertarian Party's "Project Archimedes" promised to recruit more than 175,000 new members. It recruited only about 12,000. Does that mean it was an expensive disaster?

After taking a terrible drubbing at the polls in 1996, Libertarian presidential candidate Harry Browne made an announcement that surprised many. "I won't run again," he exclaimed, "if it has to be the same kind of campaign we ran in 1996."

Why had Browne's 1996 campaign done so poorly? Not because of any shortcoming by Browne or his staff, he argued. He had gotten so few votes because the LP was so small and so poor. As he explained a month after the election:

The party now has a little over 20,000 members. If we could enter the year 2000 with 200,000 members, membership dues alone would be \$5 million for 2000. In 1996 we raised roughly \$250 for everyone who was a member at the start of the year (\$3 million from 12,000 members). The same yield with 200,000 members would be \$50 million. If we obtain more than 200,000 members, so much the better.

Harry argued that this massive growth was possible because some 22 percent of American voters have been labeled "libertarian" by some pollsters, usually because they consider government too big and intrusive. He argued that these individuals could be recruited by using direct mail, a test of which could be implemented at a cost of hundreds of thousands of dollars. The failure of this program, which was dubbed "Project Archimedes," was the subject of Jacob Hornberger's first charge against the Browne-influenced LP:

The national Libertarian Party has suffered what might be its worst debacle in the party's 28-year history. Project Archimedes, the four-year direct-mail campaign to bring party membership to 200,000 members by the year 2000 has fallen 170,000 members short of its goal. An estimated \$1,000,000 of donor money spent on the campaign has gone

down the drain.

As a person who has managed very large direct mail campaigns for more than two decades, I believed that Project Archimedes could not possibly achieve its goal and, on the other hand, I also believed that testing and implementing the program could not cost anywhere near the figure Harry and the LP leadership had suggested.

There were several reasons why I — and every other direct mail professional that I discussed it with — believed the proposal could not possibly result in membership growth of 176,000. But they all came down to simple arithmetic. Let's suppose you could get a 2 percent response rate using repeated mailings. This is a generous assumption — it's very unusual for any direct mail package to get a response anywhere near this level. But let's suppose that you manage to come up with such a great direct mail package that you get this response. You'd have to mail 8.9 million pieces of mail.

That doesn't mean you'd need a mailing list of 8.9 million. You could reuse the same mailing list. Assuming that during the following 30 months you mailed every 90 days, you could get by with a master list of just 890,000 — if you could sustain a 2 percent return rate.

But first, where are you going to get such a list? If you combine and remove duplicate names from the mailing lists

of all libertarian and quasi-libertarian organizations, you'll come up with about 80,000 names, 22,000 of whom are already LP members. Obviously, you cannot get 176,000 responses from a mailing list of 58,000.

But libertarian direct mail pitches usually get a response rate of 1 percent to 1.5 percent from libertarian lists. Obviously, you cannot get even a tenth of the 176,000 new members whom you need by working libertarian lists.

If you throw in conservative names, you might get up to 4 or 5 million, though it'll be even harder to get a 2 percent

The most obvious and most important lesson of the tests is that the key element of the Archimedes proposal simply would not work. The party had sent almost 80,000 pieces of mail to people on compiled lists, and gotten only 87 responses.

response rate. In fact, when the LP mailed to conservative lists, it typically got response rates well below 0.7 percent. And the conservative lists used were subscription lists — proven mail order respondents — from whom any direct mail professional would expect a much higher return than from a broader list.

But Perry Willis, Browne's and the LP's direct mail expert, had a theory that by filtering larger lists demographically, one could come up with lists that would respond at a decent level. In theory this is possible: some direct mail marketers have used demographic filters successfully. If you are selling diapers and the list you start with is a list of all residents of a certain place, you can improve your response by eliminating single men and all people over 50 years of age. The problem for libertarians is that there are no such obvious demographic filters to use to increase the response rate.

Libertarians are disproportionately male, well-educated and white. It's probably true that if you filter a general list to get only well-educated white guys, you're going to get a higher response rate. But chances are that you're going to increase it from somewhere around 0.10 percent to somewhere around 0.11 percent. With an average cost of \$350 per thousand pieces mailed, and a response rate of 0.1 percent, your cost per response is \$350. Getting 176,000 members by that method will cost about \$62 million.

I pointed this out to Harry but failed to convince him. He responded:

No one knows what the outcome will be, and experience is no guide because no one has tried this before. But we do know that with every passing year, more millions of people become aware of the futility of government solutions and become more responsive to libertarian ones. And the best libertarian minds have been discovering ways to make our message more self-evident and attractive to people.

My second objection was that the plan proposed to spend far more on testing than was needed:

Further, to me the notion that a reasonable test should

cost \$250,000 is ridiculous. The standard test is 5,000 names which suggests that with a [rental] cost of say 10¢ to 25¢ per name, the total cost of a test should run under \$2,000. How many tests do you have to run to know whether the project is feasible? Using these very realistic numbers, the LP is asking for funding sufficient for 125 tests. To me, this seems like more tests than you need to run to see whether your approach is fruitful.

The LP's numbers don't add up very well. The proposal calls for testing an average of 7,500 names from 56 lists. That's a total of 420,000 names. At a cost per thousand of \$350 (a pretty generous figure) that amounts to \$147,000. I haven't included the cost of the "demographic and psychographic database" work in these figures, but I suspect the major portion of the extra \$103K are the fees the LP pays its fundraisers for raising the \$250K (the LP has paid fundraisers commissions as high as 40 percent, though I think Harry told me he got only 15 percent), or the fees it pays its copywriters and administrators (which I understand are pretty substantial).*

Even if the cost of the "demographic and psychographic database" work, the cost of fundraising, and the fees for copywriters totaled the remaining \$103K, a full \$250K would not be needed, unless one expected zero income from the tests. I'd like to think that if, say, the first 50 tests resulted in income of \$0, that the final 6 tests would be canceled.

In mid-1998, after its first three test mailings, the LP sent out a fundraiser that included a fairly detailed report on Project Archimedes. The Party had mailed to a total of 54 lists, some libertarian, some conservative, some investment-oriented, some from consumer magazines and some compiled. The data were reported in tiny type with no analysis, but anyone with an inclination to examine them could easily see how well the tests had worked.

Here are the results:[†]

	Mailings	Total	Total	Response	Cost/Response
		Mailed	Responses	Rate	@\$335/M
libertarian:					
	10	97,323	1,398	1.44%	\$ 23.32
conservative-libertarian:					
	4	19,449	156	.80%	41.77
investment newsletter subscribers:					
	11	72,244	503	.70%	48.11
conservative magazine subscribers:					
	8	143,554	1,115	.78%	43.13
consumer magazine subscribers:					
	9	49,774	102	.20%	163.47
compiled lists:					
	11	79,840	87	.11%	\$307.43

The most obvious and most important lesson of this group of tests is that the key portion of the Archimedes proposal simply would not work. The party had sent almost 80,000 pieces of mail to people on compiled lists, upon which

* I quote here a memo I wrote to a friend who was thinking of supporting the program and asked me to evaluate the proposal for him. I shared these thoughts with Harry, who found them unconvincing, but I never published them in *Liberty*.

† There was also one small test of a list that didn't fit into any of these categories. It bombed: 0.10 percent responded, with total revenue of \$225 on an investment of \$1,607.)

The Crisis in the Libertarian Party

the LP fundraisers had pinned their hopes of increasing LP membership eight-fold, and gotten only 87 responses, for a minuscule response rate of 0.11 percent. Based on the LP's figure of \$335 per thousand pieces of mail sent, each response cost a whopping \$307.43. The LP had managed to raise a total of \$3,463 at a cost of about \$27,000. Worse still, the best of the compiled lists had yielded a response rate of just 0.22 percent, yielding revenue of \$605 at a cost of approximately \$1,700.

Plainly, compiled lists were just not going to do the job.

There was another group of test mailings, unpublicized by the LP, from a category large enough to increase the party's donor base substantially if a reasonable response rate could be achieved. The category was subscribers to consumer magazines — *Forbes*, *Business Week*, *Fortune*, *Entrepreneur*, *U.S. News*, *The Economist*, *Playboy*, *Fast Company*, and *Wired*. Mailings to this category had an average response rate of just 0.22 percent and yielded just \$5,875 in revenue, at a cost of \$16,675. The best target among them — subscribers to *Wired* — had a response rate of 0.31 percent, and raised \$1,308 at a cost of \$3,333. Another total failure.

The other four groups all showed promise: response rates ranged from 0.78 to 1.44 percent. Mailings to them were sufficient to be self-funding or even profitable.

Not surprisingly, the best response rate came from libertarian lists: 1.44 percent of those contacted sent donations, yielding \$53,693 in revenue at a cost of just \$32,603. This is not even remotely surprising, of course. If the LP cannot raise money from libertarians, it may as well give up.

Somewhat more interesting were the responses from subscribers to conservative magazines, donors to conserva-

But that was not the conclusion reached by the unidentified writer of the fundraising letter (labeled "Growth Plan") that reported the data. He concluded that "the news so far is very good regarding Project Archimedes — the Libertarian Party's effort to recruit in excess of 100,000 members by the year 2000."

tive-libertarian lobbying groups, and subscribers to hard money investment newsletters.

Conservative magazine subscribers responded at the rate of 0.78 percent, yielding \$49,489 in revenue on an investment of \$48,091. That doesn't leave much left over to fund LP activities, but it's safe to expect that the 1,115 donors from among the 143,554 letters sent would make further donations in the future. The total number of subscribers to conservative publications is somewhere between a half million and a million, so this looks like a good place to develop further financial support. Best of all, two of these lists (*National Review* and *Human Events*) had response rates of over 0.85 percent.

The test of lists of donors to conservative-libertarian lobbying groups — National Taxpayers Union, U.S. Term Limits, Citizens against Government Waste, Americans for Tax Reform — responded at a rate of 0.80 percent, yielding \$4,341 on an investment of \$6,515. Because these donors can be safely expected to donate more in the future, this was another profitable mailing and showed real potential, especially in view of the fact that the low-responding ATR (0.14 percent) could be eliminated from future mailings. (The

There are only two ways to explain what happened:

(1) The professional staff of the LP consciously chose to misrepresent on a grand scale both the costs and the potential benefits of Archimedes in order to raise money to be used for other purposes; or

(2) The professional staff of the LP are idiots when it comes to direct mail.

other lists responded at rates ranging from 0.94 to 1.15 percent.)

Mailings to investment newsletter subscribers were also worthwhile. They had an average response rate of 0.70 percent and yielded \$15,067 on an investment of \$16,042.

But it is important to remember that these three groups of lists had long been used for libertarian direct mail offers and fundraising with roughly the same success.

So what did the test of Archimedes show? It pretty much confirmed what libertarian direct mail people had known for years: you can mail libertarian lists very profitably and you can mail conservative, conservative-libertarian, and certain investment newsletter lists with some success. But general interest lists — like subscribers to consumer magazines — don't work at all, even when run through demographic filters.

All this was obvious, to anyone with the slightest experience in direct mail, from the data the LP sent out as part of its fund-raisers in the summer of 1998.

But that was not the conclusion reached by the unidentified writer of the fundraising letter (labeled "Growth Plan") that reported the data. He concluded that "the news so far is very good regarding Project Archimedes — the Libertarian Party's effort to recruit in excess of 100,000 members by the year 2000." Alert readers noted that the previous goal of recruiting 176,000 new members had been cut almost in half. Apparently, the notion that the LP could get 100,000 new members during the next year and a half was sufficiently intoxicating that the reduction of the target was hardly noticed.

Appended to the "Growth Plan" was a memo from Perry Willis, the LP's (and Harry Browne's) direct mail

fund-raising expert, which was called an "assessment of where we stand." It brimmed with optimism about the use of "demographic and psychographic filters," claiming that "we should be able to nearly double the size of the party" with just three more mailings to proven lists. It also celebrated the higher-than-expected response rates and donations, concluding enthusiastically, "We're getting very close to liftoff!"

So far as I know, that's the last time the LP revealed any

Is it wrong for fundraisers to misrepresent the goals and costs of Libertarian Party activities in order to maximize the amount of donations? Ultimately, this is for individual donors to decide, every time they receive a fundraising appeal from the Libertarian Party.

of Project Archimedes' actual results. But it was not the last time it Proclaimed The Project A Great Success, used it as the basis for raising funds, or reduced its stated goal. Fundraiser after fundraiser continued, and by the summer of 1999, the goal had been reduced to 72,000 new members and the target date pushed back to July 2000.

One cannot know for certain what Project Archimedes did after this point, because the LP has kept specific information about its activities private. But it seems pretty obvious that the LP acted like any intelligent direct mail manager: it abandoned hope of using Willis' much ballyhooed "demographic and psychographic" filters, abandoned hope of raising funds from consumer magazine lists, and did what libertarian direct-mail managers have always done: mailed to libertarian lists, conservative lists, and hard money investment lists.

As of December 31, 1999, LP membership stood at 33,437. During the 30-month duration of Project Archimedes, membership had increased by 10,172, far short of its original target of 176,745. According to figures provided by the LP National Director, Archimedes recruited about 12,000 members.* (This also fell far short of Archimedes' first downward revised target of 100,000 new members, set in the summer of 1998. It was also far short of the total membership target of 100,000 by the end of 1999 that Archimedes had set in early 1999. It seems safe to say that Archimedes will also fail to come close to its latest downward revised target of 100,000 total members.)

In sum, Project Archimedes failed ignominiously even to approach the most modest goal set by its managers. If you believe that the purpose of Archimedes was to obtain 176,000+ new members (its stated goal in 1997), 100,000 new members (its stated goal in 1998), or 76,000+ new members

(its stated goal in 1999), you'd have to conclude that its failure was complete — as Hornberger argues.

What about Hornberger's other point? Was "an estimated \$1,000,000 in donor money" wasted on it?

According to information provided by National Director Steve Dasbach, the total out of pocket cost of Archimedes was less than zero. The party invested a total of about \$1.13 million in the project. But Archimedes has produced total revenue of \$1.25 million through April, and is continuing to produce revenue. Far from being a waste of donor money, as Hornberger believes, Archimedes has been profitable.

How did Hornberger come to believe that Archimedes had wasted \$1,000,000? I suspect it was the same reason that he believed it was a colossal failure: he had believed the Archimedes fundraisers, which had repeatedly pled for money to finance the program, when in fact it was run pretty much on a pay-as-you-go basis and yielded a profit very quickly.

So what exactly happened?

A project that was ostensibly undertaken to increase membership by a huge amount at substantial cost resulted in modest membership growth and a modest profit. Which raises the question: how could the architects of Archimedes go so wrong?

Or did those who designed and executed Archimedes ever actually believe it had a chance of bringing in 176,745 new members? As I pointed out in the analysis I offered in these pages back in 1997 when Archimedes was still just a proposal, that goal was virtually impossible to achieve. The initial test mailings, which were sent to all party members as part of a fundraising effort in 1998, proved that I had been right: they showed that while Archimedes could recruit a modest number of new members and donors at negligible cost to the party, it could not possibly result in the kind of growth that the LP's fundraising letters claimed it could.

Did the Party, then, knowingly misrepresent the situation when it continued to raise funds to finance Archimedes? It certainly based its fundraising on propositions that were patently false: (1) that Project Archimedes required substantial donations to fund it; and (2) that Project Archimedes could achieve its goal of increasing membership by 176,745 or 100,000 or 76,745.

There are only two ways to explain what happened:

(1) The professional staff of the LP and/or Perry Willis, its outside direct mail manager and copywriter, or both, consciously chose to misrepresent on a grand scale both the costs and the potential benefits of Archimedes in order to raise money to be used for other purposes; or

(2) The professional staff of the LP and/or Perry Willis are idiots when it comes to direct mail.

But the evidence that I've seen over the past decade suggests that Perry Willis is a smart and highly skilled direct mail manager and copywriter. I suppose it's remotely possible that prior to any tests Willis managed to convince himself that Archimedes had a remote chance to achieve its goals, but by early 1998 there was ample and conclusive evidence that doing so was impossible. And I cannot see how

* Without including the gains from Archimedes, the LP would have had a small net membership loss during this period.

at any point he could have honestly believed that Archimedes could cost anywhere near the amount that he stated in his fundraising letters.

Whether Steve Dasbach, the LP's National Director, who oversaw the project, understood all this as well, I am not so certain. He seems to me to be a very intelligent person and, based on communications that I've had with him during this investigation, I'd have to conclude that he has an excellent understanding of how direct mail works. Judging from the minutes of Libertarian National Committee meetings during the period in question, Dasbach seemed quite knowledgeable about direct mail. But I don't think the evidence about how much he understood during this period is conclusive.

The evidence is that Archimedes had two real purposes: (1) to provide modest growth in membership and a modest increase in net revenue; and (2) to provide a way to ask party members for substantial contributions during a period when no political activity is taking place and people are generally less generous in supporting political activities. Both these purposes were achieved.

One thing appears certain: some members of the Libertarian National Committee were not party to the false information to stimulate fundraising. Minutes of past LNC meetings reveal that many expressed reservations about Archimedes, mostly based on its failure to achieve its purported goal of greatly increasing the party's membership. Some of those defending Archimedes may have been similarly unaware of the apparent real purpose of the effort. At the April 1999 meeting, for example, Ken Bisson of Indiana reported on his own fundraising efforts for Archimedes and exhorted other LNC members to donate personally, if they had not already done so.

The Archimedes episode raises an interesting issue: Is it wrong to raise funds for a project that you know the funds will not be used for? For that is surely what happened: the funds raised ostensibly for Archimedes were actually used for other activities.

The answer to this question is not so simple as it seems.

Once when I was a child, missionaries from "darkest Africa" came to my church and asked for support. Their explanation to the kids in Sunday School was that the funds would be used to bring the Good News of Jesus to the uninformed people of Africa. But I am confident that some of the money was used for different purposes: paying their expenses during their fund-raising tour, for example, and paying the expenses of the overseas mission board.

A case can be made that people expect fundraisers not to tell everything, or even much, about how the pie, once baked, gets cut up. If this is the case, then the stories told in fundraising appeals are not really so misleading as they might otherwise appear. Ordinarily, of course, knowingly giving people false information to induce them to give you something of value is pretty clearly fraudulent. But perhaps we should make an exception for charities.

I bounced this theory off a number of LP activists and donors. Most were very dubious about it, but two donors told me that they had been aware all along that LP fundraisers generally misrepresent what the funds they seek will be

used for, yet they are still happy to support the LP. And the LP is certainly not the first organization whose leadership tries to manipulate members for their own or their organization's benefit, or to have an elite that keeps its actual agenda secret from its members.

The issue is whether it is wrong for fundraisers to misrepresent the goals and costs of Libertarian Party activities in order to maximize the amount of donations. Ultimately, this is for individual donors to decide, every time they receive a fundraising appeal from the Libertarian Party.

Was Project Archimedes a debacle? Well, if you believe that its real purpose was to increase party membership to 200,000, or 123,265 or 100,000, it certainly was, since it fell absurdly short of even the lowest target claimed by its managers.

But in reality, Project Archimedes was something very different from what it was purported to be. It was an ordi-

The evidence is that Archimedes had two real purposes:

(1) to provide modest growth in membership and a modest increase in net revenue; and

(2) to provide a way to ask party members for substantial contributions during a period when no political activity is taking place and people are generally less generous in supporting political activities. Both these purposes were achieved.

nary effort to increase the party's donor base: the direct mail package focused on giving the party money, not joining it; the version I received included an explanation of how you didn't have to quit being an active member of your current party. On this level it was modestly successful. And it was a means of raising funds to be used for other purposes, presumably for paying salaries, rent, etc. On this level it was also successful. The only level on which it may have failed is that it may have cost party leadership credibility, making it harder for them to raise money in the future and making it impossible for them to regain the trust of the Party's members.

However the dispute between Hornberger and Browne may eventually resolve itself, one sad reflection is almost inevitable: the Libertarian Party has so far failed to do what political parties are supposed to do, make themselves imposing and influential forces on the political scene. It is said that Archimedes remarked, "Give me a lever and a place to stand, and I will move the world." It is also said that Archimedes was killed by a Roman soldier who did not even know who he was. □

Campaign Audit

The 1996 Browne Campaign

by R. W. Bradford

Was Project Archimedes the first case of Libertarian misrepresentation of how campaign contributions would be spent?

Suppose for a moment that you donated to the 1996 Browne campaign specifically for the purpose of increasing its visibility and support by the purchase of advertising. Perhaps you responded to one of the many letters the Browne campaign sent informing you of the desperate need for money for advertising and the dramatic impact that such advertising might have.

Here are some samples of those fund-raising efforts, quoted from letters sent to donors by the Browne campaign:

March 1995: "We need \$100,000 to \$150,000 to produce a high quality 30-minute Libertarian Infomercial. And we'll need to raise thousands more to air our Infomercial."

September 1995: "Between now and November 7th, we need to run strategic advertising in several cities."

February 1996: "Michael Cloud is working on the infomercial and other radio and TV advertising. (Did I tell you we're getting valuable volunteer help on this project from fitness guru, infomercial success, and campaign supporter Covert Bailey?)"

June 1996: "The July 4th weekend is the date of our national nominating convention. And it already looks to be the greatest single media event in the party's history. If we can add powerful multi-repetition advertising on Washington's talk radio, we may be able to generate even greater interest . . . I need your help to do this. Advertising during morning drive time on WTOP, the biggest news and talk station, costs \$135 a minute. We plan to buy three or four spots per hour of drive time for as many days as possible. The more money we raise with this letter, the more spots we'll be able to buy, and the more days we'll run them."

August 1996: "Now we need to take the next step, which is to quickly expand our radio advertising program to the point where it blankets the entire nation. Our ability to do that depends on you. Can you contribute \$1,000, \$500, \$250, \$100, \$75, \$50, \$35, or any amount you can afford, so that we can buy **more** radio ads **more** times on **more** stations — with the eventual goal of blanketing the nation?"

October 1, 1996: "A few days ago a reporter from *The Detroit Free Press* called for an interview because he had heard our ads. *And that will occur* (sic) **more often if we expand our campaign to more shows**. Can you help make this happen by sending a contribution today — \$1,000, \$500, \$250, \$100, \$75, \$50 or whatever you can afford?"

October 25, 1996: "Can you send \$1,000, \$500, \$250, \$100, \$75, \$50 or whatever you can afford, today, to let us . . . buy our last national presidential TV and radio spots for four years? . . . Now is our last chance for four years." (all bold, italics, underscoring in originals)

With all this effort, it seems plain that the Browne campaign must have spent heavily on advertising. Suppose you wanted to know just how much the campaign invested in that way. Where would you look to find out?

Probably the first place you'd look would be the 1996 *Presidential Campaign Report*, written and published by "the Staff of the Harry Browne for President Campaign & the Libertarian National Committee, Inc." This fat book includes a seven-page list of advertising, showing ads purchased on the following:

Advertising Medium	Outlets	Cost	Other*
Cable Television Networks	2	\$55,336	
Local Television/Cable	11	2,469	4
Syndicated Radio Programs	8	92,465	
Daily Newspapers	5	15,697	2
Local Radio	64	72,706	12
Total		\$238,673	

*Media outlets listed in the *Report* with the amount spent not reported.

The Crisis in the Libertarian Party

Harry Browne for President ads appeared on two cable networks, eleven local television or cable affiliates, eight nationally syndicated radio programs, 64 local radio stations, and in five daily newspapers. The total cost was \$238,673. A pretty impressive record, isn't it?

But on closer examination, the record of the Browne campaign seems a little less impressive. Most of the local television and radio spots were purchased by either a "supporter" or an "affiliate/local," according to the *Report*. It failed to indicate who paid for four of the ads on nationally syndicated radio, on ten of the local radio stations, in one of the newspapers, and on two of the local television stations. Only the following were paid for by the Browne campaign, and all of them, according to the *Report*, were partially paid by the Libertarian Party:

Media Outlet	Type	Am't Spent
A & E Television Network	cable television network	\$ 19,506
America the Beautiful	syndicated radio	4,410
Art Bell	syndicated radio	6,885
CNN/Headline News	cable television network	33,830
Doug Casey Show	syndicated radio	420
Imus in the Morning	syndicated radio	1,200
Anchorage Daily News	daily newspaper	4,167
Honolulu Advertiser	daily newspaper	7,137
Rocky Mountain News	daily newspaper	4,393
WTOP	radio station	41,862
Irv Homer Show	radio program	5,040
Total		\$128,850

Still, it's a pretty respectable record, including over half the total identified media spending. Those who donated to the Browne campaign for the purpose of getting advertising over the air or in print might still be puzzled by the fact that each of these items was partly paid for by the LP. How much did the Harry Browne for President campaign pay for?

No answer to that question can be found anywhere in the 532 pages of the *Presidential Campaign Report*. The donor curious about how much the Browne campaign spent on advertising has to look elsewhere.

Liberty's editors were curious about this matter, as well as about other aspects of how the campaign spent the money it raised. So we downloaded 703 pages of documents filed by the Browne campaign with the Federal Election Commission (FEC), printed them up, and entered all the data about spending into a gigantic database. We double-checked our work and did our best to eliminate errors.

Here is a complete list of advertising expenditures the Browne campaign reported to the FEC:

Media Outlet	Type	Am't Spent
WBZ News Radio 1030	local radio	\$ 550.00
WGIR AM610	local radio	2,473.50
WMVU 900 AM	local radio	992.00
WRKO Radio	local radio	850.00
WTOP Radio	local radio	3,975.00
Total		\$8,840.50

That's right: less than \$9,000 of the \$1.45 million spent by the campaign was spent to purchase advertising. That's less than the campaign spent on bank service fees, and a far cry from the total that one might reasonably surmise was spent if one read only the *Presidential Campaign Report*. The Browne

campaign reported that it spent not one cent on television, newspapers or syndicated radio, or any advertising except for a handful of radio spots in Boston, Washington, and New Hampshire. The Browne campaign did not report even one cent of the more than \$75,000 of advertising that the *Report* says it purchased with the Libertarian Party on cable television, in major metropolitan newspapers or syndicated radio. Of the \$128,850 that the *Report* claims was paid for jointly by the Browne campaign and the Libertarian Party, the Browne campaign contributed just \$8,594, with the LP contributing \$120,009.50.

So what did the Browne campaign spend its money doing? Here is a list of the ten largest recipients of money

That's right: less than \$9,000 of the \$1.45 million spent by the campaign was spent to purchase advertising.

from the campaign, along with the purpose of the expenditures, as reported by the Browne campaign to the Federal Election Commission:

Libertarian Party	143,554.51	administrative services, contract services, list rental, literature, shipping consulting, travel, supplies, shipping, photos, catering, copying, phones, etc.
Sharon Ayres	128,089.98	printing
Mount Vernon Printing	100,977.50	travel
Carlson Travel	100,267.87	mail
Accumail	97,877.51	consulting, office, travel, phone, postage
Michael Cloud	86,855.85	office supplies, travel, phone, photos
Harry Browne	67,064.66	consulting, travel, copying, phone, supplies
Stuart Reges	62,551.45	consulting, payroll, postage, supplies, copying, expenses, etc.
Terry Bronson	59,305.46	consulting, payroll, travel, supplies
Robert Martin	43,753.91	consulting, postage, supplies
Lisa Paley	37,615.04	

These ten recipients received over 63% of all the money spent by the campaign.

Three of the items seem pretty straightforward: just under \$200,000 was spent with two contractors for printing and mailing of fundraising letters, and another \$100,000 was spent with a travel agent. The payment of \$143,000 to the Libertarian Party for a wide array of services also seems straightforward.

But the remaining six are a bit troublesome. One is to the candidate himself, reimbursing him for expenses that you'd

think would be paid directly by the campaign. And five are to people who received payment for consulting plus other expenses. FEC regulations require that expenditures for consulting and payroll be reported separately from other expenses. Indeed, an extraordinarily large amount of money was paid to consultants:

consulting, etc	41.8%
printing	10.3%
mailing	9.7%
misc to LP	9.0%
travel	7.2%
misc candidate expenses	5.1%
phones	2.4%
postage	2.4%
books	2.0%
publicity & booking	1.4%
mail lists	1.1%
business wire service	1.0%
rent	.8%
catering, events	.6%
bank fees	.6%
advertising	.6%
payroll	.5%
video	.4%
buttons, bumperstickers	.4%
moving expenses	.4%
equipment, supplies	.4%
signs	.2%
photos	.2%
booth rentals	.2%
polling	.2%
other	1.2%

Probably the most interesting aspect of the Browne campaign is the huge portion of its financial resources that went to campaign consultants and the small portion spent on traditional campaign activities, most notably advertising.

Is there a problem here? On April 24, 2000, campaign manager Perry Willis reported that the Browne campaign was shutting down because it was out of funds. Willis's report was part of a fund-raising email, so it may have included some of the hyperbole that characterized Browne's 1996 pleas for money to purchasing advertising. Browne told

Over 40% of the money spent by the Browne campaign in 1996 went to consultants.

me in an interview during the suspension of the campaign that it hadn't laid off any employees and that he expected to be attending state conventions that weekend. In any event, a few days later, Willis reported that donors on the campaign's email list had come up with enough additional money to get the campaign up and running again.

What's interesting is that by mid-April of this election year, the Browne campaign had already spent \$1,240,293. That's more than 85% of what it spent in the entire 1996 campaign, and the nomination was more than ten weeks away and the most active (and expensive) portion of the campaign months away. Willis blamed the campaign's

insolvency on the effect Hornberger's criticisms were having on donors, but it was hard to see the effect on the cash flow sheet: the campaign was raising money much faster than in 1996.

Willis attached an appendix to explain how the campaign had spent so much money so quickly, reassuring donors that the money had been well spent. "Our largest single

A month ago, the Browne campaign was broke, having already raised and spent nearly as much as it did for its entire 1996 campaign.

expenditure," he wrote, "has been \$197,251.84 for advertising, including the production costs for the video, one national airing, and 16 local airings in Atlanta, Denver, St. Petersburg, and Jacksonville."

But he appended a list of actual expenditures, detailing 288 different payments to vendors. A total of 12 mentioned "advertising" as their purpose:

Purpose	Amount
advertising	35,290.00
advertising - video production & duplication	134,000.00
advertising - video expenses	244.84
advertising, liability insurance	2,717.00
Total	172,251.84

Once again, the numbers don't add up: the total falls \$25,000 short of the total Willis had said was spent on advertising a few paragraphs earlier. And at least one of the figures looks like it might be erroneous: the payment of \$2,717 for "advertising, liability insurance" paid to "Abacus Insurance." And by far, the largest amount was spent on "video production & duplication." How much was actually spent buying advertising time? It's difficult to say. The \$35,290 spent for "advertising" that isn't described further consists of \$20,200 paid to "The Firm Multimedia" which does production work and produces "a nightly half-hour television news program reaching over 73,000 households in Central Florida" and "Polaris Productions," the same firm which received the \$134,000 for "video production & duplication." I called and emailed candidate Browne, campaign manager Willis and accountant Reges of the Browne campaign asking for an explanation of the internal inconsistencies and clarification about the other peculiarities regarding advertising expenditures. Only Reges responded: he emailed me that he had "very little involvement in that [i.e. purchasing advertising]. I'm fairly certain that all of the payments to Polaris were for production, not for airing. You asked about "The Firm Multimedia." I think they are the PR firm. I'm fairly certain that we aren't doing any direct booking."

In 1996, there were substantial inconsistencies between the *Presidential Campaign Report* and the reports filed with the FEC. This time, there are serious inconsistencies within a single report. But the bottom line is this: the campaign was broke by April 24 and had spent at most \$35,290 buying advertising time, a paltry 2.8% of its total spending. □

Ethical Review

Browne and the LP: Conflict of Interest?

by Peter Gillen

Did Harry Browne suborn favorable treatment from LP officials by unethical payments?

On March 9, Jacob Hornberger charged that something had gone terribly wrong with the Libertarian Party. The party was entangled, he claimed, in an unwholesome relationship with Harry Browne, its 1996 presidential nominee. That relationship involved, according to Hornberger, "unethical interlocking relationships, conflicts of interest, and improper payments to LP staff members, LP National Committee members, and 'independent consultants' to the LP national office."

Hornberger's charges have at least surface plausibility.

In the third quarter of 1994, at the very outset of his Libertarian presidential campaign, Browne's primary staffer was Kiana Delamare, the significant other of Perry Willis, national director of the LP.

Then, in early 1995, Browne hired Sharon Ayres as manager for his next campaign. She also was a member of the Libertarian National Committee (LNC). Hornberger claims that Ayres violated her fiduciary duty to the party and its members by accepting the position with Browne.

In 1995, Browne hired both Perry Willis (again, the LP national director) and LP staffer and future *LP News* editor Bill Winter to do consulting work. Willis helped draft a campaign plan to boost interest in ballot access; Winter did design and layout work for Browne's printed materials. Both, according to Hornberger, also owed a fiduciary responsibility to the LP and its members. And both, he said, violated that responsibility by working for Browne.

Hornberger believes that the payments to Ayres, Willis, and Winter were improper, because the interests of the LP do not necessarily coincide with the interests of the Browne campaign. Party officials serve all members of the party, including members who support other presidential candidates. After accepting money to work for Browne, could Ayres, Willis, and Winter retain the impartiality necessary to set policy and equally provide all candidates with support and information? And even if that were possible, wouldn't their work for Browne indicate their preference for him as a candidate, thereby discouraging other candidates from running, or

using the LP as a resource?

In April 1997, the LP changed its conflict of interest policy, probably in response to the controversy generated by the matters discussed here. The new policy explicitly prohibits party employees from doing contract work for presidential campaigns prior to nomination. That might have been the end of the story, and if it was, the controversy would be a tiny hiccup in the history of the party.

But the "interlocking relationships" between Browne and the LP continued, albeit in modified form. And the controversy, stoked by Hornberger's allegations, has continued.

In late September 1997 Perry Willis resigned as national director of the LP and joined the Browne campaign as campaign director. But Willis continued to work for the LP as a contractor, earning over \$80,000 from the party after resigning as national director and while on the Browne campaign's payroll.

Browne's payments to Ayres, Willis, and Winter during the 1996 campaign form the first set of possibly improper interlocking relationships. Willis's role since September 1997 as both Browne campaign director and a highly paid consultant for the LP is a different case. Here the payments clearly entangle Browne with the LP. But were they improper and unethical, as Hornberger claimed in his March 9 missive?

Unfortunately Hornberger raises a whole set of tangential, irrelevant or largely inconsequential conflict of interest issues which have muddled the debate and clouded the central questions. Only one such tangent deserves mention, because it illustrates how paralyzing — and how complicated — this kind of dispute is.

In June 1998 David Bergland, husband of former Browne

campaign director Sharon Ayres, was elected national director. Harry Browne co-chaired his exploratory committee and nominated him. Bergland's opponent, Gene Cisewski, had made the goal of eliminating conflicts of interest a part of his campaign platform.

Bergland found himself enmeshed in the politics surrounding the issue of conflict of interest. He had earlier "refused" to recuse himself as interim chair of the December 1997 meeting of the Bylaws Committee dealing with a proposal by Hornberger. Hornberger proposed separating entirely the LP and presidential campaigns prior to nomination. Hornberger argued that Bergland should have recused himself because he is legally entitled to half his wife's earnings, and she had earned money from the Browne campaign.

When it became obvious that his measure would fail, Hornberger withdrew his proposal before the committee convened, claiming that he couldn't get a fair hearing. Bergland argues that he himself was only *interim* chair, and therefore would not necessarily have presided over Hornberger's proposal. Also, party procedures didn't offer an opportunity for him to recuse himself until after the committee officially convened. Finally, he claims the proposal was an attempt to

After accepting money to work for Browne, could Ayres, Willis, and Winter retain the impartiality necessary to set policy and equally provide all candidates with support and information?

micromanage LP affairs. He might also have argued that his wife no longer worked for Browne, so he had no financial interest at stake.

The issue of Bergland's failure to recuse himself from the Bylaws Committee illustrates how charges of ethical impropriety multiply. Bergland experienced the curious phenomenon of being accused of a conflict of interest infraction because he *almost* took part in proceedings about conflict of interest policy. It is easy to get lost in the complexities of party politics and forget the substantive issues.

The 1996 Campaign: Willis and Winter

Let's get to those. At the heart of the matter are the payments to LP employees during the 1996 campaign and Willis's consulting work for the party after he resigned as national director.

Addressing these questions does not require abstruse ethical theory; it merely requires rigorous application of common sense.

Common sense tells us that the best way to avoid conflicts of interest is to have clear policies about it. Common sense tells us that those who hold the trust of others should not act so as to violate or damage that trust. Common sense also tells us that conflicts of interest may sometimes result from good intentions and that they sometimes may cause no significant harm.

Let's do our best to apply common sense to the current situation.

Before doing consulting work for Browne in the 1996 campaign, Willis and Winter read the LP policy manual for guidance on conflict of interest. That policy specified:

Neither the National Director nor any other employee of the Party shall: 1. Endorse, support, contribute any money, or use his or her title or position to aid any candidate in any Party primary, or in any campaign for office, or nomination, within the Party or any State Party. 2. Serve as a delegate to any National or State Party convention. 3. Permit LPHQ to be used by anyone at any time to aid any candidate in any Party primary, or in any campaign for office, or nomination, with the Party or any State Party.

That's a pretty clear policy. How was it interpreted?

Willis and Winter determined that performing contract services for Browne did not violate the policy, because they were not endorsing, supporting, or volunteering for Browne. Willis reasoned that volunteering for a candidate would be "support," but doing contract work would not, because an outside contractor for Browne would not necessarily be "supporting" (in the sense of backing) his campaign. Winter claimed that he thought the contracting work for Browne was proper because he did the work as Bill Winter private citizen, not as Bill Winter LP official (Minutes of the LP meeting, August 1995).

An outside contractor could indeed have done work for Browne without "supporting" him as a candidate. But the case is very different for an employee of the LP, and especially for its national director. One wouldn't expect Willis to start drafting campaign plans for Gore.

Willis absurdly read the conflict of interest policy as if his primary interest (and duty) was irrelevant. If doing contract work for Browne did not constitute "support," what, other than volunteering, would? It would be a curious way to write a policy to include the word "support" if the word "volunteer" was all that was meant.

And, if working for a candidate does not constitute using one's title or position to aid a candidate, what would? Letting him use your parking space at party headquarters?

Individuals cannot turn their professional roles on and off like light bulbs, as Winter suggested. Professional duties often restrict what an individual can ethically do in private life.

By doing contract work for Browne, whether it technically violated the Libertarian Party policy or not, the persons in question created what the policy was designed to prevent — an appearance of partiality and favoritism.

Now, it is important to recognize that Willis and Winter may have performed their duties as LP officials efficiently, fairly, and objectively. It seems unlikely that a few thousand dollars for contract work would lead them to favor Browne. But by working for him they necessarily demonstrated their preference for him as a candidate, and that was wrong.

They should have considered the appearance of favoritism that their consulting work would engender.

Willis Changes Roles

In the 1996 campaign Browne lacked professional staff. The way to remedy this situation for the next campaign, he

reasoned, was to hire professional consultants. Despite the debates about conflict of interest improprieties, Browne advocated *increased* cooperation between presidential campaigns and the LP. His 1996 *Campaign Report* states, "All potential conflict of interest (owing to cooperation between the nomination campaigns and the national office) can be managed through well-constructed contractual relationships and auditing procedures" (p. 11).

It would be very interesting to know how a potential conflict of interest could be "managed" in an ethical manner

The LP and the Browne campaign remained intertwined in much the same way as they were before Willis's resignation from the LP. One might even wonder whether Willis's workday changed at all.

through auditing procedures. It is a wonder that Browne, after having made statements like this, is surprised when his finances come under scrutiny by political opponents. And what did Browne mean by "well-constructed contractual relationships"?

In any event, the sort of contractual relationship he had with Willis and Winter in 1995 would eventually become unfeasible.

In April 1997 the party amended the conflict of interest policy so that it would explicitly prohibit LP employees from doing contract work for campaigns before the candidate's nomination:

"No employee of the Party shall endorse, support, or contribute any money; use his or her title or position; or work as a volunteer, employee, or contractor, to aid any candidate for public office prior to the nomination."

Perry Willis claimed in an LNC meeting (December 1995) that if he could not work as a consultant he would resign. Clearly the new policy prohibited him from doing consulting work for Browne. Willis resigned in late September 1997 and went to work as Browne's campaign director. But he didn't exactly disappear as far as the LP was concerned. Hornberger notes sarcastically:

... Willis's resignation will forever stand as one of the most bountiful resignations in the history of the Libertarian Party, for the money paid to Willis and Octopia [the name under which Willis does business] after Willis's resignation from the party totals \$84,113.57.

Willis's roles simply became inverted. Instead of an employee for the LP contracting for Browne, he was a Browne employee contracting for the LP. Through this arrangement, he could work for both organizations without violating the Party's amended conflict of interest policy. The LP and the Browne campaign remained intertwined in much the same way as they were before Willis's resignation from the LP. One might even wonder whether Willis's workday changed at all. After all, his consulting work for the LP

involved writing direct-mail prospecting letters, a task that was a part of his former job as national director.

But even if Willis's workday didn't change much, his professional duties did.

When Perry Willis worked as a contractor to the LP while working as an employee of the Browne campaign, he no longer had a fiduciary duty to the party. As a Browne employee his primary duty was to Browne. As a contractor, his duty was to perform a specific service. If his work for the party in this capacity appeared to demonstrate "support," there was no problem. What is the harm if a candidate or a candidate's employees support the Party? They are expected to do that.

Hornberger claims that the direct mail letters that Willis wrote both before and after resigning as national director promoted Browne. Willis very nearly acknowledged as much, when he said of the letters (July 97 *LP News*), "We use Harry Browne's basic campaign platform to illustrate the kinds of things a libertarian candidate would talk about." (He made this statement before resigning as national director to work for the Browne campaign in September 1997.)

As a contractor, Willis had no final authority over those letters. If LP officials thought they were unfairly slanted to promote Browne, Willis could be induced to revise them. Any favoritism toward Browne in the fundraising letters that Willis wrote after he resigned as national director was undertaken with the LP's acquiescence. If anyone is at fault, it is the LP, not Browne or Willis.

This isn't just scholastic hairsplitting. The role of a consul-

By doing contract work for Browne, whether it technically violated the Libertarian Party policy or not, the persons in question created what the policy was designed to prevent — an appearance of partiality and favoritism.

tant to the LP is clearly different from the role of an LP employee.

Favoritism

Hornberger has good reason to resent that Browne's campaign manager was writing the LP's fundraising letters. One assumes that this injudicious assignment of duties was made because no one else with comparable marketing skills could be found in the Party.

Hornberger also has good reason to believe, on the strength of Willis's statement in the *LP News*, that the party was showing Browne favoritism in its direct-mail fundraising letters. But neither Willis nor Browne should be excoriated for advancing Browne's political career through the use of LP's fundraising letters. Again, let's use our common sense. Politicians take advantage of opportunities.

Winter now edits *LP News*, and Hornberger questions his editorial independence and objectivity. National Chairman Bergland has ties to Browne's campaign through his wife,

Sharon Ayres; Browne nominated him and endorsed his candidacy. Hornberger questions Bergland's independence. This questioning is understandable.

And consider the following: National Director Steve Dasbach, then National Chair, initially approved payments by Browne to Willis and Winter during the 1996 campaign. The party has in the past, and recently, bought Browne's book, *Why Government Doesn't Work*, to give away to new members. And the party launched an unprecedentedly large membership drive just months after Browne said he would not run for president unless the party had 200,000 members.

Browne's LP connections make favoritism possible. Actual favoritism by the LP toward Browne cannot be proven, but seems likely. Yet — the Party might have favored Browne even if he didn't pay LP staffers, simply because he was the best known candidate and had brought many members into the LP. We will never know.

As for the future: Harry Browne continues to lead a strong faction in the Libertarian Party, but factions come and go. The next faction will probably also consist of interlocking relationships. Its leader will no doubt be a successful presidential candidate.

There is nothing unethical about being well connected or being part of a ruling faction. And just because you were in

violation of conflict of interest principles once does not mean that everything you do is unethical.

Ethical violations are great fodder for political opponents. That we know. But we are also capable of putting them into perspective. Browne's opponents have exaggerated their charges of unethical interlocking relationships. These relationships can be as harmful to an individual's career as they can be helpful. If Browne loses power in the party, if his viability as a candidate diminishes, his associates are likely to lose power as well.

Here we are in the realm of politics. It may be unwise or even outright foolish for a political party to allow the extensive interlocking relationships between its staff, its leadership and its presidential candidate that have characterized the LP for the past five years. But this is certainly not the first time such extensive relationships have occurred in a political party, and it probably won't be the last.

The question that lingers about this episode is political, not ethical. Has Browne spent too much energy on his relationships within the Libertarian Party and not enough energy establishing a relationship with potential voters? And what does common sense have to say about the purpose of a political party? □

Fraud at the FEC?

by Martin Solomon

Is it fraudulent to withhold relevant information about the risk of violating federal law?

On March 12, Harry Browne sent an email fundraising letter advising his supporters of a proposal to protest federal election laws by refusing to obey them. He declared his intent not to disclose the finances of his campaign to the Federal Election Commission and suggested that some of his supporters might want to protest by donating sums to his campaign in excess of the \$1,000 limit set by federal law. "There appears to be no risk of criminal prosecution from defying either the contribution limit or the reporting rules," he told his supporters. The letter itself, however, solicited money to get a legal opinion about the protest.

The Browne campaign also released details of the proposed protest to the news media. One news organization, MSNBC.com, contacted the FEC to see whether Brown's risk assessment was correct. On March 15, MSNBC.com reported on its website that an FEC spokesman had said that both civil

and criminal penalties were possible.

The Browne campaign crowed about the publicity its proposed protest had received in an article it posted on its website on March 22. It had links to features on the CNN and Investor's Daily websites, but only mentioned the item on MSNBC.com's site. Also on March 15, it removed from its own website the now-discredited claim that there was little risk of prosecution for joining the protest.

A week later, the Browne campaign sent out a 50,000-piece fund-raiser, again ostensibly to raise money to

get a legal opinion on the proposed protest. It repeated the claim that joining the protest would be virtually risk-free, which had been discredited a week earlier and removed from the Browne website.

Jacob Hornberger, who had previously been an unofficially-announced competitor of Browne's for the Libertarian Party presidential nomination and had already advised LP members that joining Browne's protest might result in serious criminal or civil penalties, argued that this amounted to fraud. Browne had knowingly made an erroneous statement which, if relied upon, could have caused substantial financial penalties or criminal prosecution to his donors. Is Hornberger right? Was Harry Browne, Libertarian presidential candidate in 1996, guilty of fraud?

"Fraud" is an ugly word, one that should not be bandied about. The law recognizes this by making fraud one of very few civil matters in which a plaintiff will not prevail on a mere preponderance of the evidence. She must show clear and convincing evidence of each element of her claim.

In torts, fraud is a special kind of misrepresentation causing a loss based on justifiable reliance. In contracts, fraud is a defense to a suit demanding damages or specific performance, a ground for obtaining rescission (a refund), and discharges the victim of her duty to perform. In criminal law, fraud is a misdemeanor or felony. In the law of restitution, fraud is a basis for reimbursement from a person who is unjustly enriched.

The Elements of Fraud

The tort of fraud is most applicable here. A tort is a non-contractual civil wrong, such as an traffic accident. To prove fraud as a tort, one must prove that all these elements are present, by clear and convincing evidence:

- Misrepresentation: a false statement of a material (e.g. important) past or present fact.
- Scierter: that the maker knew the statement was false, or made it with reckless disregard as to its truth or falsity.
- Intent to induce reliance: that the maker intended to get another person to act based on the statement.
- Actual reliance: that someone actually did rely (acted) on the false information.
- Justifiable reliance: that it was reasonable for someone to rely on the false statement.
- Damages: someone incurred an actual loss owing to her reliance.*

So whether Browne committed fraud depends on whether all these elements are present. Did Browne make a false statement about an important fact? If so, did he do so while know-

ing that what he said was false? If so, did he intend people to rely on that false information? If so, did anyone actually rely on it? If so, was it reasonable for them to rely on it? And finally, did anyone relying on the false information suffer damages as a result?

More concretely, to what extent, if any, did the Browne campaign knowingly understate the risk of criminal prosecution faced by persons who would contribute more than \$1,000, with intent that the contributors make donations based on that understatement, inducing reasonable reliance

More concretely, to what extent, if any, did the Browne campaign knowingly understate the risk of criminal prosecution faced by persons who would contribute more than \$1,000?

(a contribution) and loss (legal expenses for defense of a criminal prosecution) based on that reliance?

The Facts

Let's examine what happened. The March 12 fundraising email (which was also posted on the Browne website) announced that Browne was considering not filing FEC reports and accepting donations in excess of the \$1,000 limit, and planned to do legal research on doing so. It included this assessment of the risk of doing so:

I am giving very serious *consideration* to asking people to violate the law by sending me more than the \$1,000 allowable contribution. There appears to be no risk of criminal prosecution from defying either the contribution limit or the reporting rules. . . . (Emphasis added)

The legal research for which funds were sought would also cover the donors' exposure; but as Hornberger correctly noted, the lawyer hired by the Browne Committee would have a duty only to the Browne Committee. He would have no responsibility to donors, whose interests might conflict with the campaigns'. Or might not.

Three days later, MSNBC.com ran a story which included the following:

Kelly Huff, a spokeswoman for the Federal Election Commission, said in cases where donors violate federal campaign contribution limits, the FEC can levy a civil penalty. The maximum civil penalty would be \$11,000 or 200 percent of the amount exceeding the \$1,000-per-donor limit. *The FEC could also refer the matter to the Justice Department for possible criminal prosecution.* (Emphasis added)

Hornberger observed that "after the MSNBC.com story came out, Browne immediately removed his March 12 fundraising communique from his website and hasn't re-posted it since then." So far as I can determine this is correct; at any rate, as of May 15, the original posting or an amended posting was no longer on the website.

A Browne fundraising letter, mailed to 50,000 people after the MSNBC.com story, which I received on April 10, asked for donations for legal research on the election law questions. It repeated that Browne was *considering* asking donors to vio-

* State laws on fraud as a tort are generally similar, so there is no need here for a detailed analysis of which state law applies. When two or more states are involved in a transaction the court determines where the suit is brought. If a donor sued in her home state, that state court would determine if its own tort law, that of the state from which the posting and letter were issued, or some other state law applied. Courts tend to apply the law of their own state, based on an analysis of all interests. For this analysis, we do not need to specify which state's law is involved. If there were suits in more than one state, there could be laws of two or more states that applied.

late the law by making more than a \$1,000 donation, and repeated "There appears to be no risk of criminal prosecution from defying either the contribution limit or the reporting rules."

It's pretty clear that by this time, Browne knew that this statement was false. If a representation is made by a campaign about the unlikelihood of criminal prosecution, and the applicable agency makes a statement indicating a greater likelihood of prosecution, that difference would be enough to show that there is a substantial chance that the statement by the campaign is false. (It is not certainly false, because agencies change policies, and representatives of agencies make errors, both negligent and intended.)

So his action met the first two conditions of fraud: he'd stated a falsehood knowing that he had done so.

Browne went on to say:

Until that research is completed and we've decided whether to proceed further, we won't file any reports with the FEC.... [p.6]

The job of defying the government falls mainly to Campaign Manager Perry Willis and to me.

However, if the attorneys' research prompts us to proceed, we will need donors who are willing to deliberately exceed the \$1,000 campaign contribution limit. If many people do so, it will establish a broad base for the fight against the limit. The more people involved, the better for our case

and the more publicity we can generate.

If you contribute an amount above the \$1,000 limit and we lose the case, you might incur a small fine.

If you would like to be a Libertarian hero by violating the contribution limit, let us know on the enclosed form. We'll get back to you when we have a better idea of what your risk will actually be. *Please do not send an over-limit donation now.* (Emphasis added) p.7

At the beginning, this look like he's about to ask his supporters to violate the law — that he intended to "induce reliance," in legal terminology on his misrepresented statement — by saying violators of the law would be "libertarian heroes." But he concludes with an explicit request that they do not violate the law, at least for the time being. So Harry is off the hook, legally speaking.

What about the other elements that need to be present for fraud to occur?

So far as I can determine, no one made a contribution in excess of \$1,000. So there was no actual reliance; the question of justifiable reliance does not even arise; nor were there any damages.

In ordinary life, most of us would consider what Browne did to be fraudulent. He may have been skating on thin ice, but what he did is not fraudulent in the legal sense. Law is not the sum of life, but in legal matters it is controlling. □

A Time for Prudence

Because people invest so much — emotionally as well as financially — in political activity, they are liable to go to excesses in reacting to political judgment. During his long career in LP politics, Murray Rothbard was almost always outraged about the behavior of his opponents, whoever they happened to be at the moment. Some party activists I've spoken with have described Browne and his staffers as "criminals" and "thieves," while others have denounced Hornberger as an individual bent on destruction of the Libertarian Party. David Bergland was so upset about Hornberger's criticisms that he concluded his lengthy response to Hornberger with a solemn proclamation that "PURGES HAVE NO PLACE IN THIS PARTY" — an odd sentiment from a man who has said that Ludwig von Mises should not have been allowed into the LP. By the thirteenth time he used the word "purge" to characterize Hornberger's call for an end to the "marriage" between the Browne campaign and the national LP office, I was wondering whether he had somehow confused Hornberger with Joseph Stalin. Since our investigation concluded that the Browne campaign was innocent of the most serious charges, but had nevertheless engaged in certain ethical lapses, we believe we can safely predict that many partisans of Browne as well as his critics will denounce us and even doubt our dedication to the cause of human liberty and of discovering and telling the truth.

That would be too bad. The libertarian movement has for too long been subject to bouts of infighting characterized by emotional excesses. Twice during the 1980s, major factions of the Party walked out en masse, never to return. And the LP

has long had a high turnover rate, as members tire of the eternal fighting, the raising of false expectations, and the inevitable disappointments that follow. We think this is too bad, also.

We think that both Browne and Hornberger are assets to the Libertarian Party. We think that both the strategy advocated by Browne's advocates — a strong national campaign to raise party visibility — and the strategy advocated by his critics — an increased focus on state and local races, where victory seems more attainable — have merit.

Politics has a vital moral aspect. Prudence also matters. So does remembering why we enter the political arena. We are convinced that libertarians have more in common with one another than with those indifferent to human liberty, and that while the debate over strategy and even at times over principle should continue, it should be conducted in a civilized manner. Just as there are circumstances where it is appropriate to debate these issues among ourselves, there are also situations where we should put our differences aside and focus on advancing the cause of liberty.

We hope that what we have done in these pages is in service of that cause.

— R. W. Bradford, Peter Gillen, and Martin Solomon

Reviews

Fuzzy Future: From Society and Science to Heaven in a Chip, by Bart Kosko. Random House, 1999, 353 pages.

The Mind Is a Terrible Thing to Replace

Peter Gillen

Scientists and technologists have taken center stage in contemporary ethical and metaphysical debates, largely displacing academic philosophers and theologians. This makes sense, on the one hand, because it is science that is creating the metaphysical and ethical hot button issues. On the other hand, the hard-edged rationality and strict standards of evidence of the hard sciences traditionally led scientists to eschew speculative metaphysics. But the positivism of the last century, with all of its limitations and prohibitions, is toast. The Information Age will brook no such pessimism. Nor will it deal with mere abstractions. Not with genetic engineering and artificial intelligence pushing (and questioning) the boundaries of humanity. Besides, they're more fun to read.

Fuzzy Future well suits the new century. Its optimism and speculativeness rival that of the stock market. In it, Bart Kosko has derived a set of social, political and ethical prescriptions from a mathematical concept which he helped pioneer: fuzzy logic. He merits a certain amount of credibility as a master of the gnostic lore of computers and mathematics. But while the mathemat-

ics of fuzzy logic might be difficult for those of us who almost flunked pre-calculus, the concept is fairly simple.

Take, for instance, a house. Each day remove one brick. On what exact day, with the removal of which precise brick, does the house cease to be house and become something else? Kosko argues that this question is faulty because we think in binary terms — in black and white. According to fuzzy logic, the "house" with which we start is never 100% house. It is some percentage house and some percentage not-house. Removing bricks simply reduces the percentage of "houseness" of the object in question. Consider this thought at length as you lie in your mostly bed with the light mostly turned out.

Kosko claims that a fuzzy model is, in fact, more accurate than the binary model. He then sets out to apply fuzzy logic to a myriad of social and political problems. In other words, Kosko boldly moves from the "is" of mathematical modelling to the "ought" of social and political prescription.

An example is the abortion debate. Viewed from the perspective of fuzzy logic, unborn babies are partly human and partly not human (actually, so are adults). Since there are no absolutes,

why not find a statistical standard of popular opinion concerning the time when life begins? Many, if not most people believe that a two-celled being has very little in the way of rights, while a nine-month old fetus is a being of moral concern if not an entire person. Kosko recognizes that this view is not likely to satisfy zealots on either side of the debate.

In general the dictates of a fuzzy metaphysics lead Kosko to argue against the intrusiveness of state-drawn black and white rules. But Kosko argues against fuzziness of property rights on the strength of the Coase Theorem. Most libertarians will approve of this limited absolutism, but some readers may wonder whether such an exception undermines Kosko's metaphysical edifice. This is especially the case if they consider that binary logic models work in a large number of areas, and that fuzzy logic employs very black and white mathematics.

Guided by fuzzy logic, Kosko makes cogent arguments for private ownership of the oceans and whales; proposes voters choose how the government spends their tax money; argues in favor of keeping other people from stealing your DNA; argues against federal funding in science; and anticipates computer-generated art. These arguments are supported by, but do not wholly rely upon, Kosko's fuzzy metaphysics. A truly original writer and thinker, Kosko combines a bold capacity for common sense with an equally bold, some might say extreme, optimism.

Kosko's argument that we may be able to gradually replace our brains with computer chips until our minds are completely silicon, and thus achieve immortality, is the *coup de grace* of both fuzzy logic and scientific optimism. This can be done, he claims, in a fuzzy way. If you replace the bricks of a house with bricks of another color, eventually you will have the same house, only one with different color

bricks. Similarly, Kosko suggests we may be able to replace the organic matter of our brains with computer hardware, piece by piece. Presumably our organic matter would transfer memories, ideas and the like to the silicon replacement. Eventually our minds become all silicon, no carbon. Kosko does not deal directly with the thorny issue he raises: whether or not there is a soul, a transcendental ego, or a center which forms the unity of conscious experience. He assumes there ain't no such animal. Or, if there is, it must be transferable.

In any case, we are a long way from conscious computers, whether

Viewed from the perspective of fuzzy logic, unborn babies are partly human and partly not human. Actually, so are adults.

self-generated or created through transferring "data" from the brain to chips. We still have very little notion of how psychic life works. When we look at the green grass, what actually apprehends the grass? The eye receives the light, the brain processes the data, but what ultimately sees it? Brain waves can't see, nor can neurons, nor can any agglomeration of diffused parts. How does the physical process of the ocular reception of light waves from grass become a psychic experience? We are a long way from solving this puzzle, and we may never solve it.

Kosko's unstated premise is that all of reality is mathematizable, albeit in a fuzzy way. Kosko, like so many scientific minded cosmologists, falls back on determinism. Notably, he extends his mathematical determinism to the most unlikely of places — art. Art can be produced by computers once we program them to recognize "art space." According to Kosko, we can look forward to "art for computer's sake."

Determinism goes way beyond unseating the traditional concept of the soul. It negates the concept of will, and accordingly demolishes moral accountability and responsibility. If our minds

are nothing more than computers, churning inputs into outputs automatically, then it makes no more sense to hold a human being accountable for a crime than it does to prosecute a computer for crashing. It makes no more sense to worry whether humans are oppressed than it does to worry whether computers are oppressed or enslaved. They are either both rational concerns or both absurd.

Traditionally, the human being has been at the top of the ontological ladder, and therefore they have the greatest value on earth, even intrinsic value. Philosophers have traditionally based the concept of rights upon such a foundation. The claim that the mind is no different in essence from a computer necessarily topples the human from the top of the ontological ladder and undermines the claim that humans have rights due to their very nature.

I have mentioned that scientists and technologists enjoy more prominence today in philosophical issues than in preceding generations. This may be due to the nature of science. Science requires optimism. Why spend hours in the laboratory if you do not think that nature's secrets may thereby

be disclosed? And indeed, many of them have. Science and philosophy begin with wonder. Both require evidence and clear thinking. But there the similarities end. Science begins with the assumption that what is real is what is physical and it can best be known through measurement and quantification. Good philosophy makes no such assumption. Philosophy has often, if not always, been guided by Socrates' maxim: know thyself. This may indeed be more difficult a project than knowing the totality of the physical world, which explains why philosophers tend to be epistemologically pessimistic. It doesn't explain, however, their general lack of humor.

Political freedom is meaningless without spiritual freedom. And spiritual freedom is negated in the mechanistic sort of systems promoted by Kosko and other scientific cosmologists. The scientist, alas, always relies on the tools of his trade — measurement and quantification. She finds a mechanical universe, because that is what she is equipped to understand through measurement and quantification. When all you have is a hammer, everything looks like a nail. □

Ex-Friends: Falling Out with Allen Ginsberg, Lionel and Diana Trilling, Lillian Hellman, Hannah Arendt, and Norman Mailer, by Norman Podhoretz. The Free Press, 1999, 256 pages.

Friendships Lost

Jane S. Shaw

While browsing the "new nonfiction" shelf at the local library, I picked up *Ex-Friends* because it featured a New York circle that was always hazy to me: postwar intellectuals like Lionel and Diana Trilling, Lillian Hellman, and Hannah Arendt. I had become aware of these people as I approached adulthood in the 1960s, seeing them as largely historical figures bearing a lot

of political baggage that I could never quite sort out. Here was a chance to learn about them — maybe. But what made me decide to take *Ex-Friends* home to read was a disarming Norman Podhoretz, who won me over with his opening line, "I have often said that if I wish to name-drop, I have only to list my ex-friends." It portended an intriguing book.

But *Ex-Friends* is more than name-dropping. Except for Allen

Ginsberg, Podhoretz knew the subjects of his book quite well. Exactly what the book is, I find it difficult to say — a mix of gossip and autobiography, with a little serious history thrown in. But one thing is certain: it's fun. I loved it.

As a young man, Podhoretz was apparently something of a protégé of the New York intellectual crowd he calls the "Family." He is meticulous (as he always is) about who and what they were — a footnote explains that "there is a general impression that all members of the Family were Jewish. Not so." And then he cites individuals such as Mary McCarthy and Dwight Macdonald, as well as "kissing cousins" such as Robert Lowell and Ralph Ellison. Jewish members included himself, Irving Kristol, Nathan Glazer, and others.

While the stories tell about how he broke with former friends, the "ex-friends" concept seems to me mostly a literary device to hold a variety of essays together. The stories of their relationships, most of which were disappointing in the end, are told in great detail, often with supporting documentation. The 256-page memoir is exceedingly heavy with set-the-record-straight footnotes — one, for example, explains the context of an excerpt from a Yeats poem; others offer historical embellishments. Why some elaborations are in the footnotes and others in the text isn't clear to me.

What this book is about, really, is Norman Podhoretz. It's about his essays, his background, his politics, his Puritanism (in comparison with the ex-friends' lifestyles of drug use and promiscuity), and his relationships, which (partly because of his politics) have had the ups and downs chronicled in the book. Sometimes I almost broke into laughter at his smug self-assurance. Speaking of his college days, for example, he explains, "I had come to know a fair number of great figures in the intellectual world, and while always deferential, I usually managed to treat with them on a more or less equal footing." While, years later, he cringed at the epic poem he had written for the Columbia literary magazine at age 16 (which Allen Ginsberg, then an upperclassman, had

liked and published), Podhoretz took some satisfaction in the "precociously poised and accomplished critical essay" he wrote for the same magazine a few years later. Indeed, through ample documentation we get the idea that he was a powerhouse of literary criticism. That may have contributed to some of his "ex-friendships." For

Exactly what the book is, I find it difficult to say — a mix of gossip and autobiography, with a little serious history thrown in. But one thing is certain: it's fun. I loved it.

example, Podhoretz didn't think that either Ginsberg or Norman Mailer (another "ex-friend") lived up to his initial literary expectations of them, and he said so.

Podhoretz was something of a lackey to Lillian Hellman in his youth

(he was quickly disillusioned with her writing but kept his assessment a secret from her). He suggests that Mary McCarthy was not far off the mark when she famously remarked that "every word [Hellman] writes is a lie, including 'and' and 'the.'"

And I learned a lot about the Trillings. As I knew already, Lionel Trilling was a leading exponent of the "New Criticism," which flourished in the 1950s and 1960s. Its proponents attempted to analyze literary works on their own merits without interpreting them as products of history or social forces. Podhoretz never really broke with Lionel, but Diana, who survived her husband, and who began writing books after he died, got into conflicts with Podhoretz. The details are complicated — to the point where Podhoretz remarks that "I realize how bizarrely sectarian all this must sound to ears not attuned to the ideological wars of the intellectuals." Indeed, it does.

There is one genuinely serious essay in the book, the one about Hannah Arendt, author of *The Origins*

Liber-Tees.com

GUN CONTROL
isn't about GUNS



Item #T169

The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.

Thomas Jefferson

Item #T133

The Media Puppet



Item #T161

DARE
TO END PROHIBITION AND
POLICE STATE BRUTALITY

Item #T132

www.215Now.com



Item #T142

Life, Liberty, and the Pursuit of Happiness

THE LIBERTARIAN PARTY

The Party of Freedom

Item #T123

fully automatic assault doughnut



1. Leads to slow self-inflicted death.
2. Regulate, Register, Ban desserts.
3. Save the dessert industry.

Item #T158

Save America



Vote Libertarian

Item #T101

Current Prices: \$9.00/ea (\$8.50/ea for 3-5, \$8/ea for 6+)
T-Shirts available in MED, LG, XL (XXL add \$2/ea)
Sweatshirts add \$5/ea and are available in LG and XL only.
T-Shirt colors: White, Natural. Sweatshirts avail. in White only
Shipping costs: \$3.20 up to 3 shirts, 75 cents ea. add'l
30 day money back guarantee on all orders (-\$4H)
Save 10% when ordering online using e-gold
VISA/MC/AMEX/DISC accepted
T-Shirts are 100% cotton Hanes Beefy-Ts
Sweatshirts are 50/50 Hanes ComfortBlend
Free catalog available upon request
Liber-Tees
P.O. Box 1330
Redlands, CA 92373

quality t-shirts with a pro-liberty theme

only \$9 each!

of *Totalitarianism*. In Podhoretz's words, in this book Arendt revealed that Nazism and Communism "were in truth brothers under the skin." This had a profound effect on him. Ultimately it may have contributed to his move to neoconservatism but more immediately it led him to support the publication of an article by Arendt commenting on the desegregation of the public schools of Little Rock, Arkansas. This article was so controversial that Podhoretz was unable to convince his co-editors at *Commentary* to publish it. Hannah Arendt wrote:

The most startling part of the whole business was the federal decision to start integration in, of all places, the public schools. It certainly did not require too much imagination to see that this was to burden children, black and white, with the working out of a problem which adults for generations have confessed themselves unable to solve.

The article was eventually published by *Dissent*.

Podhoretz broke with Arendt, too. Their dispute was over a series of articles she wrote for *The New Yorker* in 1963 about Adolf Eichmann, who was arrested and tried in Israel for crimes against Jews in Germany. Arendt criticized the Israelis for prosecuting him and Podhoretz criticized her for "judging Jews by one standard and everyone else by another." I'm not an expert, but from my perspective Arendt looks pretty good on this issue, as on others.

All in all, some of these intellectual conflicts become pretty byzantine. But the people are vivid, partly because Podhoretz is so painstakingly careful with his descriptions.

He ends his book with an afterword intended to explain the significance of the "Family." Recognizing that most were socialists (but all anti-Stalinists, he insists), he comments, "On balance, however, I remain convinced that it is good for a country's culture to have an intellectual community like the Family, even if it promotes bad ideas as often as it does good ones." I don't think he makes a convincing case on this point. But he does tell a lot of good stories. □

Ayn Rand, by Tibor Machan. Peter Lang Publishing, 2000, 163 pages.
On Ayn Rand, by Allan Gotthelf. Wadsworth Publishing, 1999, 100 pages.

Introducing Ayn Rand

Bryan Register

The recent burst of academic publications on Ayn Rand now includes two primers on Rand's thought, each in a series of lay or undergraduate introductions to major philosophers: Tibor Machan's *Ayn Rand*, in Lang's series on "Masterworks in the Western Tradition," and Allan Gotthelf's *On Ayn Rand*, in the Wadsworth Philosophers Series. While Objectivists and sympathizers should be pleased that this dissident intellectual is finally being allowed her say in academia, we should be concerned that Rand's personality may be dominating the presentation of her thought, that her thought is not being conveyed in the clearest way to students, and that the presentation has struck an inappropriate balance between various issues, to the detriment of the student's comprehension of Rand. While Machan's work is far from perfect in these respects, Gotthelf's is essentially devoid of merit.

Machan spends about five pages on Rand's life. Most of this appropriately minimal introduction lists Rand's important publications and compares Rand and her thought with often contrary trends of the 20th century. Steering clear of irrelevencia, Machan points to Chris Matthew Sciabarra's work as the source of the current wave of academic interest in Rand.

Gotthelf's work, on the other hand, is vitiated by a hagiographic dedication to the person of Ayn Rand. Nearly one-third of his 100 pages are devoted to discussing Rand's own life in the most celebratory tones possible. But

despite all of this attention to Rand's personal development, he entirely ignores the events in her life which are actually important for understanding her philosophical vision: Rand's education in the Soviet university system, and especially her assimilation of the dialectical tradition which was central to every facet of the Russian intellectual scene during Rand's youth.

This history was brought to light in Barbara Branden's biography of Rand and discussed in great depth by Chris Matthew Sciabarra in his magisterial study, *Ayn Rand, Russian Radical*. Gotthelf mentions the Branden biography only to dismiss it as "psychologizing" (a category which does not apply to Ms. Branden's explorations of a figure she not only clearly admired, but had been on very intimate terms with for almost twenty years), and forgets to inform his readers of the title of her book (*The Passion of Ayn Rand*), making it difficult for the undergraduate student to check Gotthelf's assertions against the facts. Sciabarra's work is not mentioned at all, though Gotthelf does say that, "There is, unfortunately, not much of serious interpretive value among the secondary material that has been published on Ayn Rand in books and academic journals to date" (27). Again, Gotthelf's failure to mention his foils (e.g. Sciabarra's *Ayn Rand: The Russian Radical*) makes it hard to check his assertions against the facts.

Appropriately, he does cite as a source for facts on Rand's life Leonard Peikoff's idolizing portrayal *My Thirty Years With Ayn Rand: An Intellectual Memoir*, which concludes with an exhortation not to be concerned with the objective facts about Rand's life.

Bizarrely, Gotthelf does mention the unfortunate and irrelevant incident of the 1968 break between Rand and the Brandens, citing only Rand's less-than-honest account of the events.

But the main goal of the works is to introduce Rand's thought to a wider audience and clarify that thought for those who find it confusing. Here, neither Machan nor Gotthelf is fully satisfying.

Machan sees Rand's theory of axioms as her most powerful philosophical theory, and he dedicates substantial space to discussing this issue. Machan proposes that Rand's axiomatic concepts, such as "existence" and "identity," are important because they "figure in all awareness" and "are indispensable for any and all awareness" (35). Moreover, they stem from the kind of Aristotelian first principle which identifies an assumption which is ever-present in human discourse. The axioms are not foundational in the sense that other items of knowledge can be deduced from them, rather they are guides to all good thinking: "... the axioms may serve as the cornerstones of the structure, but not its foundations" (38). Machan relates Rand to various positions to which she stands

Machan tries to clarify Rand's most obscure theory by quoting some of history's most obscure philosophers.

opposed, and he does it without caricaturing those thinkers and with a recognition that Rand often does radically misrepresent alternative intellectual positions.

But Machan's discussion leaves a great deal to be desired. Consider this sentence: "The identification of existence, identity, and consciousness is not 'informative,' if informative speech is arbitrarily restricted to the production of 'synthetic' propositions" (41). Undergraduate students and philosophical neophytes will be put off by such technical terms. Hopefully the student knows these terms already, because Machan provides no help. Or, worse: "Instead of predicating *p* as *S*,

we can take *S* as *p* — and we can take ourselves backward to appreciate *S* as *S*. For instance, we can investigate being as moving . . . or simply being as being" (42-43). Here even the expert begins to lose track of what is going on, to say nothing of what the novice Rand student will think.

What Machan is trying to argue is that even the overwhelmingly obvious (something like "Existence exists") can yield insight. To support his argument, and make a comparison between Rand and some other thinkers, Machan moves from this discussion to an equally obscure comparison of Rand's view of axioms with Hegel's and Heidegger's metaphysics. While to someone familiar with the history of Continental philosophy, this comparison is striking and intriguing, to the undergraduate student it will be of no use. One can hardly clarify Rand's most obscure theory by quoting some of history's most obscure philosophers. But while Machan is sometimes esoteric, he is at least interesting. Gotthelf's approach is so intellectually and even stylistically dependent on Rand that one wonders why he didn't just write an annotated bibliography.

Consider this passage, also on axioms:

"We start with existence — that which is — and the first thing we recognize about it is: that it is. In Ayn Rand's words: 'existence exists.' This is the axiom of existence, and it is the first philosophic axiom. Its axiomatic status is clear . . . : any attempt to deny that something exists accepts and uses the fact that something does exist." (37)

Like Rand and some of her other less creative followers, Gotthelf engages in the practice of italicizing rather than clarifying. But let's actually think about this alleged axiom for a moment. If "existence" is "that which is," then it doesn't take very much to realize that "it is": surely "that which is," "is." But if this is the case, then the axiom that existence exists is quite consistent with nothing existing. Surely that which is is, but that

doesn't mean that anything is. That is, it is not axiomatic that the word "existence" actually refers to anything. Gotthelf does also say that "something exists" (37), and while this is true, it's not the same statement. Faced with this line of thought, Machan involves himself in the ill-fated discussion mentioned above, but Gotthelf doesn't seem to be aware that there is even a question to be addressed.

The problem is not so much that Rand's axiom is unclear. The problem

Like Rand and some of her other less creative followers, Gotthelf engages in the practice of italicizing rather than clarifying.

is that Gotthelf hasn't said anything at all which provides any clarity to the theory. What is the point of writing a primer on a difficult thinker if you're not going to clarify and explain the author's work? What's the point of calling it an introductory volume if you're not going to introduce, but merely reiterate?

Gotthelf's attempts to relate Rand to the tradition are also good illustrations of this point. Consider this passage: "... an entity is its attributes — there is no bare 'substratum' that possesses them. . . . An entity is not, however, a 'bundle' of attributes; it is a whole, a unity, of which its attributes are aspects" (Gotthelf, 40). Gotthelf fails to give an historical context to the problem. So if the student wishes to compare Rand to the traditions of bare



"If you think that's good, just wait till we invent black velvet!"

particularism or bundle theory, he'll get no help from this work.

But moreover, even if the student is familiar with the historical context of this debate, he is liable to be puzzled. The two views are mutually exclusive and mutually exhaustive of the options. For Rand to accept no version of either of them is simply incoherent on its face. Likewise here: "It is perhaps clear already from what has been said about concepts and definitions . . . that she would reject both the traditional Fregean view that 'meaning determines reference' and the more recent 'direct reference' theories" (69). Students will wonder: What's a "Fregean" view, and who has Fregean views? What are "meaning" and "reference"? What is "direct reference", and who has talked about it? And, since again these two views (particularism and direct reference) seem to divide the field between them in such a way that no third alternative is possible, how can Rand possibly reject both of them? That she rejects standard versions of these theories does not mean that she can reject the theories as such and retain intellectual coherence.

Finally, Machan and Gotthelf organized their books very differently, and the difference is important to their interest. Machan spends about twenty pages introducing Rand's philosophy and contextualizing it, almost thirty pages on Rand's theory of axioms, over forty on her ethics, almost twenty on comparisons to Marx and Kant, and thirty pages on projecting room for development and improvement in Rand's philosophy. One can complain about some of the decisions — especially his seemingly exaggerated sense of the importance of the axioms, in contrast to other issues in metaphysics — but Machan was trying to strike some kind of balance between breadth and depth, and trying to focus on points which are essential, interesting, and most provocative to the new reader of Rand.

Gotthelf, on the other hand, is interested in metaphysics and epistemology, to the virtual exclusion of Rand's most well-known positions. Now, these deeper issues are important and they deserve attention; one can definitely complain that others have unfairly ignored these foundational areas. But Gotthelf overcompensates. He spends fifteen pages on ethics,

including the page on politics and page and a half on aesthetics. To spend three (unhelpful) pages on Rand's deeply obscure meta-ethical argument and half a page on the problem of the possibility of conflicts of interest between persons — and providing only a soundbite on the latter, very serious problem — while wasting thirty pages on a fruitless discussion of Rand's life and spending almost fifty pages on issues in metaphysics and

epistemology is not a reasonable priority.

Rand is going to be brought into the academy, sooner or later, and introductory volumes like Machan's and Gotthelf's are going to be one of the ways this happens. We can hope that future efforts take little guidance from Gotthelf's fawning and pointless re-hash, but that they learn a bit from Machan's daring, even as they struggle to shed more light than he manages to.

"The Independent Review is excellent."

— GARY S. BECKER, Nobel Laureate in Economics

Transcending the all-too-common superficiality of public policy research and debate, *The INDEPENDENT REVIEW* is the widely acclaimed quarterly journal devoted to individual liberty and excellence in the critical analysis of government policy. Edited by Robert Higgs, *The INDEPENDENT REVIEW* is superbly written, provocative, and based on solid peer-reviewed scholarship.

Probing the most difficult and pressing of social and economic questions, *The INDEPENDENT REVIEW* boldly challenges the politicization and bureaucratization of our world, featuring in-depth examinations of current policy questions by many of the world's outstanding scholars and policy experts. Unique, undaunted and uncompromising, this is *the* journal that is pioneering future debate!

"*The Independent Review* is the most exciting new intellectual journal in many years and one of the few with a profound commitment to liberty."

— WILLIAM A. NISKANEN, Chairman, Cato Institute

"*The Independent Review* is of great interest."

— C. VANN WOODWARD, Pulitzer Prize-Winner, Yale Univ.

"*The Independent Review* is excellent in both format and content, and is a most important undertaking for the cause of liberty."

— RALPH RAICO, Professor of History, SUNY Buffalo

"It is a welcome relief to have *The Independent Review*, that comprehensively analyzes current issues from the standpoint of liberty and limited government. We are most fortunate to have the unique and powerful perspective of its scholarship and commentary."

— HARRY BROWNE, bestselling author

"*The Independent Review* is distinctive in badly needed ways."

— LELAND YEAGER, Professor of Economics, Auburn Univ.

In Recent Issues:

Watching You: Systematic Federal Surveillance of Ordinary Americans

— CHARLOTTE TWIGHT

The Immigration Problem: Then and Now

— RICHARD VEDDER, LOWELL GALLAWAY, STEPHEN MOORE

The Liberty Debate on Participation in Politics

— WENDY McELROY

Free Riders and Collective Action Revisited

— RICHARD L. STROUP

Just War? Moral Soldiers?

— LAURIE CALHOUN

Is Urban Planning "Creeping Socialism"?

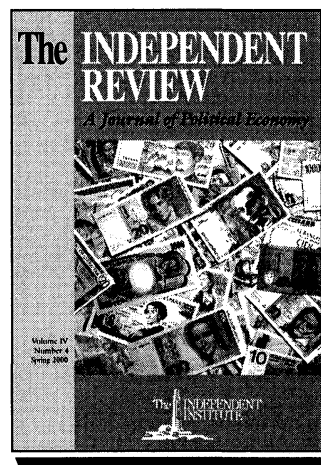
— RANDAL O'TOOLE

What's Wrong with the IMF? What Would Be Better?

— ALLEN MELTZER

Gold Democrats and the Decline of Classical Liberalism, 1896-1900

— DAVID T. BEITO, LINDA ROYSTER BEITO



- ◆ Feature Articles
- ◆ Debates
- ◆ Book Reviews
- ◆ Special Features
- ◆ Figures and Tables
- ◆ 160 Pages per Issue
- ◆ March, June, Sept. & Dec.
- ◆ Annual Index
- ◆ Plus more . . .

Individual Subscriptions:

\$28.95/1 year, \$54.95/2 year

Institutional Subscriptions:

\$84.95/1 year, \$159.95/2 year

International Orders:

Add \$28/subscription shipping

Order Toll-Free (U.S.)

800-927-8733

Phone: 510-632-1366

Fax: 510-568-6040

review@independent.org

http://www.independent.org



100 Swan Way, Dept. 92K
Oakland, CA 94621-1428 USA

Look for *The INDEPENDENT REVIEW* on better newsstands and in bookstores!

Guilt, Blame, and Politics, by Allan Levite. Stanyan Press, 1998, 259 pages.

Guilt-Edged Politics

Michael R. Allen

The average critic of modern liberalism reserves particular disdain for the "limousine liberals" and wealthy celebrities who tell middle America that it is too greedy and ignorant. These liberals are easy targets, too, since they usually aren't going to give up their possessions and live in the ghettos. So their detractors will accuse them of blatant hypocrisy.

One couldn't make a worse mistake, as Allan Levite points out in his intriguing book, *Guilt, Blame, and Politics*.

Levite begins his polemic with an illuminating tale of an Indian prince, who one day long ago, was returning from a hunting expedition and passed a man in agony. The prince's bodyguard explained that sometimes people are poor and suffering. The next day, this prince saw an elderly man. Again, his bodyguard offered an explanation: old age does occur. The Indian prince next witnessed a funeral procession. Puzzled by the concept of death, he was informed by his non-sheltered bodyguard that people do die.

The prince began to question his own wealth and status, eventually venturing out of the palace into the commoners' marketplace. There, he saw a monk begging for a meal. The prince was inspired by the monk's happiness in poverty — so much so that he too became a monk and dedicated himself to the betterment of the world.

This prince, of course, is Siddhartha Gautama — the Buddha — and his brushes with sickness, old age, death, and poverty are known as the Four

Sights. Levite sees more than simple humanitarian concern in the Buddha: "Had he been born poor, the Four Sights would have been so routine to him they would have produced no such catharsis: their meaning to him would have been much different" (1-2). The prince's affluence enabled him to feel guilty about other people's suffering, says Levite. A poor man would not have disrupted his own life to "fix" society.

Levite's thesis is that guilt — not hypocrisy or authoritarian urges — has been the driving force behind left-wing politics. Those who fit his "Guilt Profile" view their status in society as wrongful as long as others must work and suffer. Levite is not writing about guilt in the simple psychological sense: he is dealing with "... guilt as a societal institution, springing from the conflict between what we have been taught to do and what we actually do (fail to do)" (3).

After stating his thesis, Levite looks at a litany of wealthy socialists and other leftists. Often his citations do not come with proof of guilt felt on the part of his subjects, as Levite readily admits. What this section does establish, though, is that a) many socialists — and most socialist leaders — are well-educated and financially secure and b) many wealthy people, especially those who did not work actively to become wealthy, are prone to lament the gap between the workers and themselves.

In many cases, this lament turns into guilt which they try to ameliorate through philanthropy and, of course, radical politics. Besides some of the more famous examples of contempo-

rary guilty socialists, Levite also mentions some forgotten figures who fit his Profile: W.H. Auden, Lord Louis Mountbatten, George Sand, Peggy Guggenheim, Charles Baudelaire, George Pillsbury, and Corliss Lamont.

A major drawback of *Guilt, Blame, and Politics* is that the Guilt Profile fits a wide range of people, including some who don't seem to have advanced the socialist or leftist agenda, or who advanced it inconsistently. Does William Saroyan, ardent opponent of FDR's war policies, belong in the same category as socialist Upton Sinclair? Can't radical politics, even those of Sinclair, sometimes be wrong without being immoral? Levite makes no such fine distinctions.

He also fails to indict those who do not fit his Guilt Profile but are equally willing to use coercion to achieve their ends. When Levite is angry that no "pro-Helms people" (191) were contacted for a *San Francisco Examiner* article on Senator Jesse Helms, his anger at the Guilt Profile class overrides his own support for liberty. The liberal *Examiner* staff is doing the free society a favor by writing negatively of a senator who supported the illegal bombing of Yugoslavia. Those who fit the Guilt Profile are not always the enemies of a free society, nor are their enemies necessarily friends of freedom.

Elsewhere, Levite writes that "logically, leftists should come *only* from the lower classes . . . Yet in the ranks of radicalism as a whole, affluent individuals abound, especially among the leadership" (85). History shows that the sons of nobility, capital, and education, such as Lenin and Marx, are all-too-eager to identify with the working class and aim to overthrow the systems from which they came. However, working-class people are usually not nearly so revolutionary.

Noting that upper class socialists dominated the Communist movement in Europe, Levite posits that the working class, while seeking to use government intervention in its favor, were at most reluctant Marxists. At the Second Congress of the All-Russian Social Democratic Labor Party in 1903, four delegates were of working-class backgrounds while over fifty were of the bourgeois classes. In 1903, Bulgaria's Socialist Party was only 41 percent

working-class; in 1919, that country's Communist Party was only 43 percent working-class. Even in the 1946-1958 period, merely 31.6% of Italy's Communist Party were actual manual workers. If communism was devised to save the masses from exploitation, then why was it dominated by the sons of "exploiters"?

Levite correctly observes that workers are generally ambitious; that is, they want a better life. While their unionization and progressive politics show a socialist impulse, the common people wanted to improve their situations, not overthrow "the system." They allied with Marxism only inasmuch as they saw it would better their

conditions. Communism could not last because, in the end, the workers wanted more wealth — not the end of capitalism.

The revolutionary intellectuals did not understand the classes to which they were drawn. Guilty for their own success, the intellectuals tried to assuage their feelings by "helping" the disadvantaged classes. Levite emphasizes that radical politics, at least in communist or socialist varieties, often aims to ease the guilt of its followers.

Presently, the revolutionaries are "symbolic analysts" rather than blatant communists:

Drastic action might be needed to reduce inequality, but to alleviate guilt's discomfort, words can be as fulfilling as deeds, statements can replace results, and properly-configured gestures can substitute for actions (95).

Symbolic analysts are behind political correctness, out-comes-based-education, and other modern follies. They see their programs as moral and righteous because they themselves attach value to them. They zealously guard them because they are a way of reducing their own guilt. Attacks on the actual effects of, say, the Aid to Families with Dependent Children program, are viewed as attacks on the morality of aiding the poor, regardless of the validity of such claims.

By attaching morality to a word, symbolic analysts have made words

While their unionization and progressive politics show a socialist impulse, the common people wanted to improve their situations, not overthrow "the system."

like "archconservative" into general pejoratives and words like "disadvantaged" unassailable. Simply attach the word to an object, and the moral value of the word is then transferred to that object. The guilt of intellectuals is mitigated by the language they employ.

Often symbolic analysts spawn totalitarianism, and rush to defend its

Classified Ads

Business

CHRISTIAN BUSINESS OPPORTUNITY. Call 1-800-585-5873 option 3. Leave my ID #32628 at the end of the message.

Employment

Liberty magazine offers full-time, paid internships at all times of the year. We seek intelligent, highly motivated individuals who want to learn more about writing and editing. Responsibilities are flexible according to demonstrated abilities and interests. For more information, write: R.W. Bradford, Editor, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

Literature

The Sociology of the Ayn Rand Cult by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send \$4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

The Titanic Story by Stephen Cox. Truth is more fascinating than myth. This readable and entertaining new book cuts through the myth of the "arrogance" of capitalism and modern technology and gets to the real story — the drama of individuals coping with the risks of human life. Send \$9.95 to Liberty Book Club at P.O. Box 1181, Port Townsend, WA 98368.

WHO OWNS THE POLICE!! Did the Cops and FBI murder the Kennedys?
track1776@excite.com

Ayn Rand and Her Movement — an interview with Barbara Branden. Ayn Rand's close friend discusses the inner circle of the Objectivist movement. Learn what it was like to be a companion of

the woman who thought of herself as "the world's greatest political philosopher." Send \$4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

SunriseView.com

Inspired by Thomas Paine, this unusual polemic, *The Return of Common Sense* by Eric Szuter, reveals a surprising solution to the statist chokehold. Visit our Web site or call (504) 734-1795.

Personal

Gay libertarian man, 39, seeks new friends. POB 190315, San Francisco, CA 94119-0315. Email: mdf1960@yahoo.com

Services

Until the libertarian future is realized, we're going to need **tax relief**. Call me. 602/295-6563. <http://ima.thetaxpeople.net/~joenail>

Victory News, Brien Bartels' free "investment newsletter" for libertarian political donors. www.vforvictory.net. Also the home of Victory Communications marketing, consulting and commentary.

Web Sites

Any libertarian stuff on tv this week?
www.missliberty.com

Webmaster Wanted! The Free Press Association seeks a volunteer to create and maintain a website. Since 1981, the FPA has honored working journalists with its prestigious Mencken Awards for outstanding writing and cartooning that illuminate human rights issues, expose government abuse of power, or reveal violation of individual rights. Inquire: rw@olympen.com.

Classified Advertising is available for 50¢ per word, ten words minimum. E-mail addresses, telephone numbers, URLs are charged as 7 cents PER CHARACTER. Ask us for requirements on adding your logo to your ad. 10% discount for six or more insertions. Payment must accompany order (check or money order only). Please suggest classification. Deadline for next issue: May 5, 2000.

horrible consequences. Levite quotes Simone de Beauvoir: "Women should not have that choice [full-time parenthood], precisely because if there is such a choice, too many women will make that one" (124). Levite does not criticize this claim by pointing out its hypocrisy or authoritarianism. He insists she is being honest, since she wants to be ruled along with everyone else in her world of no choices. Honest she may be, but he should not dismiss her authoritarianism. One who wants people to be ruled, even if not by herself, is still calling for authoritarianism. De Beauvoir was not an autocrat personally, but she endorsed the notion that someone should be dictator.

Levite continues by examining determinism and its "abhorrence of [free] choice" (162). Instead of using environmental determinism to escape blame, the guilty use it to become even more guilty. "If the rapist's childhood 'caused' his crimes, then 'we' must be to blame for not doing enough to 'end' child abuse," is the reasoning that places greater, not less, guilt on society under the determinist philosophy (164-5).

Levite maintains that this impulse is emphasized by non-Protestant Christianity. With its emphasis on the onerous guilt of original sin, Roman Catholicism has fostered scholars who promote Marxism as a way to alleviate guilt. But what the Marxist Catholics don't understand is that — even under their own faith — sacrifice is a means to charity, not an end. Levite thinks that turning Jewish and Christian religious thought away from self-sacrifice is "not . . . as challenging to religious doctrine as it might sound" (186). After all, Mother Teresa saw her sacrifice as a way to help others, not to alleviate her own discontent with her status — and she lived austere, unlike the Marxists to whom symbolism, not action, is more important.

Levite manages to defend his thesis throughout the whole book, though his Guilt Profile sometimes leads him to some flawed conclusions. The wealthy left has shown itself to feel extremely guilty, and has substituted symbolic gestures for real solutions to the world's problems. *Guilt, Blame, and Politics* does not reexamine the fallacies of Marxist and other socialist thought.

Instead, it aims to explain why privileged proponents of such ideology aren't proud to be wealthy and successful. Levite asserts that they see a gap between themselves and the working public, and are intimidated by their own relatively lazy lives. They turn to action that will help to relieve their guilt — but not wanting to totally disrupt their own lives, take up radical politics instead of actually leaving their class.

In the end, the author says that the way to get rid of the guilt is simply not to create it in the first place. He recommends that wealthy socialists see themselves as deserving of their status — and I concur. Acceptance of their social status could save the world from more political discomfort, but it will not come about until people stop looking to society or government for permission to be free. □

A New Fiedler Reader, by Leslie Fiedler. Prometheus, 1999, 588 pages.

The Avatar of Audacity

Richard Kostelanetz

Long one of the great independent American literary and cultural critics, Leslie Fiedler based his expository style on ironic audacity. In 1948, as a young academic teaching in Missoula, Montana, he published an essay suggesting that a principal recurring myth of American literature was the interracial homoerotic romance, "as physical as a handshake," where white and colored males leave civilization for life together in open territory. Since his examples included such familiar characters as Huck and Jim, Queequeg and Ahab, Natty Bumppo and Chingachgook, Fiedler's thesis did not suffer from a lack of evidence.

This essay, "Come Back to the Raft Again, Huck Honey!" was included in *An End of Innocence* (1955), Fiedler's first collection, and has since been reprinted many times, sometimes with disclaimers. For good reason. Like all classic essays, it can be reread many times over for its subtleties and witty turns. And it opens this book, which is the second Fiedler Reader. The first appeared well over two decades ago.

One problem with this new book, however, is that, given the invitation to produce a second selection from his work, if not a reinterpretation, Fiedler missed the opportunity. Instead, he simply recycled the previous Reader, adding a few more recent pieces, thereby inevitably disappointing those of us who expected something more audacious, if not Fiedlerian.

Nonetheless, even these more recent writings contain classic sentences with a wealth of ideas amid elegant, original

Fiedler is one of the few whose style can be compared with H. L. Mencken's.

phrasings. Consider this about gun control:

But anyone familiar with the long struggle of the rising bourgeoisie for equality, which climaxed in the French and American Revolutions, cannot doubt for a moment that this key passage in our Bill of Rights, like earlier revolutionary manifestoes,

unequivocally demanded that along with such other privileges as the rights to vote and to learn to read, once reserved for the ruling class, the formerly oppressed classes should be granted the right to carry guns, which, appropriately enough, to this very day are called in the vernacular, equalizers.

This is marvelous writing.

I've always ranked Fiedler among the great American essayists in the late 20th century, one of the few whose style can be compared with H. L. Mencken's; but, though he is essentially an essayist, his prose hasn't recently appeared often in American

magazines, so many of them devoid of irony and other subtle humor, not to mention contributor independence. What *A New Fiedler Reader* suggests to me is a depressing thought: given current editorial limitations, he may well be the last of a kind. □

Letters, from page 6

reading I did for this class. Szasz seems unaware that a condition need not be communicable to qualify as a disease. My mother, who has suffered from multiple sclerosis for 30 years, could have set him straight on this point. As for the evidence, Szasz may not have been being (too) disingenuous at the time this was written. But to stand by that statement today — after a mountain of evidence has accumulated linking severe behavioral dysfunction with neurochemical and neurophysiological causes — would be sheer folly.

Topping it all off is Szasz's contention that mental illness is a myth cooked up by the psychiatric establishment, presumably for the purposes of social control, a conspiracy theory worthy of the X-Files. I'm sure it's true that Thomas Szasz is a brilliant thinker with an impeccably logical mind. All the logic in the world, however, doesn't do you a bit of good when you're arguing from a false premise. There is such a thing as mental illness, and people who suffer from it. Szasz and his compatriots have done much to make their lives worse. As the author of my textbook puts it, "In practice, deinstitutionalization has often meant the wholesale dumping of the mentally incompetent onto the streets, the provision of largely imaginary care facilities, and a burgeoning population of bewildered people left to fend for themselves as best they can."

Libertarians can keep their ideological blinders on if they like, but they should not be proud of their contribution to the disaster of the homeless.

Joseph Whitehurst
Houston, Tex.

Shoulda, Woulda, Coulda

George Hollenback's suggestion that the ancient Egyptians adopted Babylonian math during the Hyksos period ("Plagiarism on the Nile," June)

is rather speculative. Each step is a might. The Hyksos might have had Babylonian math. They might have imported it into Egypt, which might have adopted it. And there is the general image of the Hyksos as barbarians. This is largely the Egyptian view of course, but most of the innovations listed are military, and Hollenback does not say that any were imported by the Hyksos (though the military ones largely were.) But assuming any intellectual adoption is still working against the grain.

Essentially, there is no real advantage to assuming the adoption was done in Hyksos times instead of Persian. In either case, a long-standing Egyptian system was replaced with a Babylonian one, presumably at the will of the new rulers.

David Argall
La Puente, Calif.

Medieval Ignorance

Steve Sawyer (Letters, June) says "Christianity places a very high value on knowledge, as witnessed by its preservation of much of ancient knowledge during the Dark Ages." I'm sure that's the case and any good Christian knows the earth is flat (with four corners), lightning is created by devils who hurl the bolts at the earth (usually at high church towers), and of course the earth is the center of the universe with the sun and all the planets rotating around earth just like it says in the Bible.

Galileo was convicted of heresy by the church and sentenced to burn at the stake when he lied and said that the earth rotated around the sun. However the church commuted Galileo's sentence to house arrest for the rest of his life when Galileo came to his senses and admitted the the sun really rotates around the earth as the Bible says. It wasn't until 350 years

later in the 1980s that the pope admitted the Bible might be wrong and Galileo might be right. With science like that the last thing we need to do is mix religion and government to secure our liberties as Steve Sawyer goes on to say in his letter.

Mike Ross
Tempe, Ariz.

Viagra vs. Marijuana

In Paul Rako's excellent analysis of Drug Czar Barry McCaffrey's illogical support of failed drug policies, he asks why some drugs are demonized while others are A-OK. The answer is really quite simple. The goal of a "drug-free" America only applies to certain drugs. Specifically, natural drugs which cannot be patented by the pharmaceutical industry, one of the most powerful lobbies in Washington, D.C. New lifestyle drugs are routinely granted fast-track FDA approval, while marijuana, which has been used medicinally and recreationally for thousands of years, allegedly requires further research studies.

In the short time the blatantly recreational drug Viagra has been on the market it has already killed more people than marijuana, a relatively benign drug whose pharmacological qualities have never been shown to cause a death. Nationwide, cancer and AIDS patients are being locked up at the taxpayers' expense for smoking medical marijuana, while 2-year-olds are prescribed Ritalin and anti-depressants. So much for protecting the children.

If McCaffrey is truly concerned about children's access to drugs he might want to reconsider marijuana legalization. Current drug policy is, in effect, a gateway drug policy. While there is nothing inherent in the marijuana plant that compels users to try harder drugs, its black market status puts users in contact with unscrupulous individuals who push hard drugs.

Equally disturbing is the manner in which children have an easier time purchasing marijuana than beer. Given that marijuana is increasingly recognized as being safer than alcohol or tobacco — it is impossible die from a marijuana overdose — why not end marijuana prohibition?

The answer, of course, is culture. The marijuana leaf represents the counterculture to Americans who would like to turn the clock back to the 1950s. This misguided culture war has gone on long enough. As counterintuitive as it may seem, legalizing marijuana would both limit access and separate the hard and soft drug markets which serve to introduce youth to the truly deadly drugs.

Robert Sharpe
Washington, D.C.

Follow the Money

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

Maybe the politicians are required to adhere to the party line of prohibition because law enforcement, customs, the prison industrial complex, the drug testing industry, the INS, the CIA, the FBI, the DEA, the politicians themselves et al can't live without the budget justification, not to mention the invisible profits, bribery, corruption and forfeiture benefits that prohibition affords them.

Myron Von Hollingsworth
Fort Worth, Tex.

An Honorable Man

Today I received my first copy of your magazine in the mail. I am a former Republican, and recent (2 year) convert to the Libertarian Party. Also, I served under four-star general Barry R. McCaffrey's leadership during the Persian Gulf War. At that time, he was the most highly decorated soldier on active duty. He is a recipient of the

Congressional Medal of Honor, and literally dozens of other awards and citations for gallantry in combat. 2000 years ago, he could easily have been a Caesar in ancient Rome. He is a man that endures through hardship in every sense of the word, and I admire him for this. His character as a general, as a husband, as a father, and as a man, is impeccable. He has truly led an honorable life, and *nobody* has any right or reason to assassinate his character. Attack his policies if you must, but the man, any man, deserves civility.

Paul Rako's article, "McCaffrey's Brain on Drugs," (June) is nothing more than a libelous and slanderous diatribe of a smarming sycophant. I was not academically or intellectually impressed. By my count, a full 15% of his article was devoted to smearing a person with unfounded allegations, rather than attacking the policies of the person with logic and reason.

I have placed Rako's article in my shitter, so that I may make proper use of it, and wipe out hate as it were.

Let's get the real facts here:

- Barry R. McCaffrey is a war-horse, Medal of Honor recipient, and civilized gentleman.

- Barry R. McCaffrey was forced back into government service by a draft dodger. (What hypocrisy!)

- Barry R. McCaffrey was not, and is not, a drug policy wonk. He is only doing his best to carry out a mission forced on him. His role is only that of an unwilling figurehead. He is a victim of the twisted logic of the Clinton crew, i.e., if you're going to wage a war on drugs, get a war-horse to lead the charge.

- Barry R. McCaffrey is obviously doing a good job of executing his orders, goofy as they are. Look at how well he is jerking Rako's chain! He has the man practically foaming at the mouth.

- Barry R. McCaffrey would be just as effective if he were called out of retirement to end the war on drugs. That's right, end it. He is not a Nazi or a "jack-booted thug." His boss may be, though, so he is being held guilty by association.

In the future, I hope you put a muzzle on Rako's libel and slander. I don't think *Liberty* needs or wants this type of gutter journalism. Hopefully, Mr.

McCaffrey will sue Rako to his senses. A mind like Rako's could be world-class, if he had some adult supervision and guidance. Please see that he gets some. I will not let myself be guilty of association with uncivilized and foaming-at-the-mouth fanatics. I pay good money to get factual information on contemporaneous issues. If I wanted a rag full of libel and slander, I'd read *National Enquirer*.

Jack D. Null
Fairborn, Ohio

Rako, the Drug Warrior

I just finished reading Paul Rako's hilarious rebuttal of Mr. Barry R. McCaffrey. He made me laugh so hard I didn't bother smoking the joint I had ready to go. Since it stopped me from using drugs (today), I suggest you submit this article to the Office of National Drug Control Policy for credit in its payola for propaganda program.

Christopher A. Joseph
Parma, Ohio

Arresting Government

John Engelman contends (Letters, June) that R. W. Bradford's statement ("Learning From Hillsdale," May) "Private power can be just as corrupting as State power" undermines the libertarian faith. Engelman goes on to write, "Libertarianism is and shall remain a minority perspective."

Engelman exemplifies a common misunderstanding of libertarian principles. The vast majority of libertarians are not anarchists expecting all citizens to protect and defend themselves. Libertarians as a matter of principle "oppose the initiation of force" or fraud whether by individuals or the state. We support a strong police force to protect and avenge victims of crime, but we oppose prosecution of victimless criminals. Private criminals can be brought to justice through the courts. It's harder to "arrest" a government.

But there are a lot of us trying, and more joining every day. The fight for liberty didn't start in 1972. It's been going on since the first bully crowned himself King. Liberty is not a place; it's a direction. The last hundred years we've been going the wrong way, but the pendulum is starting to swing.

Scott A. Wilson
Concord, Calif.

Farce and Fraud

The Hillsdale black farce ("Hillsdale as an Ordinary College," May) is the most entertainingly lurid libertarian saga since the Rand/Branden debacle. This latter was mischaracterized by some as tragedy; it was, on the contrary, the perfect subject for an opera buffa, with solo SATB [soprano, alto, tenor, bass], a chorus of "The Collective," and the opportunity for drinking songs and a "mad" scene all set to neo-Rossinian music. The Roche yarn, on the other hand, would make an ideal satirical novel of academia, if such things hadn't already been done to death.

Objectivists and libertarians give a rough equivalence to force and fraud (the State, they claim, supposedly protects us from both), and with justification; Nietzsche reached a like

conclusion. The "will to power" and the "will to truth" are opposed in the very nature of things, and in *The Gay Science* he points out how fakery is entangled in the very guts of the Life Force: "... it does seem! — as if life aimed at semblance, meaning error, deception, simulation, delusion, self-delusion..." which appear to be the same things that the power-mad George III of Hillsdale was aiming at. He did not, of course, have the power to force a single person to attend his college or contribute to it; but he did have the power to defraud people and allegedly did. I don't necessarily mean legal fraud, by the way; I mean the creation of a Potemkin universe out of the stuff Nietzsche mentioned, a constant temptation of Homo sapiens. Fraud, after all, is a subtler thing than force and is infinitely various, as

the number of species of stick insects attests.

By the way, I don't think anything should be "done" about Roche, any more than anything should have been "done" about such other pigeonpluckers as P.T. Barnum, Alfred C. Kinsey, L. Ron Hubbard or John Cage — except to eliminate whatever political power they have.

Kyle Rothweiler
Bozeman, Mont.

Homework Therapy

In his review of Kenneth Cmiel's *A Home of Another Kind*, ("Child Abuse by the State," May) Patrick Quinn writes:

Cmiel seems unaware of the relationship between the growth of state power and the rise of the technical expert. In *The Rise of the Therapeutic State*, Andrew Polsky explains how technocrats' frustration over their lack of power led them to lobby the state for increasing amounts of power in society.

Quinn seems unaware that the term "therapeutic state" was created by Thomas S. Szasz in 1963.

Polsky's writing about the therapeutic state pales in comparison to the work Szasz has done over the past forty years.

Mr. Quinn has not done his homework.

Jeffrey A. Schaler
Silver Spring, Md.

Quinn responds: I don't recall a single sentence in my article addressing the origin of the phrase "therapeutic state." Dr. Schaler might just have said, "While Quinn writes about children, he seems unaware that my children are aged 11 and 14." In other words, his comment has nothing to with my review.

Nonetheless, I am happy to acknowledge the credit he has given to the good Dr. Szasz, who has had a profound influence on my development as a social scientist. I have proudly defended the work of Szasz in academic environments that are largely unaccommodating of his point of view. The reason I referenced Polsky's work is because it is a very specialized application of Szasz's work, which, of course, is a credit to Szasz. Polsky

Notes on Contributors

Michael Allen is editor and publisher of the online journal *SpinTech Magazine*.

Baloo is a *nom de plume* of Rex F. May.

Chris Bernard is a graduate student in the Philosophy Department at the University of Maryland.

David Boaz is the author of *Libertarianism: A Primer* and the editor of *The Libertarian Reader*.

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

Scott Chambers is a cartoonist living in Arizona.

Stephen Cox is the author of *The Titanic Story*.

Miguel A Faria, Jr. is Editor-in-Chief of *Medical Sentinel*, the official journal of the American Association of Physicians and Surgeons.

Peter Gillen is assistant editor at *Liberty*.

Gene Healy is a lawyer practicing in Virginia.

Dan Kiehly is a graduate of Stanford Law School and is a consultant in the field of offshore and onshore asset protection.

David Kopel is the author of *The Samurai*, *the Mountie*, and *the Cowboy*: *Should America Adopt the Gun Controls of Other Democracies?*

Richard Kostelanetz is an independent

critic of culture and politics living in Manhattan.

Barry Loberfeld is the president of the Long Island chapter of the Freeman Discussion Society.

Peter McWilliams is the author of 35 books and has appeared five times on the *New York Times* bestseller list.

David Nichols is a writer and a prisoner in Federal Correctional Institute in Tucson, Arizona.

Bryan Register is a graduate student in the Continental Philosophy program at the University of Texas at Austin.

Timothy Sandefur is a law student at Chapman University in Orange County, California.

Ron Scutt is a teacher living in Stehekin, Washington.

Jane Shaw is a senior associate at the Political Economy Research Center in Bozeman, Montana.

Pam Singer is a student in Phoenix, Arizona whose interests are psychology and writing.

Tim Slagle is a stand-up comedian living in Chicago.

Martin M. Solomon is an assistant editor at *Liberty*.

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

deals, in great detail, with the institutionalization of the therapeutic state, and the endurance of that apparatus over time, all of which research is intimately relevant to my review.

Unlike Schaler's comments. Ironically, his irrelevant hair-splitting is more reminiscent of the technical experts of the therapeutic state than of a defender of freedom.

The Nazi Threat

Jonathan Miller (Letters, May) offers some thoughtful comments on my article ("What if the U.S. Had Stayed Out of World War II?," March). In response I should clarify just how, in my opinion, a capitalist, technically advanced Nazi empire would have posed a greater threat to our survival than the socialist, technically backward Communist empire.

Miller's idea that we might have taken out Nazi missile sites with long-range bombing first of all ignores the huge technological gap between Germany and the rest of the world at that critical time (i.e., Hitler's probable lifespan). Aside from the fact that England would not have been available as a base as Miller suggests (had we not participated in the initial round of war which the Germans would likely have won), the Nazi monopoly on the earliest military jets and rockets would have made them invincible in an extended global conflict. Even under the rain of Allied bombs, the Luftwaffe produced almost two thousand jet fighters by 1945 (fortunately they had neither the fuel nor the trained pilots to put more than a handful in the air by war's end).

How this relates to Miller's argument is simple: our big, slow propeller bombers would never have made it across the ocean. For that matter, Hitler had already moved his jet and rocket programs deep underground later in the war, making them invulnerable to our bombing even at that time.

On the other side of the ledger, the Germans had the blueprints for a B-52-like jet bomber aptly christened the "Amerika." Much of our own future technical progress, from Korean War jet fighters to the Apollo moon mission, was the fruit of captured German hardware, data and scientists

we would not have had access to had we not conquered Germany.

The further suggestion that we might have carried out such bombing attacks without actually going to war with Germany is a flight of another kind — pure fancy. Superpowers don't bomb each other intermittently without going to war, especially with a war-loving maniac like Hitler in the equation. A case in point: we never "took out" missile sites inside Russia for the simple reason that they would have taken us out in return. We've only recently become accustomed to kicking explosive sand in the faces of the puny Iraqis and Serbians at our leisure, because they can't hit back. As to Miller's alternative suggestion of commando raids, these would have been immeasurably more difficult in a Nazi-dominated Eastern Hemisphere, and even if successful would also constitute a direct act of war.

While the Russians obviously could have nuked us at any time (and still could for that matter), they were well aware this meant instant suicide for them, given our great technical lead and massive counterstrike superiority.

Evil as they may have been, the Soviets usually behaved rationally during the Cold War. By contrast, Hitler's evident desire to destroy Germany along with himself toward the end gives a frightening glimpse of a Nazi nuclear era that never was. A parallel Cuban missile crisis might have turned out quite differently. How Miller concludes "we are now actually more insecure today" is difficult to understand, unless you're that worried about global warming.

Since we survived world Communism but will never know about world Nazism, all of this remains pure speculation. The only thing one can say with certainty is, it beats the hell out of talking about Bush and Gore.

Michael Drew
Berkeley, Calif.

The Last Roundup

James Wood's April article, "Better Living Through Genetics," correctly states that Microsoft, Monsanto, Genentech and other companies do not have a right to dictate the future of the species, but they have the means and

ability. In a way, such companies give Margaret Mead's often quoted statement (about the only thing ever changing the course of society being a small group of determined people) a perverse twist.

Not only are Monsanto and other companies in a position to direct what humanity will become (for better or worse), they can do so because they are so deeply intertwined with the government that the citizenry is powerless to resist their fiats. It is difficult to find a top EPA or FDA official who has not worked for Monsanto, or to find top people in Monsanto who were not in the EPA or FDA earlier in their careers. With the government spending large sums buying Roundup to spray on drug crops in Colombia, a domestic boycott of Monsanto's products would accomplish little. Moreover, in spite of new evidence that Monsanto's bovine growth hormone may pose health risks to humans, Monsanto has enough influence to keep negative information limited to publication in alternative media.

Whatever happens to our species because of genetic engineering will be irrelevant. The species will not be subject to the "human condition." Members of such a species will not be what a person in the year 2000 would think of as human, so it is a non-issue for us humans, and if we create a species that outcompetes us, great. After all, isn't that what free markets and unimpeded competition are supposed to do, create betterment? And if our efforts go disastrously wrong, it won't matter because we shall deserve the misery and possible extinction risked with every large-scale experiment undertaken.

Garrick Cicero
Wilmington, N.C.

Technology and Freedom

I am puzzled that Sandy Shaw found the appearance in *Liberty* of ideas with which she strongly disagreed to be a "surreal experience." ("Reflections," June, commenting on my article "Better Living Through Genetics," April.)

Shaw and I do have opposing ideas, which, I think, come down to one fundamental issue: I argued in some detail that powerful new technol-

ogies have altered the relationships among individuals, private companies, and government in ways which threaten human identity and personal autonomy. Shaw, apparently more concerned with my psychological state than with my arguments, seems to dismiss my reasoning as merely showing narrow-minded fear of progress. She touches on one technology: altering human genetic structures, including introduction of non-human characteristics. Perhaps she's right that we should welcome radical modification of individual humans and even of the species. But at best, I don't think we should welcome this without a good deal of thoughtful *dialogue* leading to conscious decisions, both personal and public. Ridicule, ad hominem attack, and retreat into a simplistic doctrinaire "government=bad; business=good" position won't cut it in that dialogue.

Bill Joy (co-founder of Sun Microsystems, and hardly an anti-entrepreneur) had an article appear in *Wired* magazine almost the same day as mine in *Liberty*. His concerns focus on nanotechnology and robotics as well as genetic engineering, and his warning against the untrammelled development and use of new technologies makes me appear almost an optimist. The common message here: It's time to get real, to realize that the rules of the game balancing public and private have changed radically in our generation. I hope the editorial staff of *Liberty* will continue to publish articles, from authors other than me, which take a long cold look at the effects of new technologies on individual liberty — even if such pieces strike some readers as confusingly surreal.

James A. Wood
Arlington, Texas

Boaz Knows

I agree with David Boaz, that if a Republican president had ordered troops to Kosovo, or, for that matter, had ordered the paramilitary raid on the González home in Miami, most Republicans in Congress would have fallen into line. (Nevertheless, I hope that Governor George W. Bush, who expressed misgivings about both operations, would not do such things.) Thus, the conclusion that Republicans are somewhat better than Democrats on civil liberties, which he reaches in his

attempt to rate the Congress, and as I have been recently reaching in my own scorecard, is tenuous.

To his fine analysis, I would like to add that the last Democrat I found who finished among the very top is former Minnesota Congressman Tim Penny, nowadays a Fellow with the Cato Institute.

I would also like to state that we in the Republican Liberty Caucus do not represent the members of our Advisory Board to be "Libertarian Republicans" (although some are). Indeed, at one time or another we have asked most of the top scorers onto our Advisory board, but for various reasons those so asked have usually declined. Also regarding relatively low-scoring Congressman Brian Brilbray of California, I'll just say we have a soft spot in our hearts for Republicans that have signed on to the legalization of medical marijuana. I sure hope that Governor Bush's endorsement of state initiatives on this matter will break the stiff-necked resistance of conservatives to this compassionate and politically-popular position.

Clifford F. Thies
Chairman
Republican Liberty Caucus
Washington D.C.

England as a Tax Haven

I read the piece by Nicholas Dykes (Reflections, June) with tears in my eyes. I realized that it was not so much enormous sympathy with his, and his fellow Brits, plight as it was a desert allergy at this time of year. In fact, Dykes et al are much better off than they realize. Since an imperial gallon (imp gal) is larger than a U.S. gallon, the equivalent price of an imp gal at 5.57 is \$4.72 for a U.S. gallon, not \$6.60. Mr. Dykes multiplied by 1.18 (the conversion factor) instead of dividing. Thus, at the price of \$1.54 per gal that I recently paid, gasoline in the U.K. is only 3.06 times higher than here, instead of 4.29 times more, as Mr. Dykes erroneously suggested. Count your blessings, Nicholas! Until the Euro dropped against the dollar, the price of gasoline in France was also about the same as the U.K.. But now it is only \$3.75 per gal. A real bargain for us Americans who are going to France this year.

The tax on gasoline is one of the few

items that is higher in the U.K. than in France. If Mr. Dykes wants to compare taxes, France beats the U.K. by a kilometer. It's a sad, but nevertheless hilarious fact that the French now consider the U.K. to be a tax haven, as many companies and individuals are fleeing the former for the latter. The latest example is the very symbol of France, Mariane. The "top model" who was chosen for this role recently, and very publicly, announced that she was leaving France for the relative tax freedom of England. The April 7 cover of the French magazine *Le Point* has a cartoon of Mariane with a British flag tattoo on her arm, bidding adieu with a "French salute." Actually, France is only the second highest taxed country in Europe. Top honors go to Finland. Yes, those plucky little Finns, who fought the Soviets to a standstill in 1939; now they too are socialists.

L. Hatzilambrou
Phoenix, Ariz.

A Fine Way to Treat Kids

In "Suffer the Little Children" (June) Dolores Puterbaugh ignores the root cause of our nation's infants and young children being hauled around in high-impact, expensive, cumbersome carriers — mandates by the federal government. Drive to the grocery store with your infant held snugly by your spouse or older child and, if caught, you are subject to a fine; just as you would be if caught with your child in the front seat targeted by an unwanted, expensive, federally mandated air bag. Watch in an airport as couples with young children change planes lugging all the paraphernalia from gate to gate. Upon destination, they can't legally get in a vehicle without it.

The truly sad part of this is that we have been successfully conditioned to meekly accept whatever the bureaucratic mind conjures up, and then expectantly wait to see what comes next.

C. Hugh Campbell, Jr.
Hartsville, S. Car.

The First Census

Martin Solomon maintains (Reflections, June) that the first census did not require each person to identify herself. That is not quite right. Section 1 of "An Act Providing for the Enumeration of the Inhabitants of the

United States," adopted March 1, 1790, prescribed that, for each family, census-takers complete a schedule consisting of the following categories: "Names of heads of families"; "Free white males of 16 years and upwards, including heads of families"; "All other free persons" (i.e. free blacks and Indians who were taxed); and "Slaves." (Italics added). The information demanded isn't so different from the short form which most states received this year.

Nor did the first census evidence the "consensual ways of our (Founding) Fathers," to which Mr. Solomon alludes. Section 6 of that Act required that:

Each and every person more than 16 years of age, whether heads of families or not, belonging to any family, . . . shall be, and hereby is, obliged to render . . . a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant [i.e. the census-taker], the one-half for his own use, and the other half for the use of the United States.

Libertarians often overstate libertarian predilections in Revolutionary America and the Early Republic. There is a substantial gap between the heritage we claim from that era and what the Founding Fathers and the general population believed, how they acted, and the laws their governments enacted and their judges and juries enforced.

Andrew S. Rotter
Los Angeles, Calif.

Dialogue With a Stranger

I have recently completed my U.S. census examination on the entry landing to my house. It went pretty well, to wit:

After first proceeding by asking questions, prior to making an identification, I initially dismissed her as a salesperson; whereupon she flashes the badge hanging on a string around her (scrawny, now that I recollect) neck . . . with the exclamation "U.S. Census Bureau," and the following exchange then occurred.

(I was already prepared with two

copies of a Liberty Lobby booklet called Citizens Rule Book, which I went to retrieve. I gave her a copy which she merely held with disdain, without opening it to see what it was. Of course it was the Declaration of Independence, U.S. Constitution, and a couple other apparently not very important government documents.)

ME: Here, you may use this little booklet to find the answers to any questions I may have about this interview.

Are you going to offer me payment for my answers to your questions?

HER: No!!! It is your civic duty to answer these questions.

ME: At this point I will exercise my right to remain silent under the First Amendment to the U.S. Constitution and my right against involuntary servitude under the Thirteenth Amendment, as well.

HER: Well, this census is required under the Constitution!

ME: I think you are mistaken in that belief. The constitutional purpose of the census is not even mentioned in one word of your supposedly required questionnaire. It is my civic duty to exercise all of my constitutional rights in order to do my part to keep tyranny at bay. My opinion is that your intrusion here is right at the very brink of tyranny. You don't have a clue, but I will not tolerate your ignorance, regardless of who you claim to represent.

HER: Well, you could be prosecuted

for not answering these questions and be forced to pay a \$100.00 fine!

ME: I DARE YOU! Perhaps I have read this booklet a little more carefully than you seem to have. In order for you to prosecute me, dummy, you . . . personally will be required to swear out a complaint, supported by an affidavit, attesting that you have personal knowledge that I am breaking some law by standing on my constitutional rights at this time, on this matter!

Now, after you provide me with an affirmative answer to my first question we will discuss the matter further; otherwise, if you wish to continue to take up space on my porch, be prepared to get a warrant to do so, or I will be forced to call the local police. Bye . . . (for now?)

Gary Zink
Los Angeles, Calif.

The Wrong Flag

Barry Loberfeld (Reflections, May) repeated an error heard frequently in the media, referring to the Confederate battle flag as "the Stars and Bars." As Webster's points out, the Stars and Bars was the first official Confederate flag, having three bars of red, white and red respectively, and a blue union with white stars in a circle.

The Stars and Bars is one of the flags flown prominently at the Six Flag over Texas amusement parks. Few visitors realize what it is, and there is no controversy.

Thomas Giesberg
Rosharon, Tex.

Coming in Liberty

"The Founding Father No One Knows" — Timothy Sandefur looks at the career of America's least known (and most libertarian) Founder.

"The Best Little Whorehouse in Idaho" — Michael Freitas recalls the last time he met an honest policeman.

"Ayn Rand and the Craft of Fiction," — best-selling science fiction novelist David Brin reviews Rand's book on how to write fiction.

"Guns and Movies" — *Playboy* has "The History of Sex in Cinema." *Liberty* is interested in another aspect.

"The State that Shagged Me" — Logan Brandt had an interesting adventure when he went to renew his driver's license.

Terra Incognita

Ontario, Canada

A new crisis hits the Great White North, as reported by the *Toronto Globe and Mail*.

More fake guns are winding up in the hands of young people and threatening public safety. Though they are a growing problem for police, the sale of such weapons remain legal.

"Good for the police for taking the steps to do something," said Member of Parliament Michael Bryant, referring to police seizure of fake weapons. "Now what they need is the legislation to back them up."

Liberia

Curious statement from Liberian President Charles Taylor:

"Information Minister Joe Mulbah and his deputy, J. Milton Teahjay, have been suspended for one month; three weeks by President Taylor for disorderly conduct without pay." The punch-up was sparked by Teahjay's suspension of a government official without Mulbah's authorization while the minister was out of the country.

Baghdad

Extraordinary honor accorded Mesopotamia's leading journalist, from a dispatch to *The Times* (London):

The flamboyant eldest son of President Saddam Hussein, Uday, whom dissidents claim is barely literate, has been voted "journalist of the century" by his dutiful colleagues. They hailed his "defense of honest and committed speech." All but four of the 702 members of the Iraqi journalists' union voted for Uday.

Lexington, N.C.

Interesting dispatch from the battlefield in the War on Drugs, from the *Lexington Dispatch*:

(March 21, 2000)—Lexington police seized more than 7 pounds of methamphetamines with a street value of \$350,000 Monday and charged a West Sixth Avenue man for trafficking in the drugs. Police arrested José Guadalupe Pedro-Cruz, 33, after they found in his car a package mailed from Mexico that contained a plastic bag of the powder form of the drug and another bag of colored, waxy-textured blocks.

The package also contained a plastic frame containing a photo of Jesus on the cross. Detectives said the framed photo was used as a charm to keep the shipment safe. The powder form of the drug resembled wheat flour, while the blocks were in different shades of reds, yellows and greens and resembled candle wax, but tested positive as the drug, officers said.

Lt. Ralph Michael said the blocks were a new way of disguising the drugs that Lexington officers had never seen before. "They're constantly coming up with different ways to disguise and transport it," he said.

Michael said one ounce of the drug, which is about the same amount as the sugar found in a single serving packet, is worth \$100 on the street, making the seven pounds seized Monday the largest single bust of methamphetamines the department has ever seen.

Pedro-Cruz is being held in the Davidson County Jail under a \$100,000 secured bond. He is scheduled to appear in district court April 11.

Lexington, N.C.

Follow-up dispatch from the battlefield in the War on Drugs, from the *Lexington Dispatch*:

(April 3, 2000) — According to State Bureau of Investigation tests, the substances Lexington police thought were part of the department's largest methamphetamine bust are actually cornmeal, flour and candy, a police spokesman said today.

José Pedro-Cruz was charged with trafficking in drugs and was held in the Davidson Jail until late last week when officers discovered the true identity of the substances. The charges against Pedro-Cruz have been dropped.

Pedro-Cruz had picked up the package from the post office and had consented to having his car searched by officers, Capt. Mike Brown said.

Brown said the true identity of the substances was discovered when an officer took the substances to the SBI lab in Raleigh late last week and was told by agents that the flour-looking substance was actually flour and the blocks were a Mexican candy made of squash.

The officers made their arrest after field-testing the substances, Brown said. Brown said the SBI told the department that field tests are not 100 percent reliable, but at the time of the arrest officers had no reason to think the substances were not drugs. "We have done everything in good faith," Brown said.

St. Paul, Minn.

Insightful observation from the estimable governor of the Gopher State, the Hon. Jesse Ventura, as seen on CBS Television:

"My military always rears its head in me at certain times."

United Kingdom

Disturbing example of child labor in contemporary England, reported in *Supermarket News*:

Tesco here has reportedly hired a 7-year-old boy to help explain the Pokemon craze to bewildered adults. Store manager Laurie Sleator hired him after overhearing him explain the phenomenon to his parents and other shoppers. "Our research has found that the Pokemon phenomenon is incomprehensible to most adults," said John Gildersleeve, Tesco commercial director.

Clinton, N.C.

The emotional growth of powerful law enforcement officials in the New South, reported by WCNN-TV of Raleigh:

Sampson County Sheriff Buck McCullen is reportedly "upset" and "hurt" about the fact that five of his deputies — the entire Sampson County drug task force — have been indicted on charges ranging from theft of drugs, embezzlement of \$30,000, drug dealing, and attempted murder in the course of a botched

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

Crackdown on the War on Drugs ... or End it?

by Jacob G. Hornberger



In a proposal termed SABRE (Substance Abuse Resistance Effort), Virginia Republican governor James Gilmore III recently asked the Virginia legislature to get tough in the state's war on drugs. The governor's proposals include harsher penalties for drug users and drug sellers.

No one, including Governor Gilmore, would argue that the decades-long war on drugs has been successful in achieving its aims. Hardly a month goes by without law-enforcement officers' announcing a new record drug bust, which would seem to be fairly powerful evidence that the war isn't achieving what it's supposed to achieve. And after all, if the war had already achieved its goals, there would be no point in continuing it, much less escalating it.

The purpose of measures such as those that Governor Gilmore is proposing is to diminish both the demand for drugs and the supply of drugs. On the demand side, the hope

is that by increasing the punishment a drug user faces if caught, the demand for drugs will be reduced. The analysis is similar on the supply side. The hope is that drug sales will decline because drug sellers must now face a harsher punishment if they're caught selling drugs.

All too often, however, the prospect of facing increased punishment doesn't seriously affect drug users. For one thing, many of them don't believe that they are the ones who are going to get caught. For another, their addiction often causes them to continue consuming the drugs even though the price has increased; it's what an economist would call an "inelastic demand curve," one in which changes in price have a minimal effect on changes in demand.

Harsh penalties on the supply side also have had little effect on the supply of drugs. Why? Because as the price of drugs and the profits from drug sales increase because of a constriction in supply arising from stricter law enforcement, more people are induced to enter the drug trade, which brings supply back up. That is why we see "regular" people, such as airline workers, entering the illegal drug business.

Harsher enforcement of

drug laws also has a serious negative consequence in society. In order to get the money to pay for the artificially higher-priced drugs, the user often resorts to violent means — robberies, muggings, thefts, and the like. (When was the last time you saw a wino committing a robbery to get the money to pay for his habit?)

Why then do so many government officials continue to call for an escalation of the drug war? Some officials are well-intentioned. They honestly believe that their proposals will finally stop people from ingesting harmful substances. But should good intentions play a role in public policy, especially when the policy has been tested for decades and has not only failed but also has produced serious negative consequences for society?

There's an alternative explanation, however, for harsher drug-war measures, one that is based on self-interest. No one can now deny that the two financial beneficiaries of drug laws are drug sellers, who make lots of money selling drugs, and government officials, who make lots of money from asset-forfeiture laws.

For example, in 1998, in Chesapeake, Virginia, local prosecutors collected more

than \$160,000 in assets, including \$80,000 in cash. The money was divided among the state, the police department, and the prosecutors. State officials also get a piece of the action when they help the DEA or FBI in a drug bust; this brought \$100,000 to Chesapeake over a three-year period. In Prince George's County, Maryland, investigators recently discovered that the sheriff's department kept a cash seizure of \$45,000 hidden from county officials for seven years, in the hope that the legislature would enact a law that would enable the sheriff's department to keep the money.

In a free society, people should ask why the state should have the power to punish someone for engaging in self-destructive behavior. People should also ask why a decades-long war that has failed and that is corrupting society should be escalated. Recently New Mexico Republican governor Gary Johnson called for an end to the war on drugs. Which state will lead the nation by being the first state to do so?

Mr. Hornberger is founder and president of The Future of Freedom Foundation (www.fff.org) in Fairfax, Va.

THE FUTURE OF FREEDOM FOUNDATION

11350 Random Hills Road, Suite 800
Fairfax, VA 22030
Phone: (703)934-6101 • Fax: (703) 352-8678
Email: fff@fff.org
www.fff.org



We Don't Compromise.

Visit our website:
www.fff.org

- ◆ More than 900 essays!
- ◆ Interactive Debate Forum!
- ◆ Free email update!
- ◆ Plus much MORE!

and

Order:
One-year (12 months)
subscription
to Freedom Daily
(FFF's monthly journal of libertarian essays)

at \$18

Send to FFF
11350 Random Hills Road, Suite 800
Fairfax, VA 22030

At last. A scholarly journal dedicated to the study of Ayn Rand's thought and influence.

The Journal of Ayn Rand Studies is the first scholarly publication to examine Ayn Rand: her life, her work, her times. Welcoming essays from every discipline, *JARS* is not aligned with any advocacy group, institute, or person. It welcomes scholarly writing from different traditions and different perspectives, facilitating respectful exchange of ideas on the legacy of one of the world's most enduring and controversial philosophers.

JARS is edited by R. W. Bradford, libertarian writer and publisher of *Liberty*; Stephen Cox, author of many books and articles on Ayn Rand, Isabel Paterson, and libertarianism; and Chris Matthew Sciabarra, characterized by *The Chronicle of Higher Education* as "Rand's most vocal champion in academe."

The first issue was a milestone in Rand scholarship, and the second issue is just as exciting!

Gregory R. Johnson and David Rasmussen challenge Rand's defense of abortion on demand as inconsistent with her fundamental principles.

Stephen Cox explores Ayn Rand's ideas on the craft of fiction.

Kirsti Minsaas examines the role of tragedy in Rand's fiction, drawing lessons from Aristotle, Nietzsche, the Prometheus myth, and the Stoic idea of heroic calm.

Bryan Register criticizes Rand's theory of concept-formation, seeking relief in the work of H. H. Price.

Was Ayn Rand a feminist in spite of herself? Lisa M. Dolling reviews Gladstein and Sciabarra's *Feminist Interpretations of Ayn Rand*.

Is benevolence a selfish virtue? Tibor R. Machan reviews Kelley's *Unrugged Individualism*.

Robert L. Campbell reviews a new primer, Machan's *Ayn Rand*.

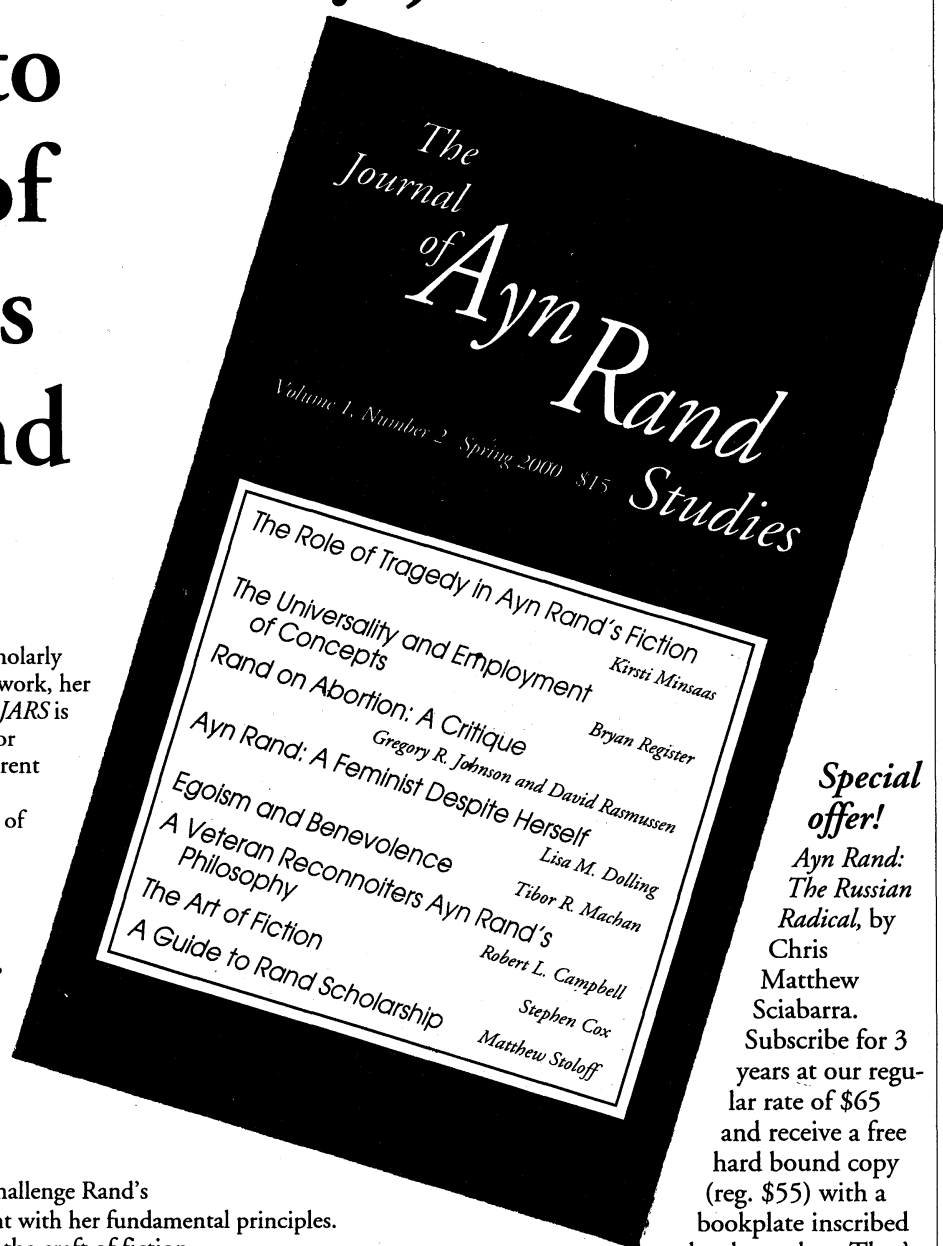
And Matthew Stoloff supplements Gladstein's *New Ayn Rand Companion* with an ongoing reference guide to scholarship on Rand and Objectivism.

Annual subscription: \$25 individuals, \$40 institutions

Two year Subscription: \$45 individuals, \$75 institutions

Three year subscription: \$65 individual, \$100 institutions

Charter subscriptions still available!



Special offer!

Ayn Rand: The Russian Radical, by Chris Matthew Sciabarra. Subscribe for 3 years at our regular rate of \$65 and receive a free hard bound copy (reg. \$55) with a bookplate inscribed by the author. That's like getting 3 years of *JARS* for just \$10!

Yes!

Please enter my subscription to the *Journal of Ayn Rand Studies*. I enclose my check in full payment.

- ☐ One Year: individuals \$25, institutions \$40
- ☐ Two Years: individuals \$45, institutions \$70
- ☐ Special: Three Years individuals \$65, with free *autographed* hardbound copy of *Ayn Rand: The Russian Radical*, by Chris Matthew Sciabarra
- ☐ I want a Charter Subscription. Start my subscription with Vol 1., No. 1.

name _____

address _____

city _____ state _____ zip _____

Send to:

Journal of Ayn Rand Studies
1018 Water Street, Port Townsend,
WA 98368