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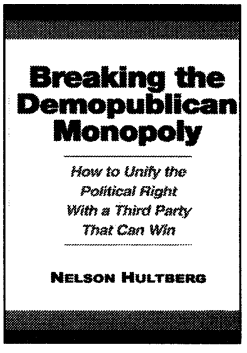
"The way to secure Liberty is to place it in people's hands." —*John Adams*

Breaking the Demopublican Monopoly!

How to Unify the Political Right with a Third Party that Can Win

by Nelson Hultberg (with a special Appendix by Dr. Antal Fekete) Softcover, 94 pgs., $11.95



All libertarians realize that America is a one-party state. The Democratic and Republican parties are nothing but two divisions of the Central Leviathan Party. No matter who wins, we always get more spending, more taxes, more inflation, more wars, and LESS FREEDOM.

What libertarians don't realize, however, is how to effectively challenge this travesty. Freedom is one of the greatest ideas in history. Yet here in the land of its origin, libertarians can convince very few that it is worth restoring. They get left out in the cold every election year like mongrel dogs that stink up the house. Only a smattering of faithful choir members ever trundle to the polls to patronize their efforts. Why? This book answers this mystifying question and challenges the conventional logic about third parties.

It is a fallacy to say that third parties in America cannot work!

All third parties like the Libertarians and Reformers that have sprung up in the past century have been built upon two major strategic flaws that automatically doom them to failure. But correct these two fundamental errors, and a genuine challenge to the Demopublicans can be launched.

Breaking the Demopublican Monopoly shows how to avoid these two errors, and with its uniquely designed "Two Pillars Strategy," attract millions of voters to the cause of freedom and Constitutional government.

The next 10-15 years are going to be a tumultuous, watershed era of history. From this tumult, a radical realignment of our political system is almost a certainty. To meet this challenge, AFR is bringing into being a grand coalition of libertarians, conservatives, constitutionalists, independents, reformers, etc. to form a true **Party of Freedom.**

Many are too young to remember, but Barry Goldwater got 28% of the vote in 1964 with a radical platform of reduced government. This book explains how to do so again with its "Two Pillars Strategy," which will propel a Freedom Party into the national spotlight and the televised debates in a dramatic way.

Neither Republicans nor Democrats will ever move toward LESS government unless they are confronted with a credible third party competitor that poses a threat to their rule. But in order to succeed, such a competitor will have to start "thinking outside the box." It will have to correct the two strategic flaws that all third parties make. The means to accomplish this are laid out simply and clearly in *Breaking the Demopublican Monopoly.*

About the Authors

Nelson Hultberg is a freelance writer in Dallas, Texas and the Executive Director of Americans for a Free Republic. His articles have appeared in publications such as *The Dallas Morning News, Insight, The Freeman, Liberty, The Social Critic*, and on Internet sites such as Gold-Eagle, FinancialSenseOnline, etc. He is the author of *Why We Must Abolish the Income Tax and the IRS.*

Dr. Antal E. Fekete is a Hungarian born economist who taught in Canada for many years and also worked in the Washington office of Congressman W.E. Dannemeyer on monetary and fiscal reform. Presently Professor Emeritus, Memorial University of Newfoundland, he is the author of numerous scholarly articles that have appeared on many Internet sites and also the widely read *Monetary Economics 101* course.

What They're Saying about this Book

"Mr. Hultberg pulls us out of the economic dream-world in which so many Americans live today."– **Dr. John Hospers,** *Professor Emeritus, University of Southern California*

"Too many independents, conservatives, and libertarians live in an alternative universe, ignoring political realities. Hultberg, by contrast, realizes that we have to start where people are. His political realism is just what the doctor ordered." **– Dr. John Attarian,** *Author of Social Security: False Consciousness and Crisis*

"Everyone who is seriously interested in knocking the two main parties from their pedestal and creating a constitutionally limited democratic republic should wish Nelson and his colleagues well in their endeavor." **– Jerome Tuccille,** *Author of 21 Books Including "It Usually Begins With Ayn Rand"*

"Bull's eye! Nelson Hultberg has hit the target dead on with his latest work. All those who love liberty and long for a true, limited government, as bequeathed to us by our Founding Fathers, must read this book." **– Dan Norcini,** *Market analyst, LeMetropoleCafe.com*

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July 2005
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Features

Reviews

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Letters

Hit 'Em Where It Hurts

It strikes me as a little odd that in providing the exceptional benefits of organ transplants, only the most essential person in the process, the donor, is prohibited from being financially compensated.

Doctors make huge fees, as do hospitals, from trafficking in human parts.

How about a law that makes it illegal, because immoral, to be paid money to perform transplants? This, more than anything else, would concentrate the minds of the medical establishment on this matter.

Don Vandervelde
Gig Harbor, Wash.

Hegelian Conservatism?

In "The Marxism of the Right?" (May), John Coleman did a pretty good job of showing the differences, despite there being many similarities, between the systematic conceptions of both Marxism and libertarianism. I read Robert Locke's column on the American Conservative website as well. Locke has a poor understanding of *both* libertarianism and Marxism, and is philosophically a lame duck. There is an idea that runs through Hegel and is very strong in Marx (and Rousseau): that society creates the individual. This demands the question: Who creates society? Locke buys into Hegel's premise when he writes: "Consider pornography: libertarians say it should be permitted because if someone doesn't like it, he can choose not to view it. But what he can't do is choose not to live in a culture that has been vulgarized by it."

Just because you're surrounded by a culture you don't like doesn't mean you have to partake in it. Also, who says there is only one culture within a given geography? If the opportunity exists to take drugs, do we all take drugs? If the opportunity exists to commit suicide legally, do I marvel at the glory and kill myself? Locke doesn't really say what kind of morality he adheres to but he has lots of criticism for libertarian morality. He also claims that in a libertarian society people wouldn't have minds or would willingly abandon them. "Oh, we can do whatever we want! Let's just stop thinking!" After fighting off an army of straw men, the only thing I knew for sure about Robert Locke was that he's no John Locke. It is for this reason, that I find conservatives' praise of the vague term "traditionalism" a big threat. Conservatism has always been a bigger enemy to libertarianism than progressivism because its system can't be changed and it can't differentiate between alternative systems of society. It is a closed system.

Mike Treadwell
Gig Harbor, Wash.

As Long As You Sing It

In a reflection (June 2005), R.W. Bradford asks that we give Christianity credit for its longevity, resonance with human beings, "respect for human reason," and opposition to tyranny. He is willing to forgive a multitude of historical horrors in light of Christianity's general, if belated, acceptance of a modern liberal social order.

I dissent. In judging what is true and worthwhile, I give no weight to the number of adherents. Cannibalism, slavery, astrology, communism, and many forms of fanatical fundamentalism have all, at times, resonated with large numbers of human beings and endured for centuries.

What is historically new is that, while many still take their fundamentalism seriously (e.g. Osama bin Laden), many other religious believers are able to live modern quasi-rational lives while keeping a separate unquestioned mental compartment for their manifestly absurd religious beliefs.

Consider these grotesqueries:

1. The vast majority of mankind

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firmly believes that the religion they happened to be born into (of about 4,200 worldwide) is the one true religion. What good luck!

2. Imagine that the Supreme Court ruled that it would satisfy justice for an innocent third party to be tortured and executed for the crimes of another person. Pagans sacrificed the nearest goat or virgin to appease their gods. Yet this repulsive view of justice is the foundation of Christianity, whose "all- merciful God the Father" required the same kind of appeasement in order to forgive sins.

3. Cannibals believed that eating the flesh of the bravest of their victims would give them strength. Most Christians still believe in this revolting idea in the form of "holy communion." And no, they don't mean that the wine and wafer merely represent the flesh and blood of Christ: "They actually are his flesh and blood."

Anthropologists visiting Borneo might not be shocked to find societies based upon such primitive and precivilized conceptions, but those visiting Earth from other planets should be. On the absurd plots of Grand Opera, Anna Russell once observed: "You can get away with anything as long as you sing it." Apparently a similar principle applies to religion.

Such beliefs cannot be characterized as "respect for human reason." Instead they represent a vast enterprise to tyrannize gullible minds with irrational fear. The leaders of various Christian cults oppose political tyranny because they are the competition.

Barry Milliken
New York, N.Y.

Schiavo Suffered

My jaw dropped when I read R.W. Bradford's reflection on the Terri Schiavo case (June).

"Schiavo's brain was dead"? False: she was not even in a coma, though damage to her cortex had left her severely retarded. So it appeared, at any rate: her husband would not permit a PET scan, which would have shown what parts of her brain were still responding to her environment.

"Most of her other organs were alive and functioning, thanks to elaborate machines that kept them going"? False: there were no "elaborate machines," just a feeding tube, routine for patients who have trouble eating. That Terri Schiavo could survive two weeks without water testifies to her general health.

I hope I'm wrong; but thirst and pain are ancient, in evolutionary terms. Terry Schiavo probably suffered, even if the damage to her cortex left her unable to understand why she was suffering.

Taras Wolansky
Kerhonkson, N.Y.

Brain-damaged, Not Brain-dead

Recently an article was posted on www.seattlecatholic.com by Dr. James M. Gebel, Jr., a neurologist who reviewed the CT scans of Terri Schiavo's brain, and videos taken by her parents. He made a number of comments on her treatment and death:

1. Terri Schiavo was *not* in a persistent vegetative state.

2. She had significant brain damage but was not brain dead. The parts of her brain that would allow her to swallow on her own were intact. If that was not the case she would have died long ago due to an infection in the lungs which is the result of inhaling one's own saliva.

3. Other tests were available to better clarify the full extent of her awareness, such as an MRI or an EEG. These were not allowed, on order of her husband.

From the Publisher . . .

Alert readers will note a change in the title of this column and several changes in this issue's masthead. The column is titled "From the Publisher" rather than "From the Editor" because for the first time in Liberty's history, I did not play the primary role in editing an issue. That responsibility was taken by Kathy Bradford, my wife. She has always played a critical (and much underappreciated role) in the editorial process. For this issue she stepped in and assumed my own editorial responsibility during an illness that, for the past month, has prevented my doing more than a token amount of work.

Four days after the June Liberty went to press, I was stricken with a pain in my abdomen that turned out to be symptomatic of a tumor attached to my left kidney. Both were removed a few days later. My recovery has had complications, most of which are past, though I remain tired and weak. My physician suspects that I may still harbor some cancer, though of a relatively benign and curable sort.

Kathy's support has been more than heroic. While my gratitude for her care of me is infinite, it is also very private. I hope that those of you who care for this magazine as I do and who have an opportunity to thank her for her help this past month and during Liberty's entire life will extend your thanks to her as well..

Others also deserve special thanks. You'll note that Andrew Ferguson is listed on the masthead as Managing Editor, a position that he has earned by keeping the editorial process going when I have been too ill and Kathy has been too busy caring for me. Liberty's other full-time staffer, Mark Rand, also performed splendidly. Although he's been here only about two months, a length of time that finds most staffers still learning the ropes, he mastered major responsibilities at a difficult moment.

Senior editors Steve Cox and Bruce Ramsey also stepped up and provided editorial help beyond the norm, help for which I am extremely grateful. I also owe special thanks to the editors and contributors who responded with articles and reviews to the single email I managed to send out reporting my illness and asking for their help. I had feared for this issue, since we had originally intended to include two fairly lengthy pieces of my own, an article and a review that I'd been working on for some time. Had these individuals not responded, the issue would have been very thin or very late. My thanks goes out to everyone who helped with this issue.

Although I played only a small role in producing the July issue, I read it over before it went to press. I think it's very good, and I hope you will too.

R. W. Bradford

4. Schiavo had a feeding tube, which by modern medical standards is considered ordinary and unburdensome. This feed method is in fact less expensive than what is normally spent on three meals a day. This method of feeding could easily be administered by her husband, parents or other family members. She could have been cared for at home with some professional assistance, likely at a modest cost.

5. She could have received therapy to improve her swallowing to the point that she may have been able to chew and swallow some types of normal food. These measures were not permitted by her husband.

6. Schiavo died of dehydration. This is not a pain-free death, as some reported. That is why in the last stages of her life she received morphine.

7. Cases like Schiavo's are, thankfully, rare. This is why they cause so much turmoil when they do occur. Even if one were to assume lifetime tube-feeding for all such cases, the economic burden to the country as a whole would be less than a new football stadium.

The court order to remove her feeding tube also specified that no food or water could be put in her mouth, which is why there was a police presence in her room at all times: to make sure that no one would try to help her as she died of thirst. The goal was her death and thus she died, just as anyone else would, regardless of her state of health, if she were denied food and water.

If you want to see what people who supported killing Terri Schiavo in this manner really think about this procedure, then propose that from this day forward we execute all criminals by dehydration, and see what they say then.

Robert J. Considine
Fulton, Ill.

Deflating the Fed

In "Why Don't Americans Save?" (June), R.W. Bradford asks why Alan Greenspan doesn't simply increase interest rates. I'll try to answer.

The only interest rate that Greenspan can control is what is called the Rediscount Rate. This is the rate which the Fed will charge member banks for lending to them; it is not a rate which the Fed will pay to depositors.

Admittedly, this rate is connected to rates which banks will pay to depositors, but only loosely. The rates which banks pay to depositors are determined by the individual banks themselves, not by the Fed. Other long-term rates, such as Treasury bills and Treasury bonds, are determined by auctions — effectively a consensus of the large brokerage houses who bid for these bills and bonds, and not by either the Fed or the Treasury.

If Greenspan were to raise this Federal Funds Rate, it would have two consequences: one would be that banks might try to raise their deposit rates to obtain funds more cheaply from the public than from the Federal Reserve System. That must be what Bradford expects to happen. But the other thing that would happen is that banks would have to raise the interest rate that they charge on loans — and this is what Greenspan is trying very hard to avoid.

Greenspan rightly fears deflation more than inflation because the Fed has some control over inflation. It can raise interest rates to discourage borrowing; or it could refuse to lend any money at all. But all that it can do for deflation is to discourage it by lowering the interest rate. Interest rates today are so low that there is not much leeway if business conditions should falter and not provide opportunities for entrepreneurs to use borrowed money, even at zero percent interest.

Right now, in my opinion, Greenspan is trying desperately to get interest rates up a little so that he will have wiggle room to lower them again in case the economy stalls once more.

Robert J. O'Donnell
San Rafael, Calif.

Letters to the Editor

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Reflections

Gaudeamus igitur — "Today, we seek to spread knowledge everywhere," wrote the German philosophical wit Georg Christoph Lichtenberg in the 18th century, "but who knows whether in a few centuries there will not be universities dedicated to re-establishing our former ignorance?" Thanks to postmodernist theory, feel-good curricula, and the nonstop semiprofessional bacchanalia of college sports, that day has arrived.

— Eric Kenning

Artful conflict — Newsweek published a rumor that copies of the Koran were flushed down the toilet in Guantanamo, causing riots in Afghanistan and Pakistan. Apologists within the media started speculating what would happen if someone flushed a Bible down a toilet. A Muslim who wanted to do this could probably get an NEA grant. He could get a manager, open a one-man show, and the New York Times art critic would hail the show as the greatest piece of performance art since "The Vagina Monologues."

We love our religion here in the United States, we just don't take it too seriously. Someone at a gallery in New York actually made a picture of the Virgin Mary out of elephant dung, and other than a few protests, there was little controversy. In the Muslim world, it's a crime to make a picture of Mohammed out of watercolors.

— Tim Slagle

Bounced Czech — On May 20, Czech Senator and former Chancellor Karel Schwarzenberg was escorted from his hotel in Havana, Cuba and expelled from the country. His offense: planning to attend a meeting of Cuban dissidents, quaintly entitled the Assembly for the Promotion of Civil Society. Schwarzenberg said — and given his experience in Czechoslovakia, he ought to know — "This is typical behavior of a totalitarian state."

"Totalitarian": I like that word. Don't let it go out of use. There have been states that attempted to totalize their power over the people. Such states still exist, and plenty of them. And any state or movement that aims at political correctness bears watching, because the seeds of totalitarianism are alive within it. Cuba, which has spent the last half-century showing what happens when the college is run by the student council, is still capable of revealing, for all who are willing to look, the gorilla-like body beneath the sexy "Che" imprint. And for that, I suppose, one should be thankful.

— Stephen Cox

$44.40 or fight — Medicine is the frontier of the welfare state. The next territory staked out for annexation is medical insurance for children. To this end, a statement by John Kerry makes a catchy argument. He writes: "If we believe drivers have a responsibility to buy car insurance, surely we believe parents have a responsibility to get health insurance for their kids."

I have medical coverage for my son, and think of it as my responsibility. I also have personal injury protection in my auto policy, and think of that as my responsibility. But I don't think these are the matters to which Kerry refers. He and his fellow progressives want to make medical insurance "universal," meaning mandatory. Kerry is making a parallel to that part of auto insurance that is mandatory, which (in my state, at least) is liability insurance.

The purpose of auto liability insurance is not, like medical coverage, to reduce the risk to myself. It is to reduce the risk to others.

Let's rewrite Kerry's statement to make it more specific. If we believe drivers have a responsibility to protect others by buying liability insurance, surely we believe parents have a responsibility to get health insurance for their kids.

That is what he's really saying, and it doesn't make any sense.

— Bruce Ramsey

Pyramid power — Ponder, for a moment, our feline government. In the light of day, it does nothing but consume resources and produce waste, which it buries and leaves for someone else to clean up. In the dark, it works diligently to get into things forbidden to it when people are watching; when it is caught, it hides and waits for the outcry to stop so it can try again later. On the rare occasions that it gives something back to those who make its existence possible, it does so as ostentatiously as it can manage, expecting praise for its skill and cunning.

For cats, this means dragging in a half-eaten gopher carcass and depositing it on the most expensive rug in the

house. And though government officials seldom walk to the podium at gala press conferences to spit rodent corpses at reporters, the recent present given to taxpayers by the Federal Department of Agriculture (which, I assume, has an entire bureau devoted to rodent corpses) showed much the same *esprit*.

The FDA's gift was a new food pyramid: a graphic depiction of their recommended nutritional guidelines. At least, that's what they claim it is. The logo itself conveys no information, so without going to the MyPyramid.gov website, there's no way of knowing whether the sideways rainbow stands for nutrition, or gay rights advocacy, or appreciation of Pink Floyd's "Dark Side of the Moon." I could reprint it here, since government graphics are in the public domain, but in black and white it's impossible to distinguish between some of the color shades.

There's no way of telling whether the logo stands for nutrition, or gay rights, or appreciation of Pink Floyd's "Dark Side of the Moon."

The first food pyramid was designed to present the FDA's complex nutritional guidelines in one easy-to-understand chart. Sure, it looked hokey, and it relied on a mysterious unit called the "serving," but at least it got the basics: go easy on fats and sweets; eat grains, fruit, veggies, and some sort of protein, and drink a couple glasses of milk to wash it all down.

Then the FDA decided that this was too simple, that people were getting the idea that nutrition was something they could handle without thinking too hard. So the department flipped the pyramid on its side, tossed out the words, and added a jaunty, pointy-limbed androgyne. (This last bit is meant to indicate "exercise," though it looks more like an Aztec priest stomping up a ziggurat.) The website was the only place where the new scheme was explained: there I found out that there are actually twelve food pyramids, and I had to plug in some variables to figure out which one I should follow — at which point I figured my nutritional goals would be better met if I went and played basketball.

Of course, other people — those who think the government should not only give nutritional advice, but ban products that aren't healthy — aren't content to just mock the FDA and move on; they've started a campaign for a better, more stringent logo to replace what they call "McPyramid." Junk-food lawsuit guru Marion Nestle has condemned it as typical of the "philosophy of this administration . . . they're all about personal responsibility."

As I shot free throws, I wondered: if Ms. Nestle's cat dropped a mole torso on her Bangladeshi jute rug, would she get rid of the remains, or would she tell the cat to bring her a squirrel instead? — A.J. Ferguson

Identification crisis — The Real ID Act sailed through the House and Senate with little or no protest from either party. Barring a successful court challenge, it will soon be the law of the land, and for the first time in history, citizens of the United States will be forced to carry proof of citizenship when traveling inside the country.

Once, driver's licenses were used only as proof that a person was a competent driver. They were supposed to be a means for the state to ensure that the person in the car had the knowledge to operate a vehicle, and didn't have a history of recklessness. Back then, they didn't even have pictures on them.

As America became more transient, car ownership became universal, and the nature of cities changed. Everyone had a driver's license, and that transformed little

News You May Have Missed

Newsweek in Even More Trouble

NEW YORK — In a desperate effort to quiet the continuing uproar over Newsweek's now retracted assertion that U.S. military guards at Guantanamo Bay prison flushed a Koran down the toilet, which set off riots in Afghanistan and Pakistan, the magazine's editors and reporters gathered yesterday in the men's room down the hall from their Manhattan editorial offices and attempted to flush a Bible, the Bhagavad Gita, the Analects of Confucius, some Buddhist sutras, a totem pole, a voodoo doll, 59 New Age paperbacks from the Metaphysics section of Borders, a copy of "Das Kapital," and a copy of the Official Rules of Major League Baseball down a toilet. "We figure that if everybody's offended, nobody's offended," editor Mark Whitaker explained. But the result, he admitted, was a disaster, "a flood of biblical, er, I mean, Koranic proportions," forcing the evacuation of the building. "We called a plumber," said reporter Mike Isikoff, who started the trouble by relying on an anonymous source, "but the plumber was a Scientologist who was offended that we hadn't flushed anything by L. Ron Hubbard down any toilets, so he left in a huff, and the next guy we called was a practicing Tibetan Huffist, so he left in a huff, too."

Newsweek now promises that it won't rely on anonymous sources ever again but will instead wait for inner voices, celestial messages and emanations, and prophetic dreams to deliver leaks from the top secret, highly classified Divine Plan. "After all," said Whitaker, who was dressed in a saffron monk's robe, a clerical collar, and a turban topped by a yarmulke and was sitting on a bed of nails while facing east toward Mecca, "the only source we really need is God, I mean Allah, unless you prefer the Great Spirit, or Zeus, or maybe I'd better just shut up."

— Eric Kenning

neighborhoods full of familiar faces into vast urban areas where everyone was a stranger. The licenses were probably first used at bars, to prove that a fresh-faced youngster was actually old enough for his first taste of sin. Shortly after that, they were used at the supermarket down the street, to prove that the person writing the check was actually the person who owned the checkbook. Then they were used by airlines, to check whether the passenger named on the ticket was the same person who was traveling — though then it was only to satisfy insurance companies.

Now a driver's license is an ersatz internal passport. You cannot rent a car, buy a bus or train ticket, or (in some places) even ride a bicycle or horse without one. Strange how something as benign as a driver's license could morph into something reminiscent of mid-century fascism while we weren't paying attention. — Tim Slagle

He who fights and runs away . . . — From an AP report on May 11: "BAGHDAD, Iraq — Four car bombs and a man with explosives strapped to his body killed at least 61 people and wounded more than 100 in three Iraqi cities Wednesday as hundreds of U.S. troops pushed through a lawless region near the Syrian frontier in an offensive aimed at followers of Iraq's most-wanted terrorist.

"This week's offensive came amid a surge of deadly car bombings, ambushes and other attacks after Iraq's first democratically elected government was announced April 28. Insurgents are averaging about 70 attacks a day this month, up from 30–40 in February and March, said Lt. Col. Steven Boylan, a spokesman for U.S. forces in Iraq."

They said we'd be greeted as liberators. We weren't. Before Saddam's sons were killed, we were told the insurgency would end when they were caught or killed. It didn't. Before Saddam was caught, we were told it would end when he was captured. It didn't. Before the elections we were told the insurgency would end after the elections. It didn't. Before the government was formed, we were told it would end when the government was formed. It hasn't.

When will it end? It won't end. But the removal of U.S. forces may ameliorate things. What have we to lose? The fear that things will get worse if we leave is harder and harder to justify, given the facts on the ground.

— Ross Levatter

Government's invisible backhand — Restaurant workers in Florida are feeling the unintended consequences of well-meant legislation. Servers in the restaurant industry are one of the few groups who may be paid less than the federal minimum wage. Because they earn tips, their employers are only required to pay them $2.13 an hour. Once full-time workers surpass 40 hours, time-and-a-half kicks in, but because it's only $1.05 more per hour, employers allow servers to work as many hours as they wish. Florida officials decided that all workers, including those who earn tips, must be paid "adequate" overtime wages and passed legislation making overtime pay, even in the restaurant industry, time-and-a-half of the federal minimum wage, not time-and-a-half of actual wages.

Unsurprisingly, faced with the prospect of paying what amounts to triple wages for overtime, most restaurant owners strictly limit their servers to 40 hours per week. You might think this has resulted in either a dramatic increase in wages, or a dramatic decrease in the workweek of restaurant workers. The actual result of the overtime rate increase, however, is a reduction in wages and an increase in hours. Why? Knowing they cannot earn enough tips working only 40 hours a week, servers now clock in late and clock out early to ensure they save enough hours to work the lucrative weekend shifts. The end result of the overtime change: servers are working the same hours as before, but they are getting paid nothing for their overtime hours instead of receiving the meager $3.18 they were paid before. Once again, legislation meant to circumvent market principles has resulted in negative consequences for the very group it was meant to benefit. — Todd Skousen

Commercial values — I recently talked to a man from Israel, a left-leaning centrist involved in civic life there. In talking about the Likud government, he made a point about the political effects of capitalism.

Israel, founded as a socialist state, has become much more capitalistic. This has affected the main right-wing party, which has been the party of nationalism, siding with the settlers in Gaza and refusing to compromise with the Palestinians.

Look at the current government, he said. It is making 8,000 settlers in Gaza leave their homes, in favor of the Palestinians. Why? A big reason, he said, is the influence of business and commerce.

"People want to make money and live," he said. "They don't want to follow the extreme Right and take Israel into endless war and occupation." And in particular, he said, "The young entrepreneurs of the high-tech industries made

themselves clear: 'If we're not going to see peace in Israel, we're going to take our money and get out.'"

It's a good sign. It would be even better if it happened here. — Bruce Ramsey

Village pulls wool over knit-pickers' eyes — Our little village two miles south of Sleepy Hollow has become a knitters' Mecca over the past couple of years, as trendy Manhattanites catch the shuttle northward to take knitting classes and shop for yarns at our local knitting shop. Business has been so good that the proprietress of Flying Fingers has gradually expanded into three different rentals on Main Street. Finally, she purchased a roomy storefront building that had been home to our local stationery and gift store for 30 years, anticipating the luxury of having enough space to store her inventory of yarns and offer her classes all in one location. But to do it properly, she would have to expand the back of her building, because she didn't want to store the yarns in the musty basement. City fathers nixed the idea for a variety of reasons. First, it would bring too much traffic to our sleepy little town (even though Manhattanites don't drive); second, it would raise the roofline of the block (even though other buildings on the street have already been raised and modified); third, and most recently, it can't be changed because it's an historical landmark (even though it's just a dull flat rectangle, and the architect says it isn't safe without structural renovation).

Now the battle is over. After six months of fighting city hall, the knitting lady has decided to move her business to Tarrytown, two miles north of us, leaving behind three vacant shops too small for most businesses and a vacant historical landmark that used to be our stationery store. The Manhattanites won't be eating lunch in our pricey little restaurants any more, nor will they be buying clothes, art and antiques from our cute little boutiques. But it will be quiet. Oh yes, it will be quiet. — Jo Ann Skousen

Incumbency of the masses — José Ortega y Gasset's "The Revolt of the Masses" (1930) is a book I hadn't seen for a long time. I ran across it last week on a dusty shelf of the library. I opened it, and my eye fell immediately on this characterization of the masses or "multitude": "Before, if it existed, it passed unnoticed, occupying the background of the social stage; now it has advanced to the footlights and is the principal character. There are no longer protagonists; there is only the chorus."

I don't intend to debate, or even to discuss, any of Ortega's major theses, or their fairly obvious relationship to those of Howard Roark; but the statement seemed truer than ever to me. There is hardly a field of endeavor in contemporary America in which one can think of a single intellectual leader — bold, dynamic, wrong-headed, perhaps, but at least acting as a protagonist, not as one more expendable "elder of Thebes," smirking slyly from the chorus line.

Ask yourself — who today is a distinguished exponent of art? Music? Literature? Education? Can you think of a single college president who isn't drifting with the crowd? Can you think of a single painter you really admire? A single author who represents a significant aesthetic movement? A single composer as good as Weber, even? A single political or social thinker who has something distinctly new to say? Yet there are probably more officially sanctioned poets, novelists, painters, composers, educators, and political theorists alive today than ever lived in the world before.

The revolt of the masses? No, it's the incumbency of the masses. And nobody seems to care.

How did it happen? Well, for one thing, what do you expect, when virtually all intellectual endeavor — even poetry — is conducted within the hive of state-supported institutions, and intellectual pursuits that are not so conducted (i.e., architecture, film) are carried on by people who were educated in such institutions and remain haunted by their "standards," the standards often being little more than the systematized expectations of a multitude of unremarkable men.

That's not the whole explanation of the problem, and of course it's not the solution. It is time, however, that the problem be noticed. — Stephen Cox

Complacency of the masses — As Stephen Cox points out, there is a problem with the arts in America, and the bulk of the blame belongs to our publicly-funded cultural institutions. But I consider anyone complicit who claims to care about the arts, yet can't answer a single one of his questions with "Yes, I can think of someone like that." There are great painters (my answer: Dave McKean, or Odd Nerdrum), great composers (Canadian collective Godspeed You Black Emperor!), and great authors heading literary movements (Alan Moore, and his reinvention of the comic

book) out there, but people have to shake off their complacent acceptance of what is officially sanctioned and go look for it — whether outside the academy, or outside America. I can't claim any great knowledge of contemporary political and social theory, but I suspect that there are great minds that would make fine answers there as well.

So I ask you, dear reader: what are your answers?

— A.J. Ferguson

Hysteria in decline — On Oct. 19, 2001, the American press reached the peak of its fear and anxiety over terrorism. The occasion was marked by the publication of Peggy Noonan's Wall Street Journal column "Profiles Encouraged."

This was the article where Noonan encouraged each and every one of us to profile and snitch on any brown person we see. Why, she herself had just seen some brown guys that not only looked Middle Eastern but also appeared surly. And get this: they were snapping pictures of a famous church. She nearly flipped. They had to be plotting to blow something up. I mean, who would expect tourists to be snapping pictures of famous landmarks, huh? And these were brown people. We all know brown people are not tourists. No, they're there to supply cheap labor, like picking produce or sewing textiles. And these guys looked surly, to boot.

Of course, I would look a little surly too if I was just enjoying my vacation in New York City and some crazy white bitch started staring at me like I was about to rape her daughter. Noonan reminds me of bimbo drivers at stop lights who sneak their hand up and surreptitiously lock their car when I pull up next to them on my Harley, as if I were about to drop the bike (the one I built from parts and love more then my left arm) and start tugging on her door in the middle of the street in broad daylight. Take that uppity attitude and add the hysteria of a recent terrorist attack, and you get Noonan's rant.

But there is good news. Take a look at the Tampa Tribune from April 12, 2005, and you'll see how far the press has come since Noonan's column was published.

The first thing to catch my eye is the coverage of some goofy guy with a suitcase in Washington, D.C. who caused a full-blown bomb scare. The neat part and the thing that made me proud to be an American was that even though all the frightened security forces were cowering behind barricades, the tourists were crowding around to get a better look, snapping pictures and laughing at the spectacle. (No word on if any of those tourists were brown.) Moving on, you see a big article about the confirmation of that Bolton

I'd look a little surly too if I was enjoying my vacation in New York City and some crazy white bitch started staring at me like I was about to rape her daughter.

News You May Have Missed

"Runaway Jesus" Gets Cold Feet

ALBUQUERQUE, N.M. — The Second Coming of Christ, scheduled for last Saturday, had to be called off after Jesus didn't show up, most likely, according to several evangelical end-time preachers who had arranged it and put down a deposit on the site of the Battle of Armageddon, because at the last minute he got "cold feet" and took off on a Greyhound bus. Religious scholars say that this "runaway Jesus" phenomenon is not unusual. Jesus was also expected in 1529, 1660, 1689, 1844, 1914, 1934, 1975, 1988, and 2000, among many other dates announced with absolute certainty, on the basis of the close study of cryptic passages in the Book of Daniel and the Book of Revelation, by Protestant evangelists who simultaneously identified a whole platoon of Antichrists for the standard Great Tribulation scenario, including assorted popes, Napoleon, Mussolini, Hitler, John Kennedy, Moshe Dayan, Henry Kissinger, Mikhail Gorbachev, King Juan Carlos of Spain, and lately, sources say, Ashton Kutcher.

Authorities here are looking into the possibility that it was Jesus who made a mysterious 911 call from a 7-11 store near the local Greyhound bus station. The caller said he had been kidnapped by Tim LaHaye and Jerry Jenkins, authors of the best-selling "Left Behind" series of novels. The caller, described as having a Middle Eastern accent, went on to say that LaHaye and Jenkins told him that they wanted to finish at least one more end-time novel before the world comes to an end, and that they were determined to keep the alleged victim under lock and key at a secure, undisclosed location until their sales figures start to fall off.

Some religious experts who reject the kidnapping claim as a hoax say that the reason Jesus keeps getting cold feet whenever a date is announced for his highly anticipated return is that he's in no hurry to spend the rest of eternity in heaven having to listen to gasbags like Pat Robertson, Jack Van Impe, Benny Hinn, or Tim LaHaye talk about how right they were. But others say that the stress of a large public gathering, with millions of invited guests, is simply too much for the unsophisticated, publicity-shy Galilean, who lives simply and whose only registered gifts for the occasion at a Jerusalem department store were said to be a few loaves and a couple of fish, a stark contrast to the vast wealth of some of his followers, like LaHaye and Jenkins, whose projected sales figures will reach $666 million by next Christmas.

— Eric Kenning

guy. Great, partisan politics at its best. Looks like things have returned to normal in the halls of power as well. Then there's a nice provincial story about two school bus accidents — and get this: none of the little kids were hurt, but it still shows that yellow buses have replaced brown tourists as the primary threat to our kids' safety. By now I am feeling pretty good about life in the USA and then I see the article that ran down the whole right side of the front page. It was about a Florida bill that would prohibit people from driving too slow in the left lane of the freeway, even if they're driving the speed

Word Watch

by Stephen Cox

When was it that the default adjective of this continent became "nice"? It was sometime before Ernest Hemingway's The Sun Also Rises (1926), where use of that word already evinces people's besetting desire to keep everything looking as pretty as possible. We laugh at 19th-century euphemisms, but it was 20th-century sophisticates, not Queen Victoria, who turned morticians into "grief counselors," janitors into "custodians," and prisons into "correctional facilities." As art and architecture grew ever more brutally "honest," the common language grew ever more appallingly nice.

Now, in the 21st century, ornament has been ostentatiously (if often ironically) reborn in postmodernist architecture; and there is a small, guilty revival of decorative styles in painting and sculpture. But the popular art of our people continues to be the art of making things just a li'l bit nicer on every possible occasion.

On April 26, a woman named Jennifer Wilbanks disappeared from her home in Duluth, Georgia. Hundreds of people wasted thousands of hours and hundreds of thousands of dollars looking for her. Several days later she emerged in Albuquerque, New Mexico, telling a tale of "abduction," then confessing that she had faked the story. Her apparent reason was that she was scheduled to be married, but after having survived eight (!) wedding showers, she did not want to face the wedding itself, to which 600 of her closest friends had been invited.

Wilbanks' padre pictured her feelings as something so weighty, so intractable, that they simply "caved in on her," like Section E4 of the parking structure, down at the mall.

Now, inviting 600 people to your wedding is a feat of niceness that is pretty hard to justify, unless you happen to be the Queen of Sheba. Cal Herndon, a columnist for a paper in Kentucky, is right to suggest that for our fellow citizens, the wedding is now "bigger and more important than the marriage." There's a whole industry devoted to making that inflation happen. Even gay weddings, in which one would expect to discover the last refuge of individual, in-yo-face romance, have become enormous ceremonies of niceness-to-all.

It was the Wilbanks case, however, that showed the extent to which niceness has become our official ideology. One of the first indications came from the mayor of Wilbanks' hometown. Giving a peculiarly nice turn to the utterance of the sadistic warden in "Cool Hand Luke," she characterized Jennifer's problem as a breakdown in "communicating." New Mexico authorities were not to be outdone. They never dreamed of prosecuting Wilbanks for bamboozling them with false accusations of a heinous crime. Instead, they consoled the innocent 32-year-old with the ceremonial gift of a teddy bear (which she nicknamed "Al," for Albuquerque — ain't that nice?). Although New Mexico is largely Hispanic, they carefully protected her from any attempt by the press to determine why she claimed she had been abducted and abused by an Hispanic man. Questions wouldn't have been nice.

Not all observers were so accommodating. Some people back in Georgia were a trifle miffed by Wilbanks' gross imposition on their time, money, and sympathy. But while the media vaguely suspected that she had failed to be, like, completely and toadly nice to her family and fiancé, they knew that her neighbors were being much less nice to her. Los Angeles Times headline: "Town Without Pity Offers Hisses to a Runaway Bride."

What lawyers say can seldom be believed, but it does provide an indication of what they think that other people will believe. And often they're right. So it was interesting to hear the way in which Wilbanks' lawyer invoked the cult of niceness: "Jennifer hopes this experience will help her grow and heal and perhaps help others in similar circumstances." It's the organic approach: Jennifer will grow like a plant and heal like a wound, and by growing, she will help other nice people to grow. The next time someone wants to run out on a small-town society wedding and blame someone else for abducting her, this will help. Ah, the mysterious processes of life and growth!

Think not that the church, any more than the bar, the press, or the police, constitutes a barrier to niceness. Responding to Wilbanks' moral plight, one of her innumerable pastors read the entrails of our civic religion and pronounced her a mere victim of "issues that caved in on her." Let's see . . . that's from 1 Corinthians, isn't it? The place where St. Paul talks about how all of us have issues, man, and they sometimes, like, just cave on us, and what are we to do? Yeah, I think that's it. It must be in the Bible somewhere.

The word "issues" is particularly interesting. It is, of course, a political word, and its translation into the moral and psychological sphere shows the easy irrationalism with which politics

limit. Is this a great country or what? The last thing is an article about the Food and Drug Administration considering whether to allow silicone breast implants back on the market. Now we are focusing on the positive. It definitely cheers me up to see junk science reconsidered.

and "feeling" bleed into each other in the Nice Society. Formerly, to "make an issue" of something or to "take issue" with something meant to argue, to come up with some kind of facts and logic. To "have issues," as we do now, means to nourish feelings of resentment, inaccessible to logic or argument. Ordinarily, it means that other people must instantly take the responsibility of "dealing with" these mysterious issues, if they themselves want to be considered nice. Surely you don't expect the nice person who happens to "have issues" to resolve them herself, do you? Wilbanks' padre went one step beyond even that point and pictured her feelings as something so weighty, so intractable, that they simply "caved in on her," like Section E4 of the parking structure, down at the mall. What could a nice girl do except run for her life?

When Wilbanks finally put out a written "apology" for her behavior, she made the most of the "issues" angle. She claimed to have been driven to her act by "a host of compelling issues, which seemed out of control — issues for which [sic] I was unable to address or confine." But, thank God, she survived; and as a brave survivor, she was happy to talk about her experience: "Each day I am understanding more about who I am and the issues that influenced me to respond inappropriately." What nice person could fail to share her thrill of self-satisfaction?

Shakespeare said that "ripeness is all." We say, "Niceness is all."

That was a good ending for a column, but I can't resist adding a note on something completely different. Isabel Paterson once noted that Rexford Guy Tugwell, one of Roosevelt's Brain Trusters, was a person "unable to write even a cliché accurately." There's a lot of competition in the field of cliché-mutilation, so perhaps it's time to honor distinguished performances. I am therefore pleased to inaugurate the Rexford Guy Tugwell Award for Inaccurate Use of Clichés, and to name, as first winner of this annual contest, Dr. Ian D.C. Newbould, President, North Carolina Wesleyan College.

According to an AP report, Dr. Newbould declared, in reference to the maintenance of academic freedom: "We don't tell professors what to think. We don't tell professors what to teach. The Eastern European Communist regimes, or Saddam Hussein for that matter, that's what they did. What makes America great is we don't do that. I've often used a quotation that they say comes from Voltaire, 'I may disagree with what you say but I'll fight to your death your right to say it.'"

No, Dr. Newbould, the cliché is "defend to the death"; that is, "my death." It makes a difference! So, in recognition of the brilliant feat of imagination that produced this shift of responsibility, it is my distinct honor and personal privilege to announce that your name will be perpetually memorialized in the Rexford Guy Tugwell Museum of Words, and Malapropism Hall of Fame. Enjoy, dude!

All this must surely signal a return to normalcy in America. Finally, we own the terrorists, not the other way around. Sleep well, my fellow travelers in liberty, and rest easy knowing your voices are making this country a lot saner then it would be otherwise. — Paul Rako

Elementary fundraising — Recently a parent told me about a private elementary school whose proprietor requires his young students to round up donations from relatives and family friends. The professed purpose is to improve playgrounds and other facilities. Each child is assigned a dollar quota. Children who meet their quotas are rewarded with prizes at a ceremony at the end of the school year; the others suffer humiliation in contrast. The school's proprietor claims that his system helps teach children the importance of accomplishment.

But what sort of lesson does the system teach? What does it teach about what counts as accomplishment and what methods are praiseworthy? I think that the lesson is perverse, and the parent in question agrees with me. It teaches the sort of attitude that obstructs economic development in Latin America. Wealth, instead of being created, comes from being taken or wheedled away from other persons. Personal contacts are very important. Questionable pressures — both on potential donors and on the young fundraisers themselves — are legitimate. But I think it is better to let children be children than to teach them premature and pernicious lessons.

Recently one of the students hit me up for a donation. On the one hand, I wanted to express solidarity with my young friend and help save him from humiliation, and I wanted to avoid coming across as a Scrooge. On the other hand, I deplored helping a perverse system to work, and in my own mind I questioned the motives of the school's proprietor. It was a real dilemma.

Would you have donated, or not? — Leland B. Yeager

A bridge to freedom — Bush's failure to sell Social Security private accounts shows how difficult it is to extract a nation from welfarism.

The Cato Institute, which would like to do that, has spent 25 years promoting the idea of Social Security private accounts, and on several levels. The first is as a solution to Social Security's long-term financial problem. The second is as an opportunity for workers to get a better rate of return on their retirement money, and to regain some control over it. The third is as a step toward dismantling the welfare state. This last reason is not used much with the general public, but it is obvious to the politically attuned.

By 2000 the idea of private accounts had become mainstream doctrine in the Republican Party. That was a big, big achievement. But the Republicans were not going to sell it as a first step toward anything radical, because they are not a radical party. They did try to sell it the second way — as a means for workers to get a higher return and ownership of their money — but that raised the issue of risk. There was a tendency to argue about financially rebalancing the system, but then they were vulnerable to the reply that private accounts are not necessary for that.

Opponents homed in on the issue of risk, and, though they exaggerated it, they had a valid point. This was not

merely a proposal to offer the worker something new, the private account. It was a proposal to take away something old, the guaranteed benefit, or at least a substantial part of it.

Libertarians fooled themselves when they took seriously those polls that said that most Americans would like to set aside Social Security taxes in private accounts. Of course people would like that. They'd probably like to set aside some of their income taxes in private accounts, too. But there was a price, and they had not been told about it. When opponents exposed it — and exaggerated it — people balked. Privatizers had not made a sale.

Social Security's Grand Canyon of liability got the issue to the table. But that canyon, which involved birth and death rates, had to be bridged by any successful reform, and bridging it tended to make every proposal look worse than the current system. Private accounts essentially "solved" the government's liability by shifting it to the individual worker.

There was a second canyon to get across. Private accounts are a way for you to invest for your retirement, rather than to have the next generation do it. But the first generation that gets to invest for itself still has to pay for its parents. This is a huge cost. It could be spread out with debt, but it is a lot of debt.

For the moment, private accounts have lost. There are several reasons, one of them is people's resistance to change; but one of the more interesting ones is that private accounts are really not about solvency. They are about individualism. They are about freedom and responsibility. The battle has to be fought on that ground. — Bruce Ramsey

The MADDing crowd— According to a recent study, the number of people operating vehicles while intoxicated is on the rise.

In the early eighties, laws prohibiting intoxicated motoring were generally ignored. Police, who are not known for teetotaling, were too forgiving to drunks trying to get home from the bar. Mothers Against Drunk Driving (MADD) demanded stricter enforcement of the laws. They were successful at first, and the number of alcohol-related traffic fatalities fell. But like most bureaucracies, MADD refused to acknowledge victory, and would not go away. Now they lobby state and federal governments full-time, and every year since their incorporation stricter legislation has been passed.

In 2000, the U.S. Congress passed the Federal Transportation Appropriations Bill, which used Department of Transportation money as leverage to get every state to lower its blood alcohol threshold to 0.08%. Now something unexpected has happened. More people than ever before have been staggering to their cars and closing one eye to get the key in the ignition. According to the Department of Transportation, alcohol-related fatalities increased in 17 states between 1995 and 2003. A recent study indicates that alcohol-related traffic incidents are up almost 50%. This is going to make MADD mothers MADDer. There may be many explanations for this phenomenon, but my speculation is that the stigma has been reduced. The stricter standard has made it very easy to get nailed for drunk driving — even when a person is relatively sober — so today, almost everyone knows someone who has been convicted of DUI. Rather than treat those arrests as shameful, or as an indication of an alcohol problem, most people now look at a DUI as just a really bad traffic ticket. Hence more people are lax about getting in a car when they shouldn't. This should be illuminating for anyone who believes that human behaviors can always be controlled. If a law becomes too easy to break, people stop respecting it. — Tim Slagle

The peril of cheap sugar — The Central American Free Trade Agreement (CAFTA) is in trouble because Congress and the public have forgotten that imports are a benefit of trade, not a cost.

Economist Milton Friedman maintains that "our gain from foreign trade is what we import. Exports are the price we pay to get imports." Similarly, David

Ricardo's theory of comparative advantage shows that trade benefits nations by allowing each one to focus on producing those goods and services for which it can create the most value. Without imports we fail to realize this benefit, as we must produce domestically every good and service our nation consumes, squandering resources better used elsewhere.

So why do policy makers denounce imports as a burden and tout exports as the ultimate prize? The answer is based on a misperception that dates back to colonial times.

Mercantilism — the economic policy of the major trading nations during the colonial era — is based on the fallacy that exports increase national wealth while imports decrease it. The mercantilist fallacy has proven an extremely useful tool for domestic producers unable to compete with foreign firms, and for the politicians who seek to protect them at the expense of consumers and the broader economy.

On CAFTA, Sen. Kent Conrad (D-N.D.) believes that our message to Congress should be, "Don't trade away our farms, don't trade away our jobs, don't trade away our economy." According to Sen. Byron Dorgan (D-N.D.), "Senators are going to ask why we should ratify another trade agreement . . . when the old agreements are producing nothing but record trade deficits."

They have invoked the mercantilist fallacy to protect the sugar producers in their state. In Sen. Dorgan's own words, "Any additional sugar imports can only hurt North Dakota sugar producers." The only way they can continue to force U.S. consumers and businesses to pay multiples of the international market price for sugar is by convincing people that cheap sugar imports would cost jobs, and damage our economy.

In fact, artificially high sugar prices have forced confectioners to move abroad or shut down, costing the country thousands of jobs. The number of jobs lost due to sugar protectionism far exceeds the total number of sugar farmers in the United States, yet Sen. Dorgan and Sen. Conrad maintain that they are protecting jobs.

In situations like these, members of Congress have found mercantilist thinking so convenient that they are blinded to the basic economics of trade. In turn they have been quite successful in blinding the voters as well. Public support for free trade has collapsed over the past five years because more attention has been paid to trade deficits. In this climate, it is widely deemed that CAFTA does not have enough votes to pass either house of Congress.

It's a shame for which supporters of free trade bear some responsibility. Arguments in favor of free trade agreements have traditionally been framed in mercantilist terms, focusing on the benefits of increased exports and downplaying the effects of the corresponding imports. Such arguments will no longer work in an era of trade deficits, and they make matters worse by legitimizing mercantilist rhetoric. If you accept that imports are bad for our economy, you have to accept that almost any free trade agreement is a bad idea. A mercantilist argument for free trade is doomed from the start. For trade agreements such as CAFTA to gain public and congressional support, champions of free trade must make the case that opening our markets to imports will be good for the U.S. economy.

— Adam Platt

Truth in signage — Everything that's wrong with government can be summarized by a single sign that stands at the entrance to my neighborhood park, a plot of green with tennis courts and soccer fields for athletes and playground paraphernalia for junior swingers.

Cursed with a civic attitude that makes me wary of gifts from politicians, my eye lingers on the boastful sign at the entrance of my neighborhood park. "This playground made possible by the City of Huntsville and the Madison County Commission," it says. Not a blatant lie — just a fuzzy deception. About as far from the truth as the mayor's office downtown is from this suburban playground.

I think it's the tone of our "governors" (using the word in a literal sense) that bothers me in their proclamations of achievement. They ignore the contributions of me and my fellow taxpayers to this oasis. They forget that we are a society of the taxpayers, by the taxpayers, and for the taxpayers.

The sign has it wrong. These few acres of athletic fields and tree-shaded green are "made possible" by three entities: First and foremost, the creator of the earth and its celestial companions. He instituted the natural laws that resulted in trees and grass; and gave us sunny days to enjoy them. Second, the taxpayers of Huntsville, who came up with bucks to make the sandpile, install the playground equipment, and carve a tennis court out of a grassy field. Finally, there's the construction contractor (who we hope is no kin to the mayor) and his men and machines that did the actual work. Yes, the mayor, the city council, and the parks and playground department signed some papers, but not one used a shovel to remove the sod and lay down the surface of

the tennis court. And the Madison County Commission doesn't drive the fleet of lawn mowers that periodically neatens up the soccer field. Not a single member of the MCC, who on this serene Sunday morning are still abed, has ever cut this field.

A more truthful sign would, shortly and sweetly, state: "Paid for by the taxpayers of Huntsville." It would remind both of us, governors and governed, of our proper roles in the civic scheme of things. Of course, it still ignores you know who. But He should never be mentioned on a public sign in a public place. — Ted Roberts

Intangible dividends — In 2002, after the scandals at Enron and WorldCom, Congress passed the Sarbanes-Oxley Act. It wasn't designed to punish those responsible for the scandals — there were already laws to take care of that. (Had there been no such laws, it would have been interesting to watch our elected officials pontificate about why the constitutional prohibition of ex post facto laws is not actually a prohibition of ex post facto laws.) It was designed to stabilize the stock market in the short term, and in the long term to protect the economy from similar debacles.

Given the act's explicit intent, it's clearly appropriate to evaluate its success by measuring its effect on the stock market. One paper, by Ivy Xiying Zhang of the William E. Simon Graduate School of Business Administration at the University of Rochester, figures the net cost to stockholders at $1.4 trillion. That's almost $5,000 for every person in the United States. Net.

Has this calculation overlooked some of the benefits? The act has been a boon for accounting firms, who are reap-

News You May Have Missed

Pope, Schwarzenegger to Meet, Trade Jobs

ROME — Sources close to the Vatican revealed that the election of Joseph Ratzinger as the new pope would never have happened without the surprise election of Arnold Schwarzenegger as governor of California in 2003. "We were all like, 'Omigod!' when we heard about it," said one Cardinal who had attended the papal conclave. "It was totally a wake-up call. We saw how the media went gaga over Arnold and how everything he said made news, and we were thinking that we wouldn't mind a little of that ourselves, so we went out and got the closest thing to the Terminator we could find, a guy with a thick German accent who, as the head of our counterintelligence unit, the Congregation for the Doctrine of the Faith, has silenced quite a few heretics and girlie-men and other shadowy international villains in his time."

But other Vatican insiders insist that Ratzinger was not at the top of the church's wish list. "We were thinking, if not Arnold himself, probably some other Catholic movie actor," said Archbishop Speriamo Peggio of Palermo. "We were kind of like, maybe it's time for a Pope Mel I." But both Mel Gibson and Jim Caviezel (who played the starring role in Gibson's "Passion of the Christ") turned down the big-budget costume-drama papal role, citing prior commitments, so that left Ratzinger, who, unlike Pope John Paul II, has no acting experience, but who was, on the other hand, born in rural Bavaria, just over the border from Graz, the Austrian birthplace of Schwarzenegger. Ratzinger, now Pope Benedict XVI, said that he would be meeting with Schwarzenegger "as soon as possible and maybe even, miraculously, sooner" to get some tips and "also hoist a few steins of beer and take some quiet satisfaction from the fact that us Germans are finally taking over the world after all, *nicht wahr*?"

What the new pope and the governor of America's largest state will really be discussing, however, sources say, is a time-share arrangement in which Schwarzenegger will occupy the throne of St. Peter six months out of the year, during which time he will declare atheists to be demonic space aliens in human guise and annihilate them with shoulder-fired missiles while dressed in a specially tailored white leather papal outfit, while Benedict XVI will move to Sacramento to serve as acting governor of California, where the state's many devout Spanish-speaking Catholics will, he assumes, give a warm welcome to the revival of an Iberian-Catholic tradition that has fallen into sad neglect, the Spanish Inquisition.

While in California Benedict will also be working out with weights and otherwise preparing to shoot "True Lies 2," a script originally conceived as another Schwarzenegger vehicle. Sam Surfeit, the veteran Hollywood agent who now counts both Schwarzenegger and Benedict as clients, said the screenplay is being rewritten around its new star and will be repositioned as an epic history of the development of Catholic dogma, especially the doctrine of papal infallibility, with Jamie Lee Curtis, who played Schwarzenegger's wife in the original "True Lies," cast as the Virgin Mary this time around and Ben Stiller as the clumsy but lovable Holy Ghost. Surfeit added that he is working overtime to prepare the pope for his six months in California, where Sacramento political stalemates plus the perpetual hairsplitting arguments over the ontological proofs of Hollywood existence, including percentages of the gross, name-above-title screen credits, studio parking spaces, and lunch reservations at Patina, will make thorny theological doctrines like Transubstantiation, the miraculous changing of the consecrated wafer at Mass into the body of Christ, look like a piece of cake.

— Eric Kenning

ing hundreds of millions of dollars in increased revenues, and they are among its strongest supporters. When asked about the economic benefits of Sarbanes-Oxley, however, they use words like "intangible" and "hard to quantify." If accountants can't quantify the benefits, how about one of the act's co-sponsors? Michael Oxley (R-Ohio) responds to the question with one of his own: "How can you measure the value of knowing that company books are sounder than they were before?"

There's only one way, Mr. Oxley, and as chairman of the House Committee on Financial Services, you should know it. You look away from the campaign speech you're writing — just for a second, it won't take long — and you check the price of the company's stock.

Unless the market is up by at least $1.4 trillion, you owe the taxpayers an explanation. — Mark Rand

Experience is the harshest teacher — The American military has learned a truth long known to the Israeli Defense Forces — most civilian suicide bombers will succeed in their missions. — Richard Kostelanetz

Nothing left to lose — When colonists debated the prudence of declaring independence from Great Britain, Benjamin Franklin warned, "He who would give up essential liberty to purchase a little security deserves neither liberty nor security." Two hundred years later Janis Joplin, with more than a touch of irony, said it a little differently: "Freedom's just another word for nothing left to lose." Is this an accurate definition of freedom? Was Joplin onto something?

In "A Doll's House" by Henrik Ibsen, Dr. Rank reveals his unrequited love for his best friend's wife Nora on the day he learns his death from a terminal illness is imminent. With nothing left to lose, he has the freedom to express his love out loud. Shocked that he would risk the security of their good reputations by putting into words an emotion she has instinctively sensed for several years, Nora rebuffs his protestations of love. Yet his example gives her the strength to walk out on her unfulfilling marriage just a few hours later, closing the door on the security of a home, husband, and reputation for the freedom of earning her own living and finding her own way. She will not be a pampered doll in her husband's house any longer.

When I attended my 25th high school reunion, I encountered numerous people who had purchased security at the price of freedom. The high school I attended is in a sleepy little town halfway between Sacramento and Oregon whose only industries are — well, I can't think of any. People stop there on their way to someplace else. My parents moved there because they enjoyed camping and hunting. I moved away the day after I graduated from high school. So I was surprised to discover that most of the popular kids in my class — the class officers, cheerleaders, and jocks — were still living in the same one-horse town, many of them on their second marriages to other members of our graduating class. Meanwhile, the social outsiders — those of us who hadn't made the teams or been invited to the keggers — have traveled the world and explored multiple careers. The difference? The jocks and cheerleaders had too much to lose. They were too comfortable, content, and afraid to give up the security of being invited to the next in-crowd party to test the unknown freedom outside Happy Valley.

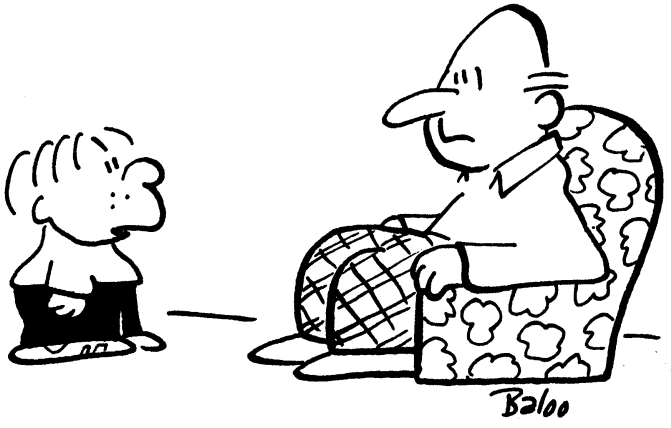
My classmates seemed to have bought into the philosophy of another '60s songwriter, Stephen Stills, who sang, "If you can't be with the one you love, honey, love the one you're with." In "Million Dollar Baby," Hilary Swank's character risks everything to become a prize fighter, earning enough to purchase a house for her estranged mother, who lives in a trailer park. Clint Eastwood's character drives them to the house and stands back, ready to observe the heartfelt reunion. Instead, the mother lashes out at her "inconsiderate" daughter's gesture, screaming, "What'd you go and do that for? What's going to happen to my welfare if they find out I own a house?" She refuses to sign the papers

Seeking our own self-interest and satisfaction is the key to happiness. It leads to invention, innovation, and a better standard of living for all.

accepting title to the house, preferring the security of a welfare check and certain poverty to the uncertainty of hope and possibility. Just love the one you're with.

One of the insidious results of our welfare system is that it provides just enough security to make it difficult to let go. Welfare should be a safety net, not a Beauty Rest. It should break one's fall, but not be comfortable enough to sleep on night after night. Instead of settling for "the one you're with," we would do better by following the Rolling Stones: "I can't get no satisfaction, but I try, and I try, and I try, and I try." Seeking our own self-interest and satisfaction is the key to happiness. It leads to invention, innovation, and a better standard of living for all. It may require changing direction, taking risks, cutting losses, or even cutting wins, but a lifetime of striving toward a desired goal is preferable to a lifetime of avoiding failure.

In Frank Capra's 1938 comedy, "You Can't Take it with



"What did I learn in *school* today? Boy, where have *you* been for the last 20 years?"

You," an eclectic household of artists and inventors drop out of the corporate rat race to pursue hobbies and interests that fill their souls rather than their pocketbooks. One is an artist, another loves to cook, yet another is a stamp collector. They all manage to earn a sufficient living doing what they love, for two reasons. First, as economist J.B. Say discovered, "Supply creates its own demand"; they were able to create a market for the goods and services they produced. Secondly, they discovered that doing what they wanted to do was more satisfying than having what they wanted to have. They lived frugally and happily, not worrying about the materialistic trappings of keeping up with the Joneses. They stayed out of debt and lived within their means, creating their own security by exercising their freedom.

Each of my adult children has experienced the principle taught by their seventh great-grandfather, Benjamin Franklin, refusing to trade security for freedom. My oldest daughter earned a degree in public relations, but after two years working for a publishing company, she realized that dance, not copywriting, is her passion. She cut her losses, quit her job, and started over. Now she is one of a handful of Isadora Duncan experts and runs her own successful dance troupe. My oldest son majored in economics, passed his Series 7 test, and was offered a good job with a successful brokerage house. But, like his sister, he is an artist at heart: he said no to the job, and began studying film. Last year he was first assistant director on the sleeper hit "Napoleon Dynamite," and right now he is in Oregon, directing his own film, "The Sasquatch Dumpling Gang," with Kevin Spacey as executive producer. My younger son, also an economics major, is pursuing a career as a professional wakeboarder. Will he succeed? I don't know. But I do know this: It is his passion, and he will be much more satisfied for having tried. He's fed by the words of yet another Rolling Stones hit: "You can't always get what you want, but if you try some time you'll find you get what you need."

— Jo Ann Skousen

Hail to the chef – How strange to find pride of workmanship in this seaside casino where the trick is to get rich without working; unless you consider work the mashing of a red lighted button that says "spin wheel."

Surrounding the buffet, where I'm chewing on a moist, sticky-sweet macaroon, are hundreds of players symbolically throwing money at numbers in electronic machines, numbers painted on felt tabletops, numbers inscribed on wheels.

Gaming they call it, not gambling. Gaming is sport — gambling is a vice.

The idea is sort of a "Bread upon the Waters" concept but with the substitution of selfishness for generosity.

At the roulette wheel adjacent to the buffet, where I'm enjoying my macaroon, if I put a chip on number 11, I'll get 35 chips back. All I need is for fate to favor 11 over 37 other numbers. But for the moment, my mind has landed on macaroons, not roulette. While random chance might make number 11 a winner, somebody lovingly, whole-heartedly, purposefully has flavored, shaped, and baked this ambrosia.

Overwhelmed by the talent that produced something as real as a mouth-rewarding coconut cookie in this sea of emptiness, I poke my head in the kitchen: "Hey who made this spectacular macaroon?" A fat guy, wiping his hands on an apron, steps forward and says he is the pastry chef. I babble about this celestial macaroon. (Okay, I admit that I'd had a small rum and coke.) He responds with proper pride. He lovingly recites the ingredients. He adds with flashing eyes that they bake everything themselves.

This clearly is a man who enjoys his work and understands its value to the world. He may be the only winner in the casino. If I bump into Diogenes and his feebly flickering lantern I'll direct him to the macaroons and the artist who makes them.

— Ted Roberts

News about nothing — Last night when I turned on my talking box, I was in for a special treat. Allow me to paraphrase the news bulletin:

"This is breaking news. The Seattle Chief of Police has just been warned by the FBI that there is a noncredible terrorist threat to the city of Seattle: poisonous gas could be released downtown at the end of the month. Experts say that because of the high level of organization such a terrorist act would require, this threat is unsubstantiated. Again, we

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Freedom Blossoms in the Desert

by Doug Casey

Custom-built islands and a seven-star hotel: Dubai defies conventional wisdom about democracy and the Middle East.

I'm not easily impressed. And it's not really my style to indulge in hyperbole, so I'm a bit taken aback by what I'm going to tell you. But what's happening in the United Arab Emirates (U.A.E.) simply beggars the imagination. I've written a lot about the boom in China, especially Shanghai, where the new national bird is the Construction Crane; Dubai exceeds it, and redefines the meaning of a boom. Words like "unbelievable" and "breathtaking" are warranted. The place is like Las Vegas multiplied by ten.

I've been to about 170 countries, but until last month, never to the U.A.E. That's not exactly true. A few times in the '80s, I went through the airports in Dubai and Abu Dhabi for refueling, on my way from Europe to the Orient, but never took a walkabout. Based on the shabby facilities and the few shops peddling knickknacks, there seemed no reason to bother getting a visa to take a closer look. Big mistake.

The fact that Dubai isn't a recurring feature in most magazines is testimony to how provincial the world still is. What's happening in this part of the Persian Gulf, abutting Saudi Arabia, just about 60 miles across the water from Iran, and about 800 miles from Iraq, is far different — and ultimately far more significant — than anything going on in the rest of the Middle East.

Let me first give you a bit of background, then tell you what is happening, and whether it will continue. Then why. Then what I think it means, and why it's important.

Dubai

The U.A.E. was formed from British protectorates known as the Trucial States. After the Empire went home in 1971, seven of them joined together in a federation that became the U.A.E. Abu Dhabi, with gigantic oil revenues, was and is the biggest. Dubai is next in size. Then comes Sharjah. Then four others that are still very much off the beaten track (for the benefit of trivia buffs: Ajman, Ras al-Khaima, Umm al-Qaywan, and Fujairah). Two other emirates, Qatar and Bahrain, were invited to join but stayed independent.

Dubai started pumping oil in 1969, but while the reserves were gigantic for a country of 100,000 citizens, they were small by Gulf standards, and it was clear they would virtually disappear over the next 40 years. Better than oil — usually a curse to those who have it — Dubai was blessed with a particularly prescient leader, and a long history of making its living as a trading port.

It's funny how provincial and prone to hysteria Americans are. When I mentioned I was going to spend a few weeks in the Middle East, I was confronted by looks of awe, fear, shock, and disgust. It reminded me that most Americans still think they're tempting fate by ordering something other than chop suey in a Chinese restaurant. Dubai, I can assure you, is far safer and more interesting than 99% of the United States.

And much more prosperous and developed. Perhaps even more amazing than the development itself is its trajectory. It's not that 100 years ago there were only a couple thousand locals living on the creek that acts as the centerpiece for the old city, or that, as late as the '30s, pearl diving was the major industry. It's that the place opened its first hotel only in 1959, and its first airport in 1960.

What's Happening Now

It's impossible to describe a place like this adequately in a short article. So I'll touch on a few highlights and give you some Web references. Let's start with property.

The current signature building in Dubai is Burj Al Arab, a fantastic, sail-shaped building and that is the world's only seven-star hotel. I tried to get a room but, even at $1,100+ per night for the least expensive, they were completely booked. But then, every one of the city's roughly 250 hotels seemed to be booked. I was lucky, mainly because I patronize the chain a lot, that the Grand Hyatt deigned to make a room available for $500+. Not that Dubai gets many rubbernecking tourists yet, but the Burj ("building," in Arabic) charges a $20 entrance fee to those who aren't guests, or haven't reserved at a restaurant. Good idea, actually. At those prices, I wouldn't want a bunch of riffraff wandering around either. I'll plan ahead and spend at least a night there next time.

In addition to the most spectacular hotel in the world, Dubai will shortly have the Burj Dubai, now starting construction, which will be, at over 500 meters, the world's tallest building, abutting what will be the world's largest shopping center. The entire project is billed as "the most prestigious square kilometer on the planet." I believe it. Whatever happened to 5th Avenue, Rodeo Drive, and the Champs Elysées? They're part of the Old World. Nice, but relatively quaint. When was the last time something of that stature was erected in the United States — or Europe, for that matter? Thirty years ago, with the World Trade Center, or the Sears Tower. And the Burj Dubai isn't topping something in the U.S.; it's running with the big dogs, like Kuala Lumpur's Petronas Towers and Shanghai's World Financial Center.

You might think that a country that's 100% desert wouldn't need more land. But you can always use more beachfront. Dubai has already constructed The Palm, a development that has been built out into the Gulf and adds 120 km of shoreline, plus thousands of homes, and about 40 new luxury hotels. It's one of the world's greatest engineering projects. A second Palm is under construction, and a third — which will be about the size of Paris — is planned. The scale of all this is mind-boggling.

Most spectacular of all is The World, a complex of 300 artificial islands to be built 5 km out in the gulf, resembling a map of the world. The islands range from about two to ten acres apiece, and they're all pre-sold, the cheapest at $23 million. You buy your island, and you can do whatever you wish on it or with it.

The dozens of hotels that can compete with those in Bangkok are starting to draw not just businessmen, but tourists. They like the beaches, and love shopping in a tax- and regulation-free environment. The selection and prices are probably the best in the world, especially for unique items like Oriental rugs. And while Dubai can't compete with Bangkok or Las Vegas in their particular areas of strength, it's as close as you get for this whole part of the world. And it's going to be on par with Disney World in the theme park department in a few years.

People from around the world like American university degrees and American medical care, but they don't like American prices nor, any longer, going to America. Recognizing this, Dubai has set up the Dubai Knowledge Center that, through a combination of e-learning and physical facilities, offers degrees in conjunction with a number of globally recognized academic institutions. There is also a Medical Center, a Media Hub, a technological hub and even an outsourcing zone to compete with India, all of which use the Dubai's streamlined regulation and pro-business bias as a very sharp competitive edge.

Almost all the labor is from India, Pakistan, Sri Lanka, or Bangladesh. The workers typically get a few hundred tax-free dollars a month plus room and board in exchange for twelve-hour days, but with no possibility of immigrating, marrying, or overstaying their contract. They may resent being treated like serfs, but it's a better deal than they get at home. And when they go home, they spread tales of how the streets of a free-market economy are paved with gold.

Although the Emirates share a long border with Saudi Arabia's Empty Quarter and Islam is obviously the favored religion, it comes in nearly as many flavors as Christianity. A Muslim is considered observant as long as he adheres to the Five Pillars. This allows for substantial freedom (not that fundamentalists, like Saudi's Wahhabis, acknowledge it). Dubai's women, for instance, are Westernized, but in a quirky way. In one large shopping center (which, like the village well it supplanted, functions as a place to see and be seen), I recall seeing a striking young Bedouin woman in a

sheer, see-through chador, a cross between the Arabian Nights and Victoria's Secret.

The national airline, Emirates, is probably the best in the world as far as I'm concerned. I don't know any others that, as a complimentary service, pick you up for your ride to the airport in a 7-series BMW. Unlike U.S. carriers today, all its stewardesses are like those on U.S. carriers circa 1960. (Whenever I fly United, I'm reminded of the fact that, when my mother was a stewardess, they all had to be young, pretty, single RN's. Regrettably, nowadays they're all roughly my mother's age and members of the Teamsters Union. They stupidly thought it was a career, when it was just a good way to see the world for a few years while meeting up-market guys. But that's another story.) Emirates has been highly profitable since its second year, and made about $300 million last year, even though it started with only $10 million in capital in 1985. And they did it with no subsidies.

A benevolent dictatorship that's run like a profitable business, not a dictatorship, actually can work.

Naturally, I stopped by the stock exchange. For the last couple of years, all the markets in the Mideast have been howling; Dubai was up 5% on the day I stopped by. Will I open an account? No. It's simply too hard to watch companies on the other side of the world. And I hate to get into anything that's been so strong for so long. But I will certainly watch it out of the corner of my eye.

Why the Boom Will Continue

As a longtime anarchist, I'm of the opinion that the best government is no government at all. The fact that Hong Kong has been, until recently, just a "night watchman" state is responsible for its spectacular success; it was as close to a political ideal as existed in today's world.

But, perhaps because of some atavistic genetic coding, humans usually seem to want somebody in charge — a father figure who can give them the illusion of security and somehow guarantee that they live in the best of all possible worlds. It's often been said that a benevolent dictatorship is the best practical form of government, and that may be true as long as the dictator stays benevolent; generally, however, only the most flawed type of person actually gets to be a dictator. There are exceptions, of course, like Lee Kwan Yu of Singapore who, despite his somewhat laughable and idiosyncratic attempts at social engineering, not only did an excellent job, but found an able and noncorrupt successor. I do know that "democracy," a vastly overrated, currently quite fashionable but widely misunderstood system, is not the answer.

Dubai's Sheikh Rashid, who ruled from 1958–1990, said "What's good for business is good for Dubai." He not only talked the talk, but walked the walk. His son, Sheikh Mohammed, is apparently at least as friendly to business. They intelligently directed revenues from their oil, when it still flowed, to prime the pump, and then let the market do its thing. Can things change? Of course. This is a hereditary monarchy, and the next sheikh (like the next U.S. president, for that matter) could be a psycho. But I rather doubt it will happen in Dubai. This country is literally run like a corporation, with the sheikh acting as the chairman. The aristocracy are the other directors, and the 100,000 citizens the shareholders. Any serious deviation from a proven corporate culture simply wouldn't be tolerated.

A benevolent dictatorship that's run like a profitable business, not a dictatorship, actually can work.

Why This Is Important

People are, in most ways, very conservative. Sometimes I want to say stupid. One definition of stupidity is doing the same thing — like socialism — over and over again, and expecting different results. Another definition of stupidity is the ability to learn something — like "capitalism works" — only very, very slowly. You'd think that after enough people had been to the U.S. in its halcyon days, all the world would have wanted to model itself after America. But no, they stupidly kept buying into every cockamamie socialist scheme that came down the pike from Europe.

It was argued that, somehow, America was anomalous, or that its success was due to something other than its free-market practices. So America acted as an example to individuals, but not to other states. Hong Kong — basically a barren rock, devoid of any resources other than poor opportunity seekers and the free market — wasn't planned as a free-market entrepot, but anyone could see how successful it was. Singapore, watching Hong Kong, was probably the first country in the modern world to consciously adopt capitalism (albeit in a rather paternalistic and adulterated form) to achieve success. Then, in the early '80s, China started copying Singapore: a socially and politically circumscribed free market. Far from ideal, but an outstanding success nonetheless.

Dubai is, and will remain, the most successful city in world history because it is, in most ways, the freest.

Dubai is, and will remain, the most successful city in world history because it is, in most ways, the freest. But what's more important is that as leaders of other countries — especially small, poor ones — visit the place, they will increasingly see that they have no alternative but to emulate it. Dubai has truly let the cat out of the bag. There's no doubt in my mind that in the next ten years, Dubai look-a-likes will spring up around the world like variations on a theme. For most countries, it's either imitate Dubai, or become a petting zoo for those who do.

What's happening in the Emirates makes me think that even when things go bad in the U.S. — and if they go bad in

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The Shifting Sands of the Clean Water Act

by Gregory T. Broderick

Don't mow your lawn without calling a lawyer — the Army Corps of Engineers might come after you.

Developer John Rapanos should be a classic example of the American Dream. Instead, he became the target of a government vendetta that dragged him through a dozen years of litigation and pushed him to the brink of bankruptcy. His story is a cautionary tale about how the Clean Water Act really works.

Rapanos is the son of Greek immigrants who escaped war-torn, socialist Europe to make a better life in Depression-era America. As a boy, John Rapanos played in a hallway spattered with blood and bullet holes. Broke and struggling, the family finally fled from their rough Chicago neighborhood to Midland, Mich., two hours from Detroit. Though they arrived with nothing more than a carload of possessions and their own wits, the Rapanos family prospered, despite anti-immigrant sentiment.

Rapanos' entrepreneurship began at an early age, when he set up a candy stand outside the town's largest employer, Dow Chemical Company. The business succeeded until one of Dow's employees attacked him for being a "dirty Greek" and overturned his stand. Rather than slinking away, Rapanos sought out the chief of police and demanded that the worker apologize. He did.

As a young man, John scraped together all the money he could find in order to buy some real estate. After preparing the property for development, he sold it at a profit, and Rapanos Investments was born. Since then, Rapanos has married, raised six children, and made a fortune, all the while helping Midland grow from a factory town to a "City of Science and Culture." His sons are also developers, but they don't work for him; Rapanos has made them earn their own way.

Unfortunately, the story doesn't stop there. In the 1980s, Rapanos bought a 175-acre cornfield across from the old Dow plant and prepared it for development by leveling the property. When his grading equipment hit the concrete foundation of an old farmhouse that had been on the site, he took a natural sand pile and spread it over the concrete. That incident 20 years ago is why John Rapanos now faces jail time; that's why his family and companies face bankruptcy, and why the property remains undeveloped.

This startling story is just another chapter in Clean Water Act (CWA) enforcement. Passed over President Nixon's veto in 1972, the CWA prohibits the "discharge of any pollutant into navigable water" without a federal permit. The language seems reasonable enough, but the statute has become a charter for federal control over the most local of decisions: real estate development, road building, driveway construction, even farming operations. The law doesn't seem to apply to John Rapanos' land, which consists of cornrows and a damp forest 20 miles from the nearest navigable waterway. But contorted interpretations of terms like *pollutant* and *navigable water* have made Rapanos' property as "navigable" as the mighty Mississippi.

The pollutant Rapanos discharged wasn't oil, or nuclear waste, or chemical sludge: just sand. But the Clean Water Act doesn't distinguish between "pollutants," and it covers everything from solid waste to rock, sand, and even heat. In one case, federal regulators required Oregon ranchers to

plant trees to block sunlight — which is a pollutant under the CWA.

You might figure that Rapanos' cornfield is not "a water." But, under the CWA, it's not necessary for property to contain any water on its surface to qualify as "a water." A piece of ground need merely meet the definition of "wetland" in the Army Corps of Engineers' "1987 Wetlands Delineation Manual." Legally speaking, if the soil one foot below your property is "saturated" with water for 5% of the growing season — usually eight or ten days between spring and fall — you own "water," not land.

By discharging a "pollutant" into "water," you've taken two steps towards becoming a felon. The third step is whether the "water" is "navigable." Here, the legal issue is more complicated. In the 1824 case *Gibbons* v. *Ogden*, the Supreme Court held that Congress' power to regulate interstate commerce extended to ferries providing transportation between New York and New Jersey. In keeping with Gibbons' reasoning that the federal government's power over navigation derives from the Constitution's commerce clause, federal power over American waterways in the 19th century was limited to those used (or capable of being used) as "highways for commerce, over which trade and travel are or may be conducted."

This continued until the 1890s, when Congress passed a series of Rivers and Harbors Acts, making it unlawful to "cast, throw, empty, or unlade" anything into a navigable waterway that might obstruct navigation. Despite these small steps toward federal suzerainty, the government stayed focused on commercial navigation throughout the late 19th and most of the 20th century. But beginning in the 1960s, the focus shifted from protecting waters for navigation's sake to protecting waters for their own sake. This change started with public officials touting rivers as national scenic treasures, and soon took off with an aggressive wave of legislation in the late 1960s and early 1970s. One of these laws was the Clean Water Act.

But even this new rush of laws — aimed at pollution instead of navigation — was limited to "navigable waters," which the law defined simply (if vaguely) as "waters of the United States." In keeping with 150 years of law and tradition, the Army Corps of Engineers, which enforces the CWA, initially applied it to the same waters that the Rivers and Harbors Act covered: waters subject to the ebb and flow of the tide, and waters that were being used or could be used for interstate or foreign commerce. As late as 1974, federal regulations emphasized that federal jurisdiction was determined by "the water body's capability of use by the public for purposes of transportation or commerce."

Contorted interpretations of terms like "pollutant" and "navigable" water have made Rapanos' cornfield as "navigable" as the mighty Mississippi.

It was only when environmental fanatics at the Natural Resources Defense Council sued the government, complaining that this definition was too narrow, that things really changed. Judge Aubrey Robinson, Jr., an unabashedly liberal Johnson-appointee, sided with the NRDC and struck down the rules, finding that the term navigable waters "is not limited to the traditional tests of navigability" but requires "federal jurisdiction over the nation's waters to the maximum extent permissible under the Commerce Clause."

In one case, federal regulators required Oregon ranchers to plant trees to block sunlight — which is a pollutant under the CWA.

Rather than appeal this ruling, the Army Corps of Engineers adopted new rules in 1975, asserting a breathtaking federal authority over everything from "traditionally navigable waters" and "tributaries of navigable waters" to "intrastate waters from which fish were removed and sold in interstate commerce" and any other waters the Corps "determines necessitate regulation" to protect water quality. Efforts to turn back this regulation passed the House of Representatives, but died in the Senate, and the modern age of federal regulation over virtually all water in the nation began.

In 1985, the Supreme Court removed what few limits were left when it ruled in *United States* v. *Riverside Bayview Homes* that the CWA could control wetlands "adjacent to" and "bound up with" any navigable river. With the Supreme Court seeming to confirm the "anything goes" version of the law, the Corps pushed its interpretation even further, adopting a new "clarifying" rule extending jurisdiction over any "waters" that might be used by traveling migratory birds, or that might provide habitats for endangered species. These new rules even hinted that the CWA might extend federal control to irrigation ponds, ditches, and swimming pools.

Only in 2001 did the Supreme Court again wade into these muddy waters to restore some limits, in *Solid Waste Authority of Northern Cook County* v. *Army Corps of Engineers*. There, the Court struck down the "Migratory Bird Rule," and definitively declared that the CWA does not "extend to ponds that are not adjacent to open water." Anything else, the Court said, would probably render the CWA unconstitutionally broad under the Commerce Clause. The ruling was a relief, but in the four years since, federal courts have sharply disagreed over its meaning. Today, the CWA means one thing in Michigan and Maryland but another thing in Mississippi. The 5th Circuit Court of Appeals had held that the CWA is limited to "navigable-in-fact" waters and immediately adjacent ponds, but the 4th, 6th, and 9th Circuits are ready to allow the federal government control over any body of water from which a single molecule of H_2O might end up in a navigable-in-fact water. If a water molecule can seep from your backyard and eventually reach a navigable waterway, then mowing your lawn could be a federal crime. Walking, biking, or driving a vehicle through a protected wetland is considered a felony.

Worse still, residents of Massachusetts and Minnesota

have no way to tell which interpretation of the law will apply to them; they must either cross the government and risk prosecution, or take federal bureaucrats at their word and submit to what is probably an illegal application of the CWA. Neither is particularly appealing. For a project like leveling a cornfield, it takes a little over two years and costs more than $270,000 to get a permit — assuming no delays. But proceeding without a permit can be even more expensive: a criminal violation of the Clean Water Act brings with it a maximum penalty of 15 years in jail and a $1 million fine;

Anything left in a wetland for one year could cost an offender almost $12 million — and ignorance is not a defense.

a civil violation means a fine of $32,500 per day of violation, which the government counts as every day that the "pollutant" remains in the "navigable water." Anything left in a wetland for one year could cost an offender almost $12 million — and ignorance is not a defense.

So, when John Rapanos covered the troublesome farmhouse foundation by moving sand from one end of his land to the other, state and federal environmental officials accused him of filling dozens of acres of wetlands with more than 300,000 yards of sand. Former Michigan environmental chief Russ Harding says he's walked every inch of the property and drilled dozens of holes at least five feet deep without finding any evidence that wetlands ever existed there or that fill was brought in, and 300,000 yards of fill would require thousands of truckloads of dirt, something the employees across the street at Dow Chemical would probably have noticed. What's more, the evidence in the government's criminal and civil charges against Rapanos, filed in two separate cases, shows that the government doesn't even agree with itself about where the wetlands are or what portions of the property were filled.

None of this mattered to the federal courts. After 13 years of criminal litigation and 12 years of civil litigation — which has included four appeals to the Supreme Court and more than a half-dozen trips to the Sixth Circuit Court of Appeals — John Rapanos was convicted of CWA violations and sentenced to 10–16 months in federal prison for polluting his so-called wetlands, which connect to a 100-year-old man-made drain, which flows into a non-navigable creek, which, finally, flows into the navigable Kawkawlin River, 20 miles away.

How did events ever get this far? In the opinion of at least one Sixth Circuit judge who heard Rapanos' case, the government engaged in "prosecutorial overkill," in which federal prosecutors compared him to "the devil" and compared "his treeless property . . . to the Warsaw ghetto without Jews." According to federal District Judge Lawrence Zatkoff, who presided over Rapanos' trial, the government came after him because he is "easy to dislike, [and] had the audacity and the temerity to insist upon his constitutional rights."

Judge Zatkoff found that "the average U.S. citizen is incredulous that it can be a crime for which the government demands prison for a person to move dirt or sand from one end of their property to the other end of their property and not impact the public in any way whatsoever," and noted with irritation that prosecutors had claimed Rapanos' act was worse than the Exxon *Valdez* oil spill. The judge sentenced Rapanos to probation — but the government has asked the Supreme Court to intervene and increase his sentence.

As former Supreme Court Justice Byron White put it, "[o]n a purely linguistic level, it may appear unreasonable to classify 'lands,' wet or otherwise, as 'waters.'" It's even more unreasonable to ruin John Rapanos. A less principled man would have backed off long ago to close the deal, putting expediency ahead of property rights. But Rapanos didn't build a successful life by giving in. The Supreme Court is now considering whether to take his case. For John Rapanos, the case represents an opportunity to win justice and avoid financial ruin and, as with the candy stand from his youth, he won't stop until he's vindicated. For the rest of us, this case is an opportunity to restore sanity to federal power, clarify the meaning of the Clean Water Act, and end absurd federal meddling in local land use. ❑

Dubai, *from page 21*

China — the world economy will still continue apace. The reason is that any leader of a backwater country who sees what's happening here will understand that if a boom can be created in an absolute desert in the world's most notoriously unstable region, then one can be created anywhere. For all anyone knows, the leader of some flyblown place in Africa, Asia, the South Pacific, the Caribbean, or Latin America is even now planning on replicating the success of Dubai.

But Dubai is important in another way. It's an example to the Arab world that they can do something as spectacular as has ever been done — and do it without the deus ex machina device of oil. Arabs that see Dubai can view themselves and their culture on a level with the Europeans, Americans, and Asians, not just as some "camel jockeys" who got lucky by sitting on a pool of oil somebody else discovered and developed.

The success of Dubai is due — partly as a result of this ongoing change in self-perception by Arabs — to the withdrawal of their money from America. Because of the absurd War on Terror, anyone from the Middle East who keeps substantial capital in the U.S. has to be an imbecile. But where, then, should people from the Middle East put their money? Before Dubai, there was no place within Arab culture that was safe. Now there is. It's safer than America, and much more profitable.

Dubai shows the West in general, and America in particular, that Islam in general, and Arabs in particular, are not necessarily their enemies. Of course, the Bush regime will disregard the lesson. But in doing so, they will make themselves irrelevant, and find themselves locked out of Dubai's desert oasis. Don't make the same mistake. ❑

Breeding a Better Tomorrow?

by Ralph R. Reiland

When America's scientists advocated sterilizing "genetically inferior" citizens, they found an eager audience: the Nazis.

I'm not the Nazi type, so I'm usually not in the market for books that promote the idea of sterilizing the allegedly less-than-perfect among us. But my wife and I were looking for an oak hall tree in an antique shop, when up popped an eye-catching art nouveau woman sitting next to an oval beveled mirror, circa 1910. Next to the statuette, the enterprising shopkeeper had placed a book from the same period, "Sour Grapes, or Heredity and Marriage," by Edward Amherst Ott (1896).

I bought both (and still don't have the hall tree).

After dedicating his book to the "Era of Conscious Evolution," Mr. Ott begins by explaining how we get fast horses and perfect roses. It's a simple matter of nature and man working together, striving for perfection: "To secure beautiful flowers we must not rely on nature, we must direct her, use her." And it's the same with people, where Ott contends that the "thoughtful use of nature" can "materially aid in bettering the human race."

Basically, we're all "chips off the old block," the author reminds us, i.e., "like begets like," just as it's predictable year after year which lines of cows at the county fair will take home the blue ribbons. "The law of life itself" is that "character has a physical foundation." In other words, it's not just the physical that we inherit, but also "character."

When it comes to race, Ott sees an unfaltering line of straight-flush heredity for the lucky groups — a long run of winning hands. In the same way, for the less blessed, there's also an unrelenting heredity, a predestination to inferiority — a stacked deck that delivers an unending string of bad hands.

The bottom line: "The law of heredity gives the race its stability," for good or ill. Regarding the French, for instance: "Now even the French Revolution cannot destroy a nation, for there is something in the blood, bone and fiber of the people that leads them to take up the problems of life just where they were before the storm came." And with African-Americans: "We foolishly thought we could 'make over' the negro with a civil war; and when the storm passed, the negro, industrially, socially and educationally, was left untouched."

And what about a helping hand to break the cycle, to make up for the obstacles erected by racism, and the roadblock of centuries of slave labor at zero pay? "You can furnish free opportunity, and there helpfulness meets a stone wall. All great good things people must do for themselves. You can't give him civilization any more than you can give a lazy white boy an education."

Our mistake, Ott argues, is that we try to do things to uplift people, to "make over" the hereditarily bad and genetically clueless, rather than just eliminating them in the first place: "There is an ethics of biology. If we bred the right kind of people, the work of the school and the church would be easy."

It's tough, in short, for teachers and ministers to make something out of a roomful of genetic yahoos and dingbats: "It is fair, therefore, to say to the critic of the school and the church that these institutions are doing marvelously well when you consider the material they work with." In other words, garbage in, garbage out.

With crime, Ott paints the same "like begets like" picture: "A single family, with its center of activity in New York

State, has produced nearly twelve hundred of the criminals in this country, and has cost the taxpayers one and one-quarter millions for arrests and detentions." Again, it's the hereditary trap: "Vice runs in the blood just as virtue does and when some of these criminal types marry, they plant a new center of poisoned blood."

Ott's answer to all this: "It is high time that we substitute criminal reservations for jails and penitentiaries," with a "free, open-air life," like those new cageless zoos, and a "uniform punishment" for those who aren't officially classified as reformed or fixable — "namely, prevent marriage and reproduction among them; and so let the criminal class disappear."

Three decades after these words were published, the U.S. Supreme Court, by an 8-to-1 vote, upheld a lower court's decision to authorize the forced sterilization of 17-year-old Carrie Buck. Chief Justice Oliver Wendell Holmes wrote the majority opinion: "It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. Three generations of imbeciles are enough."

The "three generations" to which Justice Holmes referred are Carrie Buck and her mother Emma, both institutionalized at the Virginia Colony for Epileptics and the Feebleminded, and Carrie's illegitimate baby daughter Vivian. This newest "imbecile" was the result of a rape by a relative of Carrie Buck's foster parents, a point that wasn't raised in any of the court proceedings.

"We have seen more than once that the public welfare may call upon the best citizens for their lives," explained Justice Holmes, referring to the sacrifice of soldiers during wartime. "It would be strange if it could not call upon those who already sap the strength of the state for these lesser sacrifices." It would be odd, in other words, if we worried too much about the forced cutting by the state of the fallopian tubes of its less-than-perfect citizens when the best-of-the-nation are recurrently called upon to risk their lives in battle.

Within four years, 30 legislatures across the U.S. had passed laws authorizing involuntary sterilization for purportedly "defective strains" of the populace.

"Expert testimony" in court about the Buck family included a sweeping and somewhat geographical analysis by Dr. Albert Priddy, the superintendent at the Virginia Colony asylum: "These people belong to the shiftless, ignorant, and worthless class of anti-social whites of the South."

Additional testimony by one of Carrie Buck's teachers charged that she had sent flirtatious notes to boys in school, an allegation which was used to support the proposition that sexual promiscuity ran in the family, in the genes, from mother to daughter to granddaughter.

Attorney I.P. White, representing Carrie Buck, argued that forced sterilization was a violation of the natural law of bodily integrity, an unlawful "mutilation of organs" by the state, and a precedent under which there'd be no limit to the power of the government to rework and upgrade its citizens or divest itself of people who didn't quite measure up to prevailing norms.

Shortly after the Supreme Court's decision, Carrie Buck became the first person in Virginia to have her tubes cut under the state's new involuntary sterilization statute.

On top of all that extra music and sex, Dr. Davenport warned that there would be a rapid jump in "the ratio of insanity in the population."

Within four years, by 1931, 30 state legislatures across the U.S. had passed laws authorizing involuntary sterilization for purportedly "defective strains" of the populace.

The same purification drive regarding the intrinsically "defective" was also directed towards immigrants, particularly those not of Anglo-Saxon origin. Writing in The Atlantic Monthly in 1896, political philosopher Francis A. Walker was unambiguous in identifying the peril: "The problems which so sternly confront us today are serious enough without being complicated and aggravated by the addition of some millions of Hungarians, Bohemians, Poles, south Italians, and Russian Jews."

Similarly, Dr. Charles Benedict Davenport warned in his 1911 book, "Heredity in Relation to Eugenics," that "the great influx of blood from South-eastern Europe" to the United States would cause the American population to "rapidly become darker in pigmentation, smaller in stature, more mercurial, more attached to music and art, and more given to crimes of larceny, kidnapping, assault, murder, rape and sex-immorality." On top of all that extra music and sex, Dr. Davenport warned that there would be a rapid jump in "the ratio of insanity in the population."

On the other side of world, an up-and-coming Adolf Hitler was keeping his comrades informed about the progress of American eugenics legislation. "Now that we know the laws of heredity," he told a colleague, "it is possible to a large extent to prevent unhealthy and severely handicapped beings from coming into the world. I have studied with interest the laws of several American states concerning prevention of reproduction by people whose progeny would, in all probability, be of no value or be injurious to the racial stock."

In "Mein Kampf," published in 1924, Hitler left little doubt about who had "no value" when it came to upgrading the "racial stock": "With satanic joy in his face, the black-haired Jewish youth lurks in wait for the unsuspecting girl whom he defiles with his blood, thus stealing her from her people. With every means he tries to destroy the racial foundations of the people he has set out to subjugate. Just as he himself

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Standing up for the "Heathen Chinee"

by Timothy Sandefur

For the delegates who gathered at California's constitutional convention, the Chinaman was the issue.

Charles V. Stuart had been talking for ten minutes when the gavel fell. His speech was passionate, even desperate; he was not an accomplished orator. One pictures his hands shaking and his voice stuttering as he faced the hostile audience at the California Constitutional Convention. The chairman, usually lenient to speakers who went over the time limit, immediately interrupted Stuart.

General Volney Howard of Los Angeles spoke up with gloating. "I hope the gentleman will be allowed to proceed. He is the pluckiest man in the Convention. I give him my ten minutes."

"Thank you, General," said Stuart, without a pause. "As I was saying. . . ."

Howard could afford to be magnanimous — and smug. Nobody was listening to Stuart's plea on behalf of California's Chinese immigrants, and the convention had long ago made up its collective mind: the constitution they were drafting would include provisions barring the Chinese from working for any California corporation, and commanding the legislature to act to forbid Chinese immigration.

A quarter-century of anti-Chinese racism had built up to this moment. In the seats of the capitol building in Sacramento sat the 156 other convention delegates — Republicans, Democrats, Workingmen, or, like Stuart, Nonpartisans. But of all of them, only Sonoma County's Charles Stuart would speak on behalf of the state's most persecuted minority.

Stuart was born May 9, 1819, into a prosperous and conspicuous Pennsylvania family. His grandfather, Charles Stewart, had settled near present-day Williamsport in 1762, at the age of 19. In 1783, he bought 714 acres in Nippenose (or Nippenoos) Township — a name which may have meant "warm place," in a Native American language, or may have referred to the cold weather, when Jack Frost would nip at one's nose — and raised a family of six. The eldest son, Samuel, became a notorious local sheriff and member of the state legislature. The third son, also named Charles, born in 1775, became a farmer, and raised eleven children, taking particular care over their education. By the time this Charles' third son, Charles V., was born, the family owned what one contemporary called a "magnificent estate," as well as several slaves. The home was described by a contemporary as an "old-fashioned brick house . . . in a conspicuous position overlooking the river near the east end of the Jersey Shore bridge," and his family was prominent enough to "move in the first circles of society."

Charles V. Stuart (it is not clear when the spelling of the family name was changed, or by whom), later recalled that "[m]y early years was spent on my Father's farm doing the labor usually done by Boys + going to school till my 14th year when I was placed at the Owego Academy at Owego N.Y." The academy, in what is now Tioga, N.Y., was situated within the area known as the "Burned-Over District," after the number of religious revivals and reform movements that began in that area in the 1830s. What are now the Mormon and Seventh-day Adventist churches began in or around the area, along with several other reform movements, and in

particular, the abolitionist movement. By 1837, four years after Stuart began studying at Owego, New York had 274 anti-slavery societies.

It is impossible to tell what influence abolitionism had on Stuart. His teacher at Owego, Charles Rittenhouse Coburn, was a reformer and educator who went on to become the state's Superintendent of Schools. He is said to have written a book on moral philosophy, but if so, it has been lost. But Stuart's religious and literary education were significant; later in life he would punctuate his speeches not only with biblical references, but with references to the works of Victor Hugo, as well.

After leaving Owego, Charles moved to Ithaca, N.Y., where he became a merchant. Evidently he applied himself strongly, and in 1839, believing his health was suffering from hard work, he went on a year-long vacation, touring the country from Maine to Texas, and from New Orleans to the Great Lakes, before finally returning to Ithaca. Four years later, he married Ellen Mary Tourtellot, the daughter of a respected soldier. At some point, Stuart seems to have served in the army, probably fighting local Indians, and earning the title of Colonel. Over the next four years, he and Ellen had two daughters and a son.

Then came the Gold Rush. The wild country of California was suddenly inundated by a flood of immigrants, from America's East Coast, as well as from across the Pacific. Chinese workers poured in to work the gold fields, as they had to build the Transcontinental Railroad and to work in the state's agricultural fields. Racial and cultural conflict quickly followed. The cultural differences of the Chinese — and more importantly, their competition for jobs — made them a target for the vilest racism in the state's history.

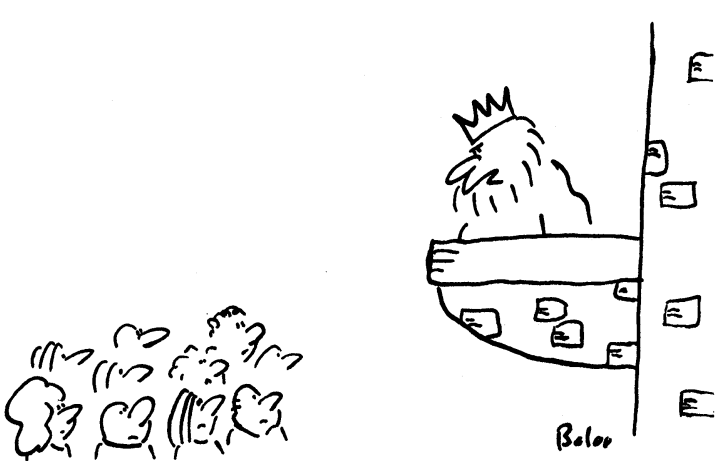
In 1854, the state Supreme Court declared Chinese people ineligible to testify in the state's courts. An 1850 law had declared that "No Black, or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man," and Chief Justice Hugh C. Murray explained that "the name of Indian, from the time of Columbus to the present day, has been used to designate, not alone the North American Indian, but the whole of the Mongolian race." Thus Chinese could not testify. But, Murray wrote, sensing the absurdity of his reasoning, "we would be impelled to this decision on grounds of public policy" anyway, because if they could testify, "we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls." The Chinese were "a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point." The decision practically legalized violent crime against the Chinese. Mark Twain, who was a reporter in San Francisco in the 1860s, later recalled that his paper refused to publish a news article he wrote about witnessing an attack on a Chinese man in a city street. In California, he wrote, the "Chinaman had no rights that any man was bound to respect [and] no sorrows that any man was bound to pity. . . . [N]obody loved Chinamen, nobody befriended them, nobody spared them suffering when it was convenient to inflict it; everybody, individuals, communities, the majesty of the State itself, joined in hating, abusing, and persecuting these humble strangers."

The cultural differences of the Chinese — and more importantly, their competition for jobs — made them a target for the vilest racism in the state's history.

Like the Chinese, Stuart saw opportunity in California. In February 1849, he and 50 neighbors gathered $500 to set up a mule train to California. Traveling first to Cincinnati, then to Independence, Mo., collecting supplies, the inexperienced group was, in the words of another member of the expedition, "foolish enough to get everything under heaven that we did not want, and nothing that we did. We bought a lot of gold washers, which we faithfully packed . . . picks and shovels also, and everything you could think of. We commenced throwing away our articles the first day, and continued throwing away until we got to the base of the Rocky Mountains." Stuart was chosen as captain of the mule train, because, another member of the train said, he "had been accustomed to Indian fighting."

Calling itself the Ithaca Company, Stuart's mule train left Independence in May, 1849. Traveling to and then along the Arkansas River to the base of the Rocky Mountains, and then to Salt Lake City, they encountered several Indian tribes, one of whom ran off the expedition's pack animals. But the group had no serious conflict with the Indians, and only two cases of cholera, neither fatal. Still, the trip was grueling. One member recalled that "we were obliged to subsist upon what we could shoot, our chief article of food being hawks, which we could cook only by boiling." Stuart himself recalled that the worst part of the trip came between Salt Lake City and the Cajon Pass, near what is now Ontario, California:

> This last part of our journey was one of extreme hardship both for men + animals from Provo City (or Fort as it was then) to the Mohave River is one of the most God forsaken portion of this Continent, the Vallys filled with sand + alkalie, the mountain + hills covered with piles of huge volcanic rocks, all the streams, springs + wells, bitter or salt + no living reptile or insect but its bite or sting is poisonous, whole districts only inhabited by the Prarie Dog, the owl + rattle



"On the contrary — extremism in defense of liberty is a *terrible* vice!"

snake occupying the Same hole + living in harmonious accord but feeding upon what, the Lord only Knows. The last Desert we passed in reaching the Mohave River was one hundred + twelve miles without water only such as we carried in our canteens, on this we lost about 1/4 of our animals, abandoned under the scorching sun for food for the Pi ute.

The group spent a few days recovering in Cucamonga, then traveled to Los Angeles, then through the San Fernando Valley to San Joaquin. Here, the party separated to reach the gold fields on their own. Stuart continued on to San Francisco, arriving on November 20, 1849.

In 1849, San Francisco was a wild town without a seriously functioning government. New arrivals began taking up land by adverse possession — called "squatting" — a source of violent conflict in the state, as thousands of miners declared themselves owners of land that belonged to wealthy absentee landlords. Stuart recalled that squatting was "an entire new bussiness to me," and, after asking local citizens for advice, he spent "a few days labor in fencing Plowing + building," with a business partner named Robert J. Ridley. This labor "soon put us in posession of a handsom little plot of about 10 acres affording us an undisputed + pleasant home" on the grounds of the abandoned Mission Dolores.

Ridley and Stuart opened a tavern on their new land, which they called the Mansion House. It became a landmark in San Francisco, catering to travelers and local citizens, who were especially fond of the "milk punch." Ridley, an English immigrant who had married the daughter of a prominent Mexican citizen, was an old hand at running taverns, and drank himself to death in 1851, at the age of 32. Stuart continued operating the Mansion House for almost 20 more years, and was prosperous enough to build the first brick house in San Francisco, on the corner of 16th and Capp streets. It is not clear when Ellen and their children joined him — or if they were part of the Ithaca Company — but by the mid-1850s, they were living together in the brick house. A son, Charles Duff Stuart, was born in 1854, and three daughters followed, Antoinette in 1856, Ida in 1859, and Isabel in 1863.

Stuart was enough of a local figure by 1850 to be elected to the city's first Board of Aldermen. In 1854, he ran for the state assembly, but was not elected. His business interests extended beyond the Mansion House: he tried to lease the New Almaden Quicksilver Mine, the first mine in California, and among the wealthiest, since quicksilver (mercury) was an essential ingredient in the process of extracting gold from ore.

But frustrated by "expensive + vexacious law suits" over ownership of the mine, Stuart sold his interest and pursued agriculture instead. Stuart was already experienced in agriculture, not only from his childhood on the farm, but from his San Francisco property, where he had arranged vegetable gardens, including fruit trees imported from New York. In 1850 he and a partner bought 1,000 acres of land in Sonoma County, and a decade later, Stuart became the sole owner of the land. He began planting grapevines, exploiting, he said "the fact that we could produce grape vines without irrigating." By 1863, Stuart was growing 40 acres of vineyards on his Sonoma County property. That number would more than double by 1880.

About 1868, Stuart began constructing a stone house on this land, and in 1870, the family moved into the home that he named Glen Ellen, after his wife. A railroad line was extended to the land, and a small town, also called Glen Ellen, began to grow. Stuart renamed his ranch Glen Oaks to avoid confusion.

Glen Oaks prospered. Stuart was able to send his son, Charles Duff, to the University of California, Berkeley. The ranch house was a large structure made of stone quarried on the property, probably constructed with Chinese labor. The two-story home had hardwood floors, a marble fireplace with a large gilt mirror, and a spacious porch. A barn and other outbuildings were also built of stone covered with plaster. A photograph of the house in 1870 shows several workers among the vines and barrels, with the imposing farmhouse in the background. A pencilled caption reading "Glen Oaks Ranch 1870, home of C.V. Stuart," appears to be in Stuart's handwriting.

No photograph of Charles Stuart is known to exist. An undated picture owned by the Glen Oaks Historical Society, however, depicts a man in a broad-brimmed hat standing at the gate dividing the main house from the barn. Although it is impossible to tell whether this is a picture of Charles V. Stuart, it bears some resemblance to the photograph of Stuart's grandfather, Charles Stewart — with the same prominent cheekbones and recessed chin. But the picture could also be of Charles Duff Stuart — if it is of a Stuart at all.

By the late 1870s, conflict over the Chinese had reached a crisis level. Native-born whites and European immigrants accused the Chinese of being dirty and spreading disease; they refused to assimilate, and used strange potions like opium. They degraded the progress of Christian civilization, the whites complained, and missionary work was hopeless. Most importantly, though, the Chinese competed for work with white laborers, driving down wages. These lower wages, said anti-Chinese writers like Henry George, forced white laborers into poverty and white women into prostitution.

Mark Twain, who was a reporter in San Francisco in the 1860s, later recalled that his paper refused to publish a news article he wrote about witnessing an attack on a Chinese man in a city street.

Leading the demand that "The Chinese Must Go!" was the Workingmen's Party, a political party formed out of the disbanded International Workers of the World. The I.W.W. had been founded by Karl Marx in 1864, but its power in San Francisco had quickly failed. The Workingmen now supported a platform combining nativism with opposition to corporate power. Alongside social conservatives who worried about the influence of Chinese culture, the Workingmen successfully called for a constitutional convention to put down "the heathen Chinee."

Why Stuart was chosen for the convention can only be guessed. By 1878, he was a prominent, wealthy citizen, with a reputation as a genuine forty-niner and a shrewd businessman. Sonoma County newspapers reported his life story, but

were silent as to his political views, or his opinion of the Chinese. But whether his neighbors knew it or not, Stuart was wise enough to see the danger that anti-Chinese sentiment posed to the farming trade.

The constitutional convention opened on September 28, 1878. The delegates included many prominent Californians, including David S. Terry, former Chief Justice of the State Supreme Court, who had resigned his seat after shooting California Senator David Broderick to death in a duel. (Terry himself would be shot to death in a Fresno tavern by the bodyguard of United States Supreme Court Justice Stephen J. Field.) Terry was only one of many populist delegates who demanded changes in the state's property laws and corporate regulations. Some of the delegates were unashamedly radical. Los Angeles delegate Charles Ringgold frankly denounced the U.S. Constitution as "a political abortion . . . violated in the interest of capital in every section and article. It has outlived its usefulness."

Leading the demand that "The Chinese Must Go!" was the Workingmen's Party, an offshoot of Karl Marx's International Workers of the World.

Remarkably, anti-Chinese delegates openly admitted that they despised the immigrants because they were smart and worked hard. As one Chinese worker recalled, the Chinese "were persecuted not for their vices but for their virtues. No one would hire an Irishman, German, Englishman, or Italian when he could get a Chinese, because our countrymen are so much more honest, industrious, steady, sober, and painstaking." The delegates acknowledged this. "The Chinaman is the result of a training in the art of low life," said delegate John Miller.

> The result of this life is a sinewy, shriveled human creature, whose muscles are as iron, whose sinews are like thongs, whose serves are like steel wires, with a stomach case lined with brass, a creature who can toil sixteen hours of the twenty-four; who can live and grow fat on the refuse of any American laborer's table. . . . The white man cannot compete in the field of labor with such a being as that. . . . If the white man is to compete with the Chinaman he must adopt a cheaper style of dress, he must inure himself to the cold, he must labor in the night; sleep shall not come to his pillow until the midnight bell tolls the solemn hour. He must arise at the first gray streaks of dawn and at his work. Then what shall be his food? No longer the savory meats, the pure, white bread made by willing hands. No! He must live as the Chinaman lives; work as the beast works; there can be no recreation, no rest, nothing but toil. . . . Our civilization has bred our people to a certain style of life, which to give up is to surrender all that makes life worth living.

Volney Howard agreed. "Our own security requires that we should turn this tide away from California," he told the convention. "If they continue to come in the numbers in which they have been arriving, they will in no time, and at a distant day, drive out the free white laborers by their merciless system of competition, which must inevitably result in their getting the possession and control of the country. . . . It is impossible for the white laborer to compete with him, and as a consequence, he drives off the white man and monopolizes the labor market." Delegates competed for ways to exclude the Chinese from the competition for labor. One delegate favored "absolutely and unequivocally cutting off the power and privileges of any Mongolian of getting any character of employment in the State whatever. That is the only way that we can rid ourselves of the nuisance." Others advocated licensing laws to forbid the Chinese from getting jobs, or laying heavy taxes on all Chinese immigrants, or confiscating the property of corporations that hired Chinese workers, and even forbidding the bodies of dead Chinese workers from being returned to China. (The Chinese believed their bodies must be interred in China, and would save their earnings to pay for repatriation.) At one point, the convention engaged in a particularly cruel joke. After deciding to exclude anyone who was "not capable of becoming a citizen of the United States" — i.e., Chinese immigrants — from owning property, the convention returned to discussing the Bill of Rights. When the delegates came to the clause, "All men are by nature free and independent," the following exchange took place:

> [Charles O'Donnell of San Francisco]: I move to amend by inserting after the word "men," in the first line, the words "who are capable of becoming citizens of the United States."
>
> [Thomas McFarland of Sacramento]: I second the amendment. [Laughter.]
>
> The Chairman: The Secretary will read it as amended.
>
> The Secretary read: "All men who are capable of becoming citizens of the United States, are by nature free and independent."

The motion failed, but the fact remained.

Finally, on December 9, 1878, Charles Stuart spoke up. "I have been a patient listener in this Convention," he began, "and have not been on the floor since its first organization — over two months ago. I have heard what was said with a great deal of instruction — sometimes; and sometimes with disgust and disappointment." In a brief speech of four paragraphs, Stuart described his arrival in California, his work as a farmer, and his opposition to any state efforts to defy a federal treaty that permitted Chinese immigration. He was interrupted by O'Donnell. "You say you have employed hundreds of men; have you not employed hundreds of Chinamen?"

"I have, sir, thousands of them, and hundreds and thousands of white men, too," Stuart answered.

"I thought so," snapped O'Donnell.

"That is what I am coming to now," Stuart continued. "There is not a man in California in my profession, that of farming, but what employs, directly, or indirectly, the Chinaman. The Chinaman becomes your cook, the Chinaman becomes your servant, he becomes your hewer of wood and drawer of water, even in the city of San Francisco." Stuart recalled the celebrations in San Francisco when California was admitted to the Union, over a quarter-century earlier. Stuart had watched the parade from the Mansion House. "the Chinamen, few as they were, were

admitted to a post of honor, and they followed the officers of the State and city in the parade," Stuart recalled. But since then, racial hatred over competition for jobs had poisoned the state. The problem was not that the Chinese were racially inferior, but that white men did not want to compete: "White men we have plenty of here," he said, "We have thousands and tens of thousands of white men traveling this State and the United States, voluntary idlers — not involuntary. We have a class of so-called white laborers that have never worked, never intend to work, and never will work."

Banning Chinese immigration was unconstitutional, Stuart argued; it was a federal matter, and states could not interfere. He spoke nervously, trying to remember all his points: "I am somewhat unaccustomed to this kind of business," he said. "Consequently I am going to leave that to others who are better posted than myself — after a while." But then he came to his larger point, and the shorthand reporter captured his words as well as the audience's reaction:

> Chinese immigration is injurious to the country, is it? Chinese immigration to the country has made it what it is. [Derisive laughter.] Labor has made it what it is. . . . It has been labor that has cleared up farms, that has planted fruit trees, that has built cities, that has done everything except the mining, and even then, the tailings we always used to rent to Chinamen in early days. Everything has been done by this labor.

Stuart was not immune from racism, though. Like most of his contemporaries, Stuart believed that whites lived in a secure position of superiority. But that did not justify racist laws. White labor was good, if you could get it, Stuart said, but whites were unwilling to arise at the first gray streaks of dawn:

> I believe one white man is worth two Chinamen; that one Chinaman is worth two negroes, and that one negro is worth two [white] tramps [laughter and hisses] — that is, for labor.

Anti-Chinese delegates openly admitted that they despised the immigrants because they were smart and worked hard.

> It is a well known fact that in all nature, both animate and inanimate, both animal and every other kind, that the weak fall under the march of the strong. That is a well settled fact in all governmental philosophy — that the weak fall under the strong. The black man has faded away, and the Chinaman takes his place as a laborer. He is for a day, and gone. The idea of the Chinaman, or the Chinese Empire, overthrowing the Anglo-Saxon race is preposterous.

Stuart begged his fellow farmers to come to the defense of Chinese labor. But nobody would. One farmer who followed attacked it. "Can a country possibly prosper under the doctrine of Mr. Stuart?" he asked. "If the Chinese were out of the country, [other] men would have a chance of working. . . . I trust that there are very few farmers that hold the views of Mr. Stuart. I hope so, for the honor of that glorious profession of farming, which I have always gloried in. When I left it for a time, I could not keep away from it, and there I am still. [Applause.] The Chairman: Order! Order!"

Stuart jumped up again: "Mr. Chairman: a year ago last Summer about twenty or thirty white men came up near my place. I went down with others to employ them. I wanted fifteen, I think; another wanted ten or twelve, and so on; and we took them all. After a little they inquired: 'How much will you give?' 'A dollar a day and board.' They wanted a dollar and a half. . . . They did not want work. They would sooner go to San Francisco afoot; sooner go back to their beer." The house grew increasingly agitated at Stuart. Charles Beerstecher of San Francisco rose to attack: "I would ask the gentleman if he considers one dollar a day and board fair wages?"

The problem was not that the Chinese were racially inferior, but that white men did not want to compete.

> Mr. Stuart: It is fair wages. You can get them East for twelve and fifteen dollars a month — that is half a dollar a day.
>
> Mr. Beersstecher: I don't wonder that they do not work for you.
>
> Mr. White: Wages in the Pajaro Valley are two dollars a day, and always have been, so far as I know.
>
> [Applause and confusion.]
>
> The Chairman: The house will keep order.
>
> Mr. Inman: I would like to know if this is a political meeting?
>
> The Chairman: The Sergeant-at-Arms will keep order in the lobby.

James O'Sullivan of San Francisco rose for his turn: "I venture to say that the gentleman is an employer of the Chinese," he said.

"Yes," replied Stuart.

"Yes: I knew it the first words that fell from his lips," replied O'Sullivan, "that he had such a hatred of his white fellow man — "

"No," interrupted Stuart, "I employ white men too."

"Order!" shouted the Chairman. The delegates swarmed like hornets, rising to ever greater fury over the Chinese. They were starving white families, they were monsters who were obliterating Western civilization. And, again, they worked hard for little pay. "If the white man works for a dollar a day," Beerstecher complained, "the Chinaman can work for fifty cents; if the white man can work for fifty cents, the Chinaman will work for ten cents. We cannot compete with them. This is what has driven the boys of San Francisco into hoodlumism and the girls into houses of prostitution." Stuart sat quietly as the fury continued for the rest of the day, and the next — and for the rest of the week. Only once did he try to speak, but he was ruled out of order. The Convention ignored him.

It dragged on for months. Delegates agreed on provisions forbidding either state bureaucracies or private corporations from employing the Chinese; prohibiting the Chinese from

fishing in Californian waters; prohibiting them from buying, holding, or leasing real estate, and voiding all contracts to rent property to the Chinese; and banning "Asiatic coolieism." Finally, on Feb. 1, 1879, the convention brought these provisions up for final approval. Stuart rose once more. "I oppose this article, and I hope every section of it will be stricken out," he began. "Such savage monstrosity has never been penned by man. Is it for Christian men, in this enlightened age, and only for California, to commit this unnatural act of attempting the destruction, by starvation or otherwise, of over one hundred thousand men? Is there anything to be conceived more horrible or more savage?"

Stuart begged the delegates to reconsider their extreme proposals. "Let us now reflect, and use our better judgment and purer reasons, before we pass this terrible article. Such a barbarous, inhuman, or unnatural proposition has never been conceived or entered the brain of either Pagan or Christian man since the foundation of the world. Talk of the Draconian laws written in blood!" These proposals would punish the very virtues of Chinese immigrants:

> You can trace down the stream of time through all savage life, with its wars, its cruelties, and its slavery, and fail to find its equal or parallel for injustice, treachery, or ingratitude. These men, after being invited to our shores, after building our railroads, clearing our farms, reclaiming over one million acres of our swamp and overflowed land, planting our vineyards and our orchards, reaping the crops of the small and the needy farmers, gathering our fruits and berries, digging and sacking our potatoes, supplying our markets with the smaller kinds of fish from the sea, manufacturing our woolen and other goods, cleaning up the tailings of our hydraulic mines, scraping the bedrock of our exhausted mining claims, and relieving most of the householders in this State of the household drudgery which would be imposed upon our wives and daughters, thus contributing to our happiness and true prosperity. Sir, after all this, which has added many millions annually to the State and nation's wealth, you would commit treason against our Government by putting this unjust and inhuman article in our organic law. I beg of gentlemen on this floor to pause, to consider well, and not to be carried away through blind prejudice, through political ambition, or through race hatred; but act like civilized, just, and Christian men; not to do an act that would shock all humane men throughout the world, both Christian and Pagan. Sir, this is what I plead for, and will ever plead for; and will sympathize with the weak and downtrodden of the world, and hope to ever remain on the side of humanity and justice as long as life shall last. I may well say that:
>
> "Man's inhumanity to man
>
> Makes countless thousands mourn."

Delegates agreed on provisions forbidding either state bureaucracies or private corporations from employing the Chinese and voiding all contracts to rent property to them.

Stuart told the convention that he had been attacked in the newspapers and received death threats for his previous speech defending the Chinese. But, he said, "they emanate from sources too low, too filthy, too cowardly, for me to notice. I will now say that no threats, no fears, no intimidation, no coercion, shall ever deter me for a moment from defending the right or doing my conscientious duty." He returned to his subject, and his plea became ever more desperate:

> It is complained that the Chinese are penurious in their diet, and that they live on nothing but rice. The truth is, however, that they live here at a greater cost, and have a greater variety of food . . . than do most of their Caucasian enemies. . . . Of pork, poultry, fish, and vegetables, they use large quantities, and good, for which they pay high prices. . . . And the general condition of health among them is far better in the country than among their Caucasian enemies. . . . Every night, after their work is done, and frequently before they eat their meal, each and all go through the ablutions from head to foot, and on Sunday their bathing and washing occupy nearly half the day. What a lesson! What an example to their boasting Caucasian persecutors! It would be well for them and the country if they would copy or practice some of their heathen rites — such as cleanliness, economy, and industry. . . . I am told that many [members of the Convention] agree with me. If so, why not speak . . . ?
>
> [T]he gentleman from Alameda[,] Mr. Webster . . . in his fierce denunciation of the Chinese, I asked him whether Italians and others did not compete with them? He answered 'The Italians compete with them only because they have been brought up from childhood to labor and economy.' What a concession! Economy and labor! Oh, consistency, thou art a jewel. Mr. Reynolds of San Francisco, the ablest St. Paul of their tribe of persecutors, differs from all the rest in his persecution of them. He says he does so on account of their intelligence, industry, and thrift; not on account of their ignorance and filth. I think, sir, I see a ray of light beaming through the dark minds of these benighted persecutors, and hope, like their great leader, they will become converted and sin no more in this way. . . .

Stuart saw his time running out, and urged the delegates to recognize that Chinese immigrants were hardworking and honorable immigrants:

> Who are they who desecrate the Sabbath? Who form our rioters and our hoodlums? Who fill our alms houses? Who are plotting to overthrow our common schools? Who stuff our ballot boxes? Who are conspiring to overthrow and destroy our Government, and to utterly stamp out liberty, that despotism over conscience, mind, and muscle, may rise upon the ruins . . . ? Who burn our railroad depots? Who threaten the lives of our best citizens? Who are plotting to despoil our wealthy men? Who claim two thirds of our public offices? Not Chinamen. Then who are they? You may search history through all time, and examine the nations of the East through their rise and fall, and you will find China where it now is and has been for over five thousand years. Yet you will fail to find an instance where she has overrun or crowded out a single nation, however near —"
>
> [At this point in the speaker's remarks, time was called and the gavel fell.]
>
> Mr. Howard, of Los Angeles: I hope the gentleman will be allowed to proceed. He is the pluckiest man in the Convention. I give him my ten minutes.

continued on page 34

The Sins of the Grandfathers

by Leland B. Yeager

Can we atone for the injustice of slavery? Should we try to?

Many generations ago a Louisiana bank — a remote and partial predecessor of Bank One, in turn later acquired by J.P. Morgan Chase — made loans with slaves as collateral. Occasionally it acquired slaves by foreclosing on defaulted mortgage loans. Some U.S. cities have laws requiring firms that do business with them to disclose any such ancient links with slavery.

One purpose of researching such history, according to a story in The Wall Street Journal of May 10, is to "promote a national dialogue on reparations to descendants of slaves." But is it possible to make amends for long-past injustices? Is it fair to people now living even to try? Do we really accept "visiting the iniquity of the fathers upon the children, upon the third and upon the fourth generation"? (Numbers 14:18; cf. Deuteronomy 5:9 and Exodus 20:5) Isn't responsibility personal rather than hereditary? The notion of inherited or collective guilt does not suit a society based on individual responsibility and individual rights.

Imagine a much simpler case in which a murder occurred only several decades ago. The victim and his murderer each had one child, both identifiable and still living. The case went unsolved until recently. Neither the murderer nor his daughter reaped any material gain from the crime; and the victim's son suffered no financial loss, although he did lose his father's love and guidance during his childhood years. Now that the old murder has been solved at last and the children of both parties identified, should the murderer's daughter be compelled to pay reparations to the victim's son? The daughter was and is innocent of any complicity in her father's crime and did not even know about it until just recently.

Even in this fairly clear-cut case, it would be unjust, I submit, to require reparations. How much more unjust would it be, then, to require reparations for offenses committed so long ago that the heirs or successors of perpetrators and victims cannot even be identified! Even when the old offense involved material property, efforts to unscramble the lines of descent would be unjust, as well as futile. Many people from whom reparations would be taken have acquired and invested their current wealth in perfectly respectable ways, like the stockholders of Morgan Chase. It would be unjust to disappoint legitimate expectations by confiscating land or other property from someone who had bought it in good faith from someone else who had created or bought or inherited it in good faith according to the rules of title in effect at the time.

On the issue of slavery, it would be hard indeed to classify the potential payers of reparations into descendants of enslavers or slaveowners and descendants of innocent people. Everyone has many ancestors. Some of the ancestors of prospective payers lived in free states or immigrated to the United States after the end of slavery; some of the ancestors may have been abolitionists or "conductors" on the Underground Railroad or even, like John Brown, outright rebels against the slave system.

Enslaved men and women did suffer unjustly, but compensating them now, long after their deaths, is impossible. It is doubtful, moreover, whether even their clearly identifiable

descendants have personally shared in this suffering. Likely they have benefitted from it, being born in the United States rather than in Africa. More exactly, they would not even exist. As philosophers Derek Parfit and Loren Lomasky have observed in a more general context, we cannot even in principle, let alone in practice, identify the descendants of people who committed and people who suffered from past injustices. Past events conditioned what men and women met each other, and when they met, and whether they had children, and how many, and with what particular combinations of genes. Those causal events were in turn partly the consequences of past property holdings, class relations, and voluntary and involuntary migrations. If the injustices of the past had never occurred, none of us living today, including supposed heirs of past victims, would ever have been born as the individuals we biologically are.

If unscrambling long-past injustices is impossible, it cannot be morally obligatory: "*ought* implies *can*" (or better, "*ought* presupposes *can*").

Tolerating relatively recent injustices is quite another matter. Trying to identify and reverse them is central to maintaining human rights, including property rights, and to resisting violations in the first place. One might object that this distinction between properly remediable and irremediable injustices is fuzzy. The distinction rests on how long ago the injustices happened and on how well the heirs of perpetrators and victims can be identified. But many distinctions are fuzzy yet important: the existence of twilight does not invalidate the distinction between night and day. We must cope with fuzziness as best we can.

The consequences of attempting impossible reparations go beyond injustice to the payers. Such attempts, depending on the particular contexts, would introduce capriciousness, breed skepticism of titles, and impair the rights of contract. They would encourage seeking wealth less by actually producing it than by receiving transfers, to be obtained by legislation or by legal cleverness and litigation. They would encourage an unhealthy culture of victimhood among prospective payees. They would increase tensions and resentments among different sections of the population. They would do practically the opposite of what timely identification and rectification of injustices can do.

In short, misguided attempts at reparations are to be condemned both on relatively specific utilitarian grounds and on the more general grounds of unfairness (a concept that itself has an ultimately utilitarian basis).

Needless to say, none of the foregoing indicates anything less than admiration for historical research; none of it is an apology for slavery; and none of it is meant to disparage the descendants of slaves. ❑

The "Heathen Chinee," *from page 32*

> Mr. Stuart: Thank you, General. As I was saying, on the contrary, her laborers, traders, and merchants have all been encouraged to settle [throughout the world]. . . . Sir, when I was a candidate . . . [t]hey charged that I had said a Chinaman was better than an Irishman or a Dutchman. I said no such thing; but did say that they had as much right here as either and should be protected the same; and I say so still.

He ended with a final plea for equal rights:

> Give to the children of these people (and some of them native born) the privilege of our common schools in return for the school taxes they pay; cease persecuting them by personal assault, to which the law is blind; stop this disgraceful special legislation against them; stop this relentless, heartless, only then, will we do our duty. What right has the State to exact of these men poll and other school taxes, and then legislate against them, prohibiting their children the privilege of her common schools? Why pass and continue to pass arbitrary and oppressive laws against them? Why does the State fail to protect them from murder, arson, and outrage? I charge the city of San Francisco with cowardice in not protecting them in the exercise of their rights of 'life, liberty, and the pursuit of happiness,' which all men are guaranteed under our flag; while they have collected millions of dollars in taxes, licenses, and otherwise, yet they furnish them no protection in return. They pass cruel ordinances against them; they harass and annoy them through every device the law can invent, and why are similar outrages heaped upon them in nearly every county, town, village, or hamlet in this state? Tell me; tell me; oh, tell me, why they are not protected like others in their honest toil? Or is this to be the final sum of all villainy? In case the outrages on these people do not cease in this state, and it refuses longer to protect them, then I call upon our Government to give them the ballot, that they may protect themselves. If it does not, then I demand the repeal of all naturalization laws, and to modify all immigration laws, with other nations, under the treaty making power.

There was probably a sneering silence in the crowd when Stuart sat. Only one delegate rose to reply; the anti-Chinese provisions were certain to pass. "I regret that I must differ," cracked the delegate. "It is a question between people of our own race, who build homes and build up the country, and the heathen, who band together like brutes, and I must choose the former."

The provisions all passed. The new constitution was submitted to the voters and approved by a statewide vote of 77,959 to 67,134. Shortly thereafter, federal courts struck down most of the anti-Chinese provisions as unconstitutional.

The next year, Charles Stuart died at his home in Sonoma County. His wife, Ellen, continued to manage the vineyards for years afterwards, with her son, Charles Duff Stuart. It succeeded for several decades, and Charles Duff became a writer, publishing a novel, "Casa Grande," in 1906. In it he told a story of the early days of California; his hero, John Miller, is a successful farmer in Sonoma County, a quiet, hardworking man of firm convictions who confronts a family of squatters on his property. But the novel contains no Chinese characters.

Today, Glen Oaks Ranch still stands, at the end of a row of unkempt eucalyptus trees. The vineyards were long ago sold off, and today tourists know the nearby town only as the hometown of writer Jack London. The ranch house, and a few pages of a handwritten autobiography, and the record of his speeches before the constitutional convention are all that remain of Charles V. Stuart, a brave man ahead of his time. ❑

Pictures of Myself

by Stephen Cox

The Internet can provide almost anything — even glimpses into our former selves.

To me, the finest result of free enterprise is the worldwide Web, and the finest result of the Web is eBay. I look to eBay as Muslims look to Mecca. I don't watch the site to discover bargains. I watch it to find new perspectives on reality.

That statement, I understand, requires some explanation. So I will explain, with illustrations.

Everything about eBay is logical, yet amazing. It was very logical that someone should have found an efficient way to market goods on the Internet. It was very logical that such a market, once established, should have produced a glorious "commodification" (to use the Marxist term) of everything even hypothetically buyable, presenting millions of items for sale that would otherwise have remained hidden in people's attics, or been swept out of the house at the next spring cleaning. What was not logically predictable was how much eBay would show me about emotional experience, in the simple act of selling picture postcards.

I have always been amazed by the fact that when we open a book of photographs, we are actually seeing the light that fell on a Paris street in the 1840s, or on the face of the last Tsar of All the Russias, or on the strange, contorted faces of creatures said to be ourselves, twisting in our mothers' arms while our fathers struggle to get the picture into focus. But the personal connection, the sensation that we as observers are actually present in the scene, looking with the camera's eye on something indisputably real and true, is something that we rarely feel.

Even when I look at pictures that I myself have taken, or that other people have taken of me, I generally regard them in the distanced way in which one regards a mildly interesting work of history, or fiction.

"Ah," I think, squinting down at the stiff, one-sided square of photographic paper, "I'd forgotten that big Buick. I guess that Dad was doing better than I thought. And that's me standing in front of it. Must be about 1967." That's the factual approach: I've looked at the picture and obtained information.

There is also the philosophical or speculative approach, sometimes leading to the hypothesis of the Other Self: "Who *are* these people, anyway? Could that be me? I don't remember . . . Oh now I do. That's our old car, there in the background. Oh well . . . It must be me, then. Poor stupid little kid! I wonder what became of him." There's no proof in my pulses that any connection exists between the picture and my self, my real and authentic self.

Yet everyone has experienced moments in which the past suddenly leaps from the cells of memory, clear and sharp and overwhelming, and one rediscovers, and re-experiences, exactly what one has forgotten about oneself. I am not referring to the "repressed memories" that manifest themselves in courtrooms. Those are "memories" of "facts." Anyone can know a lot of "facts," and some of them may actually be true. What is interesting are those moments when the past is suddenly experienced as strongly as the present, and one sees the world and oneself from a perspective that shows there is more to existence than just the facts.

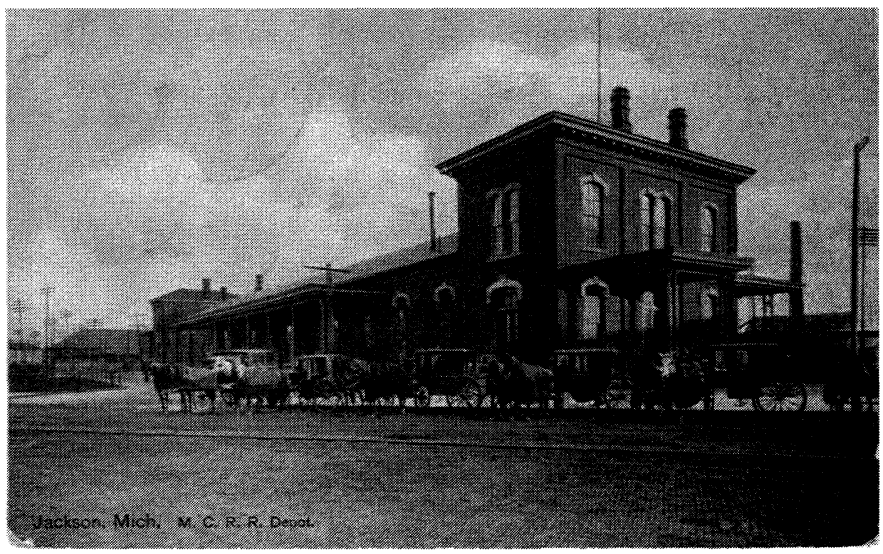
An example. Like most other people, I had an awful time in high school. I could sit here now and draw a blueprint of the place, showing exactly where every ghastly episode occurred. I know all the facts. I know, for instance, that the east wall of the corridor that runs beside the gym at East Jackson High School is an unrelieved mass of white cinder blocks. Yet when I revisited the place after a happy absence of 35 years, and I walked down that corridor and looked up at that wall, I suddenly re-experienced the world as I had known it those 35 years before.

The hallway looked the same, smelled the same, sounded the same beneath my feet, and I felt exactly as ignorant, oppressed, hopeful, and young as I was the last time I walked that lonesome stretch of linoleum tile. I had not really remembered any of those feelings, or if I remembered them, they were not remembered as *my* feelings. They were the feelings of a horribly maladroit 18-year-old, a being who might, as far as I cared, be dead and buried. For that one moment, he returned; and I knew the connection between him and me. We weren't the same person, exactly; but I knew that his existence was informing mine, and vice versa.

So interesting was the experience that I began to pay attention to anything that seemed likely to bring it on. I noticed that a fall day of a certain temperature would drag my first day in college trembling back across the horizon of emotions. The smell of a certain kind of auto exhaust, which I believe must be particularly lethal, given its intensity, irresistibly suggested my first trip to Rome. But the most dependable portal on my past, or someone's, was the old-postcard market on eBay.

Picture 2

Before eBay came along, I had never fully realized the degree to which heartland America used to be obsessed with recording the way it looked. Today, it is almost impossible to buy a recent postcard representing anything in a small town, or anything but the principal monuments of Cleveland or St. Louis. In 1910, however, every street, church, bank, post office, statue, and larger-than-average house had its picture taken, reproduced, and marketed in postcards. And they're all coming out on eBay — tens of thousands of memories of American life, almost all of them available for $5 to $20 a hit.



Picture 1

With very little money, you can build an enormous collection. The only question is, What do you want to buy? What appeals to you? This is your chance to find out, and in so doing, to find out about *you*.

In eBay parlance, I am "a great eBayer" — someone who knows what he wants and pays for his purchases, right away. But to me, the idea of merely *collecting* means nothing. I don't want a complete set of anything; what I want is a new experience, or a new way of looking at an old one. I soon discovered that I wasn't likely to get either of those things by buying pictures of famous people or famous places. They seemed alien, somehow — too public to have anything new to say to me. I passed up a lot of really beautiful pictures of Washington, D.C., and the Golden Gate before the bridge. I even passed up a lot of good pictures of places that have been important to me personally — with one great exception. Right from the start, I was surprised by how often my fingers typed "Jackson MI" into the little eBay search box.

Jackson, Michigan is the metropolis, if there is one, of the rural county in which I grew up. It is a decayed industrial town. My childhood was largely spent in developing a

hatred and disgust for Jackson, Michigan, which seemed at the time (and may well have been) the dullest, most trivial place on the planet, a place that betrayed virtually no evidence of self-reflection, self-knowledge, or mental complexity of any kind.

But Jackson should have been a very interesting place. It was the hub of seven railroads, at least one of which had a dramatic history. It was the reputed birthplace of the Republican Party. Its fortunes had been made in the heroic age of Upper Great Lakes mining. In 1883–1884 it witnessed one of the 19th century's most fascinating crimes, the unsolved murders of the Crouch family, whose ghosts are said to haunt it still. In the 20th century, the world's largest prison was built just north of Jackson, and it experienced a famous prison riot.

But if Jackson had been the scene of any human drama, practically no one in my time seemed the least bit interested in it. As for any concern with the material remains of the past, it's enough to say that Jackson was a pioneer in what was euphemistically known as urban renewal. Yet when eBay arrived, I soon realized that Jackson played about the same role in my life that poetry played for Marianne Moore, who says, in her most famous poem,

I, too, dislike it . . .
Reading it, however,
with a perfect contempt
for it, one discovers in
it after all, a place for
the genuine.

Looking over eBay's seemingly endless run of antique cards of "Jackson MI," I saw my childhood home finally becoming a place for genuine experience. Of course, what I was looking at wasn't my own childhood; everything I saw on the cards had happened long before my birth. I was seeing the childhood of the town. But it was real enough to seem as if it had happened to me, and I was happy to make it my property in every sense of the word.

eBay showed me enormous locomotives, arrested for a moment in their headlong progress from Chicago to Detroit, disgorging passengers beside the "Italianesque" depot of the Michigan Central Railroad. I knew every brick of that elegant, faintly preposterous structure. But it had never come alive for me as it did when I looked at a postcard showing a line of horse-drawn cabs in front of it, ready to convey important visitors to their business in the city center (see Picture 1). When I parked cars for a living in downtown Jackson, the place had already given up on anything approaching class. But in the cards I bought on eBay, I could fly down Main Street behind a high-stepping horse, then turn and watch the trolleys rumbling behind me, and the Victorian storefronts rushing past, spilling signs and awnings into the street, gaudy as the spice market in old Stamboul. Off to the side, I could see the oriental mystery of ladies swathed in voluminous skirts and blouses, flocking to a matinee at the Bijou Theatre — a building dressed up like the Scarlet Woman, vending exotic experience, hour by hour (Picture 2). As I said, they used to make postcards of everything.

Picture 3

That was a lot more interesting than the Jackson that I had known, but just as real — more real, in fact, if vitality means anything to one's sense of the real, whether past or present.

Now step forward two decades. It is 1930. We've walked up from the train station, the Otsego Hotel, and the Bijou Theatre. We are looking at the new Union and People's Bank Building (Picture 3), the tallest structure ever built in the city of Jackson. The federally ordained, unnaturally low interest rates of the 1920s gave Jackson, and many other little burgs, a considerable building boom. Along Michigan Avenue ("Main Street," before Sinclair Lewis published his satirical novel of that name), the prongs of little skyscrapers appeared among the Victorian bricks. This is the biggest prong.

Unfortunately for Jackson, its attempt to reproduce Manhattan at one-tenth scale ended abruptly in the Great Depression. Even as a kid, I knew how pathetic the attempt had been. But Picture 3 enabled me to study the results from a new perspective — literally and experientially. The picture's lofty vantage point allowed me to enjoy the fine skyscraper-gothic of the UPB Building's top three floors. It allowed me to share the building's condescending glance downward at the miserable structures of the prior age.

Approaching the structure straightforwardly, like a friend, I could appreciate its wide shoulders and confident physique.

Naturally, there was trickery involved, as there is in most good photography. When you see both the side and the front of a building, it looks twice as big as it really is. And the smoke rising from whatever is burning in the background, there on the left side of the picture, makes the town itself look big and complex and mysterious. But this is to say nothing more than that the picture let me see my hometown as I'd always wanted to see it, and was disappointed not to be able to; and that it made me realize that both I and Jackson, Michigan might be more complicated than we'd ever let on to each other.

Picture 4

Photography always evokes the mystery of time. The picture you see is always, necessarily, later than the scene it depicts. The scene is gone; the picture remains; and the picture becomes the reality by which you test and revise your memories of the scene, or create new and more genuine "memories." But the mysteries of place are as strong as the mysteries of time. It is remarkable how much a place can change in the process of being remembered with the aid of pictures.

Leslie, Michigan is a little town ten miles north of the house I grew up in. As a very small child, I was in awe of the size and intricacy of the place. As a teenager, riding my bike there, I was impressed by its absolute deadness and plainness. I remember a movie house with a tin roof, playing hits like "Snow White and the Three Stooges." I remember an elderly gentleman who called himself the Leslie Observer and published a mimeographed newspaper in which he argued that capitalism was the Whore of Babylon, as prophesied by St. John the Divine. Those were the village high points.

Much later, researching the history of anti-state ideas, I discovered that Leslie was the birthplace of Voltairine de Cleyre (1866–1912), a leader of American anarchism. Writing about her, Emma Goldman, a more famous anarchist, called Leslie "some obscure town in the state of Michigan." Right, Emma. Leslie was like a fruit that had dropped off the vine and was lying in the fields, returning to its elements.

If there really was such a vine, it was the interurban railway that once connected Jackson with the capital of Lansing, passing through Leslie. Picture 4 (1910) shows the opening of that former agency of mass transit. I like the sturdy, self-confident people in this picture, standing proudly in front of their sturdy, self-confident iron cars. I like seeing the ocean of mud that their machines have conquered. I like seeing the way in which the train, although it is called "light rail," humbles the buildings around it. (It is stopped in front of the post office, the center of the town's affairs.) I like the train's generic name: "Capitol City Limited." It is archetypically American. Which Capitol? Any capitol! This scene of progress could have been enacted anywhere in America, in the world before the wars. I even like the unconsciously humorous effect of "Limited": if the train stops at Leslie and Rives Junction, as the sign on its prow says it does, where *doesn't* it stop?

Ninety-five years later, the interurban's right of way has gone back to the spooky Michigan woods. No one knows or cares where it was. But Leslie is better in my memory, now that I've been there on its greatest day.

When you like the people in a picture, when you start feeling that you almost remember them, you naturally wonder what became of them after the picture was taken. Frankly, I would give a good deal more to find out what happened to the competent gentlemen in the Interurban picture than I would to find out what happened to most of the people I've actually known. Now look at Picture 5. This one is entirely about curiosity. It has nothing to do, thank God, with the circumstances of my own life, but its sense of a particular place and time is so strong that it has almost the force of memory.

Part of the impression results from the fact that several of the people in the picture are looking back at us, as if we already knew the first part of their story. But we don't know anything more than that this is a group of reformatory inmates, photographed sometime around the turn of the century. The civilian behind them, looking so full of self-esteem, is presumably a doctor. Perhaps he is examining them on entrance to the institution. Perhaps he is simply displaying them for our benefit. The more one looks at the picture, the more changes of perspective one experiences. The

striped uniforms first obliterate individuality, then enhance it. One sees how various the young men are, despite the lockstep and the stripes. You wonder how each of them came to this particular place and time; then you wonder what happened to them all, later. Their stories hover just out of reach, like a memory that doesn't quite come into focus — a memory that seems more important, the less it reveals.

Picture 5

Of course, stories aren't the whole of memories. There are also memories of pure states of being. Picture 6 is another scene from Leslie. The postmark is November 7, 1908. We are standing just around the corner from the Interurban scene, near the intersection of Main and Bellevue, Leslie's two principal streets, looking west from Main. I recognize the fragment of building you see on the left. It's the rump end of a typical three-story brick commercial structure, the sort of building that fortified the main street of every 19th-century midwestern town. But it was a very thin thing, Main Street, USA.

Perpendicular to Main Street and its stores is the dirt road leading out of town. Despite its snooty French name, Bellevue is just a country road, a road starred with trees — the white trees of springtime, blooming as if for themselves alone. No persons appear. The carriage parked on the right shows by its scale how wide the street is, how wide and neglected the town's ambitions for progress. The horse is in its stable; the driver is inside one of those buildings on the right, taking his nap. Time has stopped. There is nothing but shade and sunlight, and the implicit memory of a certain kind of place, a place that one meets in myth. "In the afternoon," says Tennyson, Odysseus and his companions "came unto a land / In which it seemèd always afternoon."

Somehow, I wasn't surprised to read the message on the back of the card: "We are having a fine time here[.] Things look natural. But it was to [sic] bad her funeral." Thoughts of death are easily transcended when it's afternoon and the streets are full of blossoms. When I look at this worn little card, something in my mind blossoms too, as if I had visited the land of the Lotos Eaters.

Picture 6

Maybe the same thing wouldn't happen for you — but that, in a way, is the point I want to make. The picture that you regard as nothing more than a random view of "some obscure town" may be alive for someone else with the great messages of existence. The electronic marketplace — logical but miraculous — invites us all to begin our own odysseys, into whatever worlds have meaning for us individually. Every journey of this kind is a journey into one's memories and curiosities, aversions and attractions. Every picture that grips your imagination is in some sense a picture of yourself. You don't need to argue. You don't even need to buy. All you need to do is look. ❑

It's "Smart Growth," Comrade

by Randal O'Toole

Urban planning enthusiasts think Soviet cities worked so well that they want to duplicate them here.

American suburbs are a "chaotic and depressing agglomeration of buildings covering enormous stretches of land." The cost of providing services to such "monotonous stretches of individual low-rise houses" is too high. As a result, "the search for a future kind of residential building leads logically to" high-density, mixed-use housing.

These sound like typical writings of New Urbanist or smart-growth planners. In fact, these words were written nearly 40 years ago by University of Moscow planners in a book titled "The Ideal Communist City." The principles in their book formed a blueprint for residential construction all across Russia and eastern Europe. With a couple of minor changes, they could also be the blueprint for smart growth.

Mixed-use developments, wrote the Moscow planners, allow people easy access to "public functions and services" such as day care, restaurants, parks, and laundry facilities. This, in turn, would minimize the need for private spaces, and the authors suggested that apartments for a family of four need be no larger than about 600 square feet. Prior to the late 1960s, such apartments were built in five- to six-story brick buildings, but the authors looked forward to new, reinforced-concrete building techniques that would make 15- to 17-story apartment buildings possible.

Like the New Urbanists, the Soviet planners saw several advantages in such high-density housing. First, it would be more equitable, since everyone from factory managers to lowly janitors would live in the same buildings. While New Urbanists are less concerned about housing everyone in nearly identical apartments, they do promote the idea of mixed-income communities so that the wealthy can rub shoulders with the less well-off.

Second, the Soviets believed apartments would promote a sense of community and collective values. Single-family homes were too "autonomous," they said, while the apartment "becomes the primary element in a collective system of housing." Similarly, many New Urbanists claim that their designs will produce a greater sense of community.

Third, high-density housing was supposed to allow easy access to public transportation. "Private individual transportation has produced such an overwhelming set of unresolved problems in cities that even planners in bourgeois societies are inclined to limit it," the Russians prophetically observed. With their high-density apartments, as many as 12,000 people could live within a 400-yard walking distance of a public transit station. That's about 70,000 people per square mile, slightly greater than the density of Manhattan. "The economic advantages of [public transit] for getting commuters to and from production areas are obvious," says the book, "and it is also an answer to congestion in the central city."

Soviet-bloc countries were building new cities like these even as the University of Moscow planners were writing their book. In 1970, East Germany developed a standard building plan known as the WBS 70 (WBS stands for *Wohnungsbausystem*, literally, "house building system") that was applied to nearly 650,000 apartments in East Berlin and other East German cities. "The WBS 70 was the uniform basis

of the accelerated housing construction until the end of the GDR," says a paper titled "Architecture as Ideology." According to page 23 of this paper, the WBS 70 offered a generous 700 square feet in its three-room apartments, not counting 75 square feet of private balcony.

The WBS 70 was one of the major designs used in Halle-Neustadt, a bedroom community built between 1964 and 1990 for about 100,000 people on the outskirts of the manufacturing city of Halle. I first became aware of Halle-Neustadt at a 1998 conference on sustainable transportation where two planners from the University of Stockholm declared it to be one of the most sustainable (i.e., least "auto-dependent") cities in the developed world.

As shown on a vintage postcard, Halle-Neustadt consists of rows of apartment buildings surrounded by pleasant-looking green spaces, with a central commercial area and road corridor featuring large, articulated buses. The new city was also connected to Halle by an extensive streetcar system and an S-Bahn (commuter-rail line), and the city met the "Ideal Communist City" density of about 70,000 people per square mile.

The Stockholm planners' paper noted that almost all the apartments had two bedrooms because government planners decreed "that the ideal family consisted of four family members and that the number of flat rooms should be one less than the number of family members." They also noted that the government discouraged car ownership by placing most of the parking on the outskirts of the city "at a relatively large distance from the residential houses."

What the Swedish researchers failed to note in their 1998 presentation, but faithfully recorded in their full paper, was that Halle-Neustadt was only "sustainable" during the socialist period. When Germany reunified, many residents moved out, and those who stayed bought cars so that auto ownership "reached nearly the level of western Germany." Naturally, this created congestion and parking problems: "The cars are parked everywhere — on pavements, bike-ways, yards and lawn." The Swedes feared that proposed construction of new parking garages would "undermine" the "planning concept of concentrating the parking places on the city's outskirts."

On April 27, 2005, I had the opportunity to join Wendell Cox on a tour of Halle-Neustadt and other formerly East German cities. The first thing we noticed is that the "parking problem" is gone, as are most of the green spaces, which have been turned into parking lots. The city center also enjoys a modern new shopping mall supported by a multi-story parking garage.

The apartment buildings themselves range from reconstructed to totally abandoned. According to various websites on the city, Halle-Neustadt's population peaked at 94,000 in 1990 but has since fallen to 60,000. After reunification, the apartments were privatized and are now owned by various housing companies. These companies have successfully lobbied the federal government to fund the demolition of unneeded buildings, and more than two dozen high-rises in Halle-Neustadt are scheduled for destruction. Yet the population of east German cities is declining so fast that demolition cannot keep up: despite numerous demolitions, the region is expected to have even more vacant housing in 2010 than it does today.

Wendell and I looked closely at two basic styles of building. First was a six-story apartment structure that probably represented the pre-mass-produced buildings described with such fanfare in "The Ideal Communist City." These buildings had no elevators, so we were not surprised to find that many of the top floor apartments were unoccupied.

The second building type was eleven stories tall and probably represented the previously mentioned WBS 70. Some of these were in good condition, obviously reflecting investments made by the new private landlords. But many others were clearly abandoned and ready for demolition. We saw a few other building types, including some with even more stories, but did not examine them closely.

The principles in "The Ideal Communist City" formed a blueprint for residential construction all across Russia and eastern Europe. They could also be the blueprint for smart growth.

Germans pronounce the letter "H" as "ha" while "neu" is pronounced "noi." So residents often refer to Halle-Neustadt as "Hanoi," a reference to the bombed-out nature of much of the suburb. They commonly refer to the apartments as *die platte*, meaning "the slab," referring to the method of construction.

Following reunification, many of Halle's inefficient factories went out of business. The city has partly compensated by doubling the size of its university. Halle-Neustadt's central corridor still has frequent streetcar service to the university, but the commuter line connecting Hanoi with Halle's factories receives little use.

From a distance, the S-Bahn station still appears attractive. A closer look reveals many of the windows are broken, the inside is covered with graffiti, and the restaurant and other facilities advertised on the outside are abandoned. The actual loading ramp has room for 15-car trains, but today four-car trains are more than sufficient.

Where did all the people go? Many found jobs in western Germany; since reunification, the former East Germany has lost more than 1.25 million people. But many of those who stayed got away from the slabs by moving to suburbs, into new duplexes and single-family homes. We did not have to search very far to find such suburbs, mostly added onto existing villages.

Today no one in Germany refers to such suburbs as "monotonous." This term is instead reserved for the gray slabs of concrete that most people are abandoning as fast as they can. Throughout Europe, high-rise apartments are increasingly becoming ghettos for Muslim and other foreign "guest workers." While the houses are admittedly smaller than ones found in modern American suburbs, the Germans are fast catching up. A little further from Halle we found a suburban village that included many large homes with large backyards.

After leaving Halle-Neustadt, Wendell and I went to

Berlin where we found Corbusier House, the 1957 prototype for much high-rise housing. Planning historian Sir Peter Hall calls Le Corbusier "the Rasputin of the tale" of authoritarian urban planning, because his ideal of the "Radiant City" inspired so many bad urban plans around the world, including Halle-Neustadt and American public housing projects. But I suspect the 1,400 people living in Corbusier House are pleased with their setting. This is partly because, although Le Corbusier was a bad urban planner, he was a master architect, but mainly because Corbusier House residents choose to live there, whereas residents of Soviet-bloc countries had no choice.

There will always be a market, though probably a small one, for high-density housing, whether in Radiant-City high-rises or New-Urban mid-rises. The problems arise when planners ignore the market and try to impose their ideology on people through prescriptive zoning codes, regulations, and subsidies.

I have always resisted the notion that smart growth and sustainability are some kind of international plot to take away American sovereignty. Even if it were true, saying so marks one as a kook and eliminates all credibility. But I don't think it is true; we have enough central planners in our own midst that we don't have to look for them elsewhere.

And yet I get a creepy feeling when I look at the publication date of "The Ideal Communist City." Though written in the mid 1960s, the book was first released in English by a New York socialist publisher in 1971.

The earliest mention of smart-growth concepts I can find in the planning literature came out just two years later in the book "Compact City: A Plan for a Livable Urban Environment." Like "The Ideal Communist City," "Compact City" advocated scientific or "total-system planning." Like "The Ideal Communist City," but unlike the New Urbanists, "Compact City" advocated high-rise housing. Like the New Urbanists, it quoted Jane Jacobs' book, "The Life and Death of Great American Cities," in support of mixed-use and transit-oriented developments.

Germans pronounce the letter "H" as "ha" while "neu" is pronounced "noi." So residents often refer to Halle-Neustadt as "Hanoi," a reference to the bombed-out nature of much of the suburb.

By 1980, research by Northwestern University economist Edwin Mills had thoroughly discredited the hypothesis that more compact cities would have less congestion and air pollution because people would be more likely to walk and ride transit. That didn't stop the U.S. House of Representatives from holding hearings titled "Compact Cities: A Neglected Way of Conserving Energy." In 1996, compact cities were tied to sustainability in a book titled "Compact City: A Sustainable Urban Form?"

Which brings us full circle to 1998 when University of Stockholm researchers told an international group of planners that Halle-Neustadt was one of the most sustainable cities on earth — knowing full well (but not mentioning) that the prerequisite for Hanoi's sustainability was keeping its residents poor and oppressed.

While I don't seriously equate urban planners and communists, the similarities between the Ideal Communist City and smart growth are far more numerous than their differences. As the table below shows, both seek to use planning to create a sense of community and promote collective rather than individual transportation. Beyond the superficial difference that the Soviets preferred high-rises and smart growth prefers mid-rises, the main difference is that the communists tried to put everyone in identical small apartments while smart growth allows people to have as big a house or apartment as they can afford, as long as they build those houses on small lots.

The Ideal Communist City vs. Smart Growth

Concept	Communist	Growth
Higher density housing	Yes	Yes
Mixed-use developments	Yes	Yes
Mixed-income housing	Yes	Yes
Transit-oriented development	Yes	Yes
Discourages auto parking	Yes	Yes
Calls suburbs "monotonous"	Yes	Yes
Minimizes private yards	Yes	Yes
Maximizes common areas	Yes	Yes
Minimizes private interiors	Yes	No
Height of residential buildings	High-Rise	Mid-Rise

Though publicly they claim they want to reduce congestion, most smart-growth planners admit they seek to increase congestion to encourage people to use transit. Though publicly they claim to worry about affordable housing, smart-growth planners drive up land and housing costs to encourage people to live in multifamily housing or at least on tiny lots.

Before visiting Europe, I spent a few days in Madison, Wis. After returning, I spent a few days in Hamilton, Ontario. Though neither region is growing particularly fast, in both places politicians talk about the dangers of uncontrolled growth and how the firm hand of government planning is needed to prevent chaos and sprawl. Part of their plans, of course, call for packing more of that growth into urban infill areas than the amount that the market would build.

The plan for Hamilton requires that 40% of all new development be high-density infill. At present, the rate is just 18%. Now, 40% is a lot less than the near-100% imposed by Russia and East Germany. But Hamilton's plan means that 22% of its new residents will be forced to live in housing that they wouldn't normally choose. Experience in Portland, Ore., and other cities shows that regulation attempting to make much smaller changes in the housing market can lead to huge increases in housing costs.

Planners call this giving people more "choices"; what they mean is forcing people to accept lifestyles that they would not choose for themselves. How is this any different from the philosophy of "The Ideal Communist City"? ❑

Reviews

"Freakonomics: A Rogue Economist Explores the Hidden Side of Everything," by Steven D. Levitt and Stephen J. Dubner. William Morrow, 2005, 242 pages.

The Dismal Science's Freaky Side

Robert Formaini

Being human, economists tend to envy those in their profession who achieve internal fame, but roll their eyes and mutter about those who try to communicate with non-economists. Especially galling are economists who write bestsellers (with or without help). Steven Levitt need not fear such criticisms, as his career is already quite successful and his future well-assured. He is a tenured professor at the storied economics department of the University of Chicago, and the 2003 winner of the John Bates Clark medal, biennially awarded to the nation's best young economist by the American Economics Association. Governments, politicians, and corporations routinely seek his advice. But as this book makes clear, Levitt is not your typical economic Titan. For one thing, he freely admits to mathematical deficiencies that would cripple the careers of other economists. For another, he seems to like spending time in the real world, analyzing actual problems as opposed to purely theoretical ones. Finally, he communicates those findings not only to his colleagues but to the general public. I suppose this is a bit strange for an economist, but I'm glad he does it, because someone has to.

Let me begin, however, with some quibbles. The title of this book is unfortunate, and I want to believe that Levitt did not name it. There is nothing freaky about what lies between its pages and it does not — nor could it — "explore the hidden nature of everything." It does explore a number of interesting situations and use creative approaches to understanding them. Levitt is not a "rogue economist" in any sense of the term, including the one meant by the authors — which is, undoubtedly, "mischievous." This is a book that almost any academic might have written: not just an economist but even a sociologist, criminologist, psychologist, or a plain old statistician. Beyond its liberal reference to economic incentives and use of thinking at the margin, there isn't a lot of economic theory in the book, and where statistics are used, the analyses are rather basic even when regression is involved. One can, of course, view this "keep it simple" approach as one of the book's many strengths. No doubt, for the majority of readers, it is.

Even the most sophisticated analysis is useless if it is communicated poorly — or not at all. No such criticism applies here. Dubner, whose New York Times profile of Levitt began their collaboration, communicates Levitt's work quite well. They might, however, have avoided putting in things that look more like political cheap shots and less like economic insights. For example, they quote Dubner's Times colleague Paul Krugman complaining that "The approved story line about . . . [George W.] Bush is that he's a bluff, honest, plainspoken guy," rather than "a phony, a silver-spoon baby who pretends to be a cowboy" (p. 91). Likewise, the quotation from Harry Blackmun on the death penalty (125), which is not logically connected with the lengthy critique of the death penalty preceding it, seems out of place. It seems that Dubner and Levitt (surprisingly?) agree with many of the standard editorial page positions of the New York Times. I suspect that Dubner is more responsible for their inclusion in this volume than Levitt, and as I said, these are the cause of quibbles which won't bother most readers anyway.

The topics addressed in the book are wide-ranging: duplicitous real estate agents; cheating by sumo wrestlers and by teachers giving standardized exams; the economics of crack

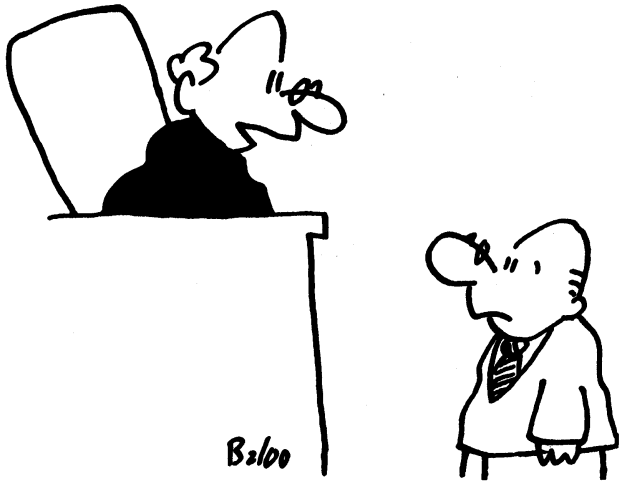
gangs; ways in which secret information affects groups such as the Ku Klux Klan; reasons why crime rates really fell during the 1990s; the comparative risks of driving, flying, swimming pools, and gun ownership; the whys of baby names; the ethnic makeup of game show contestants. Levitt's approach to analyzing these topics is taken from neoclassical microeconomics: maximizing utility at the margin through choice, while people act under objective constraints. Nothing freaky about that, although some of my students might argue the point.

There have been exposés on sumo cheating, and suspicious deaths of wrestlers who came forward with tales that support Levitt's analysis.

Take those less-than-honest real estate agents. If one understands how they make their money, it's pretty simple to understand why they might give false advice to their clients. Since they receive only a fourth of the cartel-enforced 6% commission they charge, accepting a low-ball offer for your house costs them only 1.5% of the difference between the low-ball price and what you might receive from another buyer in the future. The agent, wanting to get the commission, sacrifices perhaps a few hundred dollars in exchange for a faster, more certain payday. Do they really act this way? Levitt shows that, when selling their own residences, agents tend to wait for (and receive) better offers. Why? Because they gain 94% (more, if self-selling) of any additional offer increase. Gosh . . . I'd always believed that real estate agents could be trusted!

What about the match results of those inscrutable sumo wrestlers? What incentives would they have to throw some of their matches? Their salaries and fringe benefits are determined in six yearly tournaments, where winning at least eight bouts is very important. When two wrestlers — one with a 7–7 record and one with an 8–6 record — meet, they have very different incentives: the 7–7 wrestler needs very much to win, while the 8–6 wrestler has already done well, making a loss no big deal. It's possible that the 7–7 wrestlers simply outperform statistical expectations in these matches because of the importance of victory, but Levitt's data suggest that deals are made in the sumo stables, based on bribes, or simply on the agreement that if "you scratch my back; I'll scratch yours." In fact, there have been exposés on sumo cheating, and even suspicious deaths of wrestlers who came forward with tales that support Levitt's analysis. His interpretation of the wrestling data seems quite convincing.

Analysis of information and prices informs several of Levitt's examples, including a case in which his analysis cost some cheating teachers their jobs. He also demonstrates how the exposure of secret information devastated the Ku Klux Klan. Modern technology, especially the Internet, has made information much more accessible for everyone.



"On a scale of one to ten, how guilty would you say you are?"

Consumers shopping for life insurance, for example, now have easy access to price comparisons, resulting in savings of a billion dollars a year. Economists say that such things as Internet sites reduce information asymmetry: no longer are you at the mercy of buying from people who have better information about their prices than you have, because it's now easy and cheap to acquire that information. Experts often use inside information to promote their interests even as they argue that they are promoting yours. How many people get a second opinion before being rolled into operating rooms? We mostly defer to our doctors, but what are their incentives? If they're surgeons, the answer is obvious.

One of Levitt's fellow Chicago students, Sudhir Venkatesh, provided material for some of the book's most interesting conclusions by visiting a Chicago housing project with a sociology survey in his hands. He wound up almost being killed by a drug gang, then practically lived with them for the next six years as he studied the drug culture up close, embedded like a reporter in one of many rival gang armies in a domestic war zone — south Chicago. Levitt found that the drug gangs were run just like any other business and that the answer to the question "If drugs are so lucrative why do dealers live with their mothers?" is that drugs are not lucrative for the average gang member. In fact, they work under extremely dangerous conditions with high relative mortality, often for less than the minimum wage. So why would anyone pursue such employment? "For the same reason," Levitt says, "that a pretty Wisconsin farm girl moves to Hollywood" — extreme competition that rewards a lucky few with vast wealth and power. The book has a long discussion of the rise of crack and the alliance between Colombia and inner city gangs.

Levitt claims that legalized abortion is primarily responsible for the decline in crime rates during the 1990s. Some of his opponents believe his reasoning smacks of eugenics — abortion's crazy aunt in the attic.

One of the claims that has generated a very strong backlash is that legalized abortion is primarily responsible for the decline in crime rates during the 1990s. The book shows why Levitt believes this, and also discusses other possible explanations such as "broken windows policing," building more prisons, handing out longer prison sentences, the aging of the population, an improving economy, the effects of concealed weapons laws or tougher gun control, etc. Some of his opponents believe his reasoning smacks of eugenics, which has, of course, always been abortion's crazy aunt in the attic. But just because Levitt made people angry with this claim, does that mean he's wrong? Of course not. Levitt is not making a moral argument about abortion, although the book suggests the authors favor it on utilitarian grounds.

Levitt's analysis of parenting and the limited and surprising roles that parents play in their children's lives is enlightening (if true), and entertaining to read. The obsessiveness of many modern parents, and the things they do to help their children, can be very amusing, but if Levitt is correct many such endeavors are expensive and pointless. Levitt finds little evidence that parenting matters much at all! Bonding with the baby, reading to kids, playing Mozart for them, school choice programs — all the things we think are important — Levitt dismisses as irrelevant. What does matter then? According to Levitt, it's environmental factors such as the parents' education level, socio-economic status, age of mother at first birth, birth weight, whether English is spoken in the home, whether the child is adopted, etc. (The correlations between cited environmental factors and test scores are sometimes positive and sometimes negative.) And what doesn't matter? An intact family, a move to a better neighborhood, whether mom works between birth and kindergarten, Head Start, trips to museums, spanking, television watching, reading to children every day. The final conclusion is that it matters more what parents are than what they try to do for their children. Along the way, the authors suggest that IQ exists and is a powerful determinant of success. And I thought Charles Murray made up all that IQ stuff! I guess if you write for the Times and you support Head Start even though you admit it doesn't work, you get to make this IQ argument while immunized against the usual outrage.

"Freakonomics" ends with a lengthy examination of the differences between white and black names for children, and inter-group socio-economic name differences over time. Is your name your destiny? Well, yes... at least, sort of. I have to leave readers something to do on their own. I will say, however, that, generally speaking, this is a good book, though over-hyped. But that's the time we live in. It's standard marketing practice today for every book, television show, and product that comes along, most of which are not worth reading, watching, or owning. I'm glad this book has been successful, because the information contained in the sales figures should direct publishers to put out more general-interest economics books. Making money by using information to maximize voluntary exchange — isn't that what the market's all about? ❑

"Crash," directed by Paul Haggis. Lions Gate Films, 2005, 100 minutes.

Offender Bender

Jo Ann Skousen

A powerful film about isolation in crowds and interconnectedness despite indifference, "Crash" slams into you midway through the film like a rear-end collision. Just when you think you've had enough of this "why can't we all just get along" public-service announcement, it turns into something completely different, something intense and compelling. Suddenly, you're hooked.

Writer and director Paul Haggis ("Million Dollar Baby") subtly begins playing with stereotypes even before the film begins. Early trailers seemed to emphasize the Sandra Bullock character, attracting one kind of audience, while the previews accompanying the movie itself associate it with blaxploitation flicks. Mercifully, these expectations failed to be realized. Nor is this simply a typical relationship film, as one might expect from the smarmy voice-over narration that accompanies the opening scene: "In L.A. nobody touches you. We crash into each other just so we can feel something." It's a film that observes how we "crash into each other," and suggests that there might be other ways to feel something. The opening scene, which shows a car accident between a Latina and an Asian woman who spits racial epithets at her, dissolves into a flashback that asks the question, "How did we get here?" Not just how did we get to this accident, but how did we get to this level of prejudice and ethnic name-calling?

"Crash" slams into you midway through the film like a rear-end collision.

The film is rough, particularly the language, and while the concept of examining stereotypes is interesting, the multiple unrelated stories are not

dramatically compelling at first. I was also turned off by the preachiness of the dialogue in the first half hour, and considered cutting my losses and going home — until midway through the movie, when the multiple stories begin to crash into each other with the breathtaking intensity of a fog-induced freeway pileup. First-time director Haggis knows how to use a camera as well as how to tell a story, and this movie is best when he lets the story do the teaching.

Some of the most interesting performances are the "cameo appearances" of stereotype cliches, from the custom of tipping to the ethnic nature of first names, to street safety (blacks don't tip; any woman named Shaniqua must be African-American; any black man on the street is up to no good), to affirmative action and entertainment (minorities are taking jobs from better-qualified whites; blacks don't figure skate, play hockey or listen to country music). Haggis tweaks the stereotypes, often turning them inside out and upside down. The film acknowledges that stereotypes have a foundation in truth (a white man has indeed lost his business to affirmative action; an African-American complains bitterly to his friend, "Why are they afraid of us? Just because we're black!" when a white woman instinctively clutches her husband's arm for protection, but then pulls a gun and steals their car). Still, this is only a nod in an unusual direction.

Everyone in the film is both a victim and a perpetrator of prejudice; no one is a good guy or a bad guy. Bigoted cops take advantage of their power and authority, stopping a car driven by a black driver on the supposition that "They're doing something!" and then subjecting the couple to sadistic abuse. When a young, idealistic cop tries to report the abuse he has observed, he is told to mind his own business. In short, the police don't police themselves, and I nod in agreement. Or is this just another stereotype that I buy into?

Ultimately, Haggis seems to say, prejudice is the result of making assumptions based on incomplete information. It isn't limited to race or ethnicity. And it isn't just in L.A. that "nobody touches you" until someone crashes into someone else. But, like his previous hit, "Million Dollar Baby," the power of his film is in the storytelling not the preaching. ❑

"Freethinkers: A History of American Secularism," by Susan Jacoby. Metropolitan Books, 2004, 365 pages.

America the Secular

Thomas Giesberg

What is the role of religion in a democracy? Is democracy a threat to religion, or is religion a threat to democracy? Are those citizens who fight to separate church and state heroes or villains?

These questions appear daily in the news, with heated debates over issues such as the phrase "under God" in the Pledge of Allegiance, tuition vouchers for religious schools, and the display of the Ten Commandments on public property.

In "Freethinkers: A History of American Secularism," Susan Jacoby tackles these issues and many others as she examines the lives and actions of freethinkers throughout American history. Three themes run through "Freethinkers": the Founding Fathers established a secular government; notable freethinkers and their contributions receive less recognition than they are due in schools and history books; and the established churches and clergy were often on the wrong side of debates over such major issues as slavery and women's rights.

"Freethinkers" is an engaging book that grabs the reader's attention from the first chapter, which describes the Founders' creation of our secular Constitution. Jacoby does an excellent job of presenting the continuing history of tension between secularism and religion in America. She is not an unbiased reporter; rather, she is an advocate for the separation of church and state, and is quick to identify state-supported religion as a threat to democracy.

As defined by Jacoby, freethought — a term that first appeared in the late 1600s — is best understood "as a phenomenon running the gamut from the truly antireligious — those who regarded all religion as a form of superstition and wished to reduce its influence in every aspect of society — to those who adhered to a private, unconventional faith revering some form of God or Providence, but at odds with orthodox religious authority." Jacoby includes deists, agnostics, and atheists as freethinkers, noting that all share "a rationalist approach to fundamental questions of earthly existence — a conviction that the affairs of human beings should be governed not by faith in the supernatural but by a reliance on reason and evidence adduced from the natural world." (pp. 4–5)

The nation's founding documents were crafted during the American Enlightenment, a time of expanding lit-

eracy and interest in and respect for science. "Respect for the laws of science — 'the Laws of Nature and of Nature's God,' as the Declaration of Independence put it — translated into the conviction that both government and religion should and could operate in a manner consistent with those laws." (17)

The respect for nature appears in a tribute to Sir Isaac Newton, penned by Alexander Pope (1688–1744): "Nature, and Nature's laws lay hid in night: God said, 'Let Newton be!' and all was light."[1]

In the 1780s, "a widespread casualness toward formal religious observance" attested "to the presence of powerful libertarian and nonconformist impulses in the new nation." In addition, "Expanding literacy, especially in the northern colonies, contributed to the spread of freethought beyond an educated elite to a larger audience of literate farmers, small businessmen, craftsmen, and, in growing numbers, their wives and daughters." The founding documents were written with the expectation that large numbers of Americans were "familiar with both the language and the philosophy of the Enlightenment" (15–16).

Forms of religion that claim to have found the one true answer to the ultimate purpose of human life "are incompatible not only with science but with democracy. Those who rely on the perfect hand of the Almighty for political guidance, whether about biomedical research or about capital punishment, are really saying that such issues can never be a matter of imperfect human opinion" (362).

Established churches and clergy were often on the wrong side of debates over such major issues as slavery and women's rights.

The journalist Bill Moyers observed, "We are witnessing today a coupling of ideology and theology that threatens our ability to meet the growing ecological crisis. Theology asserts propositions that need not be proven true, while ideologues hold stoutly to a world view despite being contradicted by what is generally accepted as reality. The combination can make it impossible for a democracy to fashion real-world solutions to otherwise intractable challenges."[2]

Jacoby sedulously presents the moral yet secular philosophies of notable freethinkers. I expected to find more accounts of clashes over religious belief itself; yet with a few exceptions, such as the chapter that covers the reaction to Darwin's theory of evolution, "Freethinkers" primarily addresses the struggle by secularists against those who would impose their religious beliefs through politics.

The battle is still underway, as seen in material given to the attendees at a national conference aimed at "reclaiming America for Christ": "As viceregents of God, we are to bring His truth and His will to bear on every sphere of our world and our society. We are to exercise godly dominion and influence over our neighborhoods, our schools, our government . . . our entertainment media, our news media, our scientific endeavors — in short, over every aspect and institution of human society."[3]

Pope John Paul II advised that, "Laws made by men, by parliaments, must not be in contradiction with natural laws, that is, with the eternal law of God."[4]

The idea that God comes before democracy is not new. Jacoby quotes from an encyclical of Leo XIII (pope from 1878 to 1903), who was outraged by the contention that public authority "originates not from God but from the mass of the people" which "refuses to submit to any laws that it has not passed of its own free will" (232).

Originally, nearly all religious conservatives were Federalist (44), while most deists identified with Jeffersonian democracy. By the late 19th century, the political views of freethinkers "ran the gamut from anarchism to Spencerian conservatism. Freethinkers might be Democrats, rock-ribbed Republicans, or, on occasion, socialists with either a capital or a small s" (153).

This changed in the 1920s, when freethinkers and the political left, concerned by what they perceived as enduring fundamentalism in the South and the growing influence of the Catholic Church on state and municipal governments elsewhere, forged an alliance. Both had "a shared commitment to separation of church and state and freedom of speech," and both viewed "entanglements between religion and government as inimical to democracy" (228–232).

Forms of religion that claim to have found the one true answer to the ultimate purpose of human life "are incompatible not only with science but with democracy."

Addressing the present day, Jacoby worries that President Bush is using governmental mechanisms to impose his "religion-based personal morality" upon "millions of Americans who do not share his religion or his personal idea of righteousness." She goes on to say: "Nor is it enough for secularists to speak up in defense of the Constitution; they must also defend the Enlightenment values that produced the legal structure crafted by the framers. Important as separation of church and state is to American secularists, their case must be made on a broader plane that includes the defense of rational thought itself" (359–360).

The logical extension of the Enlightenment beliefs in rationality, skepticism about authoritarian religious sects, and religious observation as a matter of individual conscience rather than public duty, "was a civil government based not on the laws of God, as promulgated by self-appointed earthly spokesmen, but on the rights of man" (14).

This was a new philosophy. Originally, many states placed restric-

tions upon various religious constituencies. In New York, Jews were allowed to hold public office, but Catholics were not (until 1806). In South Carolina and elsewhere, Protestantism was the state-established religion. Jacoby emphasizes that in this environment, the framers of the Constitution chose Virginia's new religious freedom act as the model for the nation (26).

In 1784, "Patrick Henry introduced a bill in the Virginia General Assembly that would have assessed taxes on all citizens for the support of 'teachers of the Christian religion,'" replacing the established Episcopal Church with "multiple establishments" (19).

James Madison responded with his "Memorial and Remonstrance against Religious Assessments." Madison asked, "Who does not see that the same authority which can establish Christianity, in exclusion of all other Religions, may establish with the same ease any particular sect of Christians, in exclusion of all other Sects?" (19–20)

Quakers, Lutherans, Baptists, and Presbyterians "were willing to renounce government money to ensure government noninterference" (21). They joined with Enlightenment rationalists in support of separation of church and state. Their alliance led to the passage of the religious freedom act; although it did still assert that "Almighty God hath created the mind free," the lawmakers defeated a move to acknowledge Jesus Christ. Jacoby cites Thomas Jefferson's recollection that the act was meant to protect non-believers, as well as Christians and other religious believers (24).

The framers of the Constitution followed Virginia in crafting a secularist Constitution. In Article VI, the Constitution prohibits religious tests for office, and allows affirmations as alternatives to oaths. A new president must likewise take an "Oath or Affirmation," as found at the end of Article II, Section 1. Though the alternative was primarily intended to allow Quakers — whose beliefs forbade them to take oaths — to hold office, it indicated an impulse toward secularism that was demonstrated more fully in the First Amendment, which expressed the framers' hopes that it "would encourage other states to follow Virginia's example and establish complete separation between religious and civil authority" (28).

The secularism of the Constitution did produce substantial controversy during the ratification debates, with numerous attempts to amend it to declare that governmental power was derived from God or Jesus Christ (29–31). Jacoby argues against "the religious right's contention that the founders intended to establish a Christian nation," pointing to the public debate. "The founders knew exactly what they were doing, and so did their fellow citizens on both sides of the issue" (33).

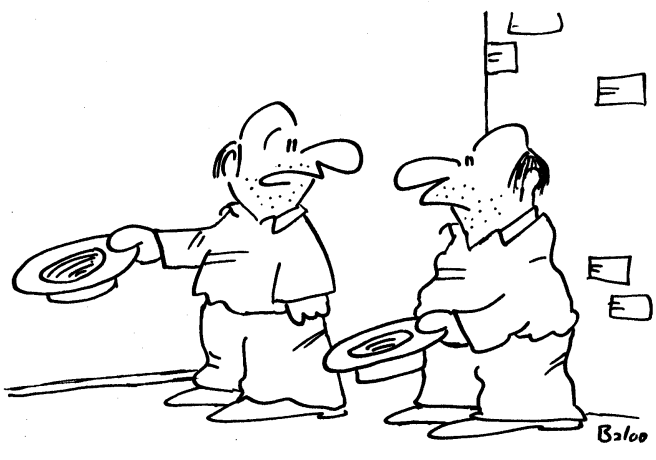
"Freethinkers" is full of nuggets of history that were new to me. One of the most interesting concerns Sunday mail. Religious conservatives repeatedly failed to persuade Congress to repeal the 1810 law mandating seven-day-a-week postal service. In response to the controversy, in 1828 Congress referred the matter to the Senate Committee on the Post Office and Post Roads, chaired by Richard M. Johnson of Kentucky (who was also a devout Baptist). He concluded "that any federal attempt to give preference to the Christian Sabbath would be a clear violation of the Constitution" (79). Sunday mail service was not cut back until after the 1844 invention of the telegraph, which provided a more efficient form of business communication (80).

With the outbreak of the Civil War, many religious leaders asserted that the real cause of the conflict "was the failure of the founders to enshrine God in the Constitution" (104). Accordingly, in 1863, the National Reform Association was founded to lobby Congress. Their delegates proposed rewording the Constitution's preamble to replace "We the People of the United States, in Order to form a more perfect Union . . ." with: "Recognizing Almighty God as the source of all authority and power in civil government, and acknowledging the Lord Jesus Christ as the Governor among the nations, His revealed will as the supreme law of the land, in order to constitute a Christian government . . ." (105)

Because southern churches often defended slavery, and northern churches were slow to condemn it, radical abolitionists tended to be anti-clerical.

Congress was unwilling to amend the Constitution, but was easily persuaded to acknowledge God on American coins. Secretary of the Treasury Salmon P. Chase was the most religiously orthodox member of Lincoln's cabinet. He took credit for convincing Lincoln to add the invocation of God to the end of the Emancipation Proclamation. Chase ordered the addition of God to the money, but then discovered that only Congress could mandate such an alteration. Congress added "In God we trust" to a two-cent coin issued in 1864. By the end of 1865, Congress had ordered the motto engraved on nearly all denominations.

Sacrilegious puns soon appeared, such as "In gold we trust." These disturbed Theodore Roosevelt, a devout Christian; however, when he attempted to dispense with the motto



"I think I'll call it a day — My thumb is *killing* me!"

in 1907, he received a storm of criticism from ministers (107).

Jacoby teaches that such later additions of the deity to the sphere of government promote ignorance of the Constitution's grounding in human rather than divine authority. This is exactly why secularists keep making a legal issue out of such symbolic practices. The additions promote "the current public misapprehension . . . that antireligious fanatics are responsible for trying to take away something that has always been a part of American tradition" (309).

Jacoby was outraged by a January 2002 speech by Supreme Court Justice Antonin Scalia, entitled "God's Justice and Ours," in which Scalia expressed his belief that the state derives its power from God. "As evidence of the religious faith on which the United States was supposedly founded, Scalia cited the inscription 'In God We Trust' on coins; the phrase 'one nation, under God' in the Pledge of Allegiance; and the 'constant invocations of divine support in the speeches of our political leaders, which often conclude, God bless America'" (348–351).

Such invocations have indeed been constant in America. When George Washington was sworn in as president, he used a Bible and added "so help me God" to the words specified in the Constitution. The Houston Chronicle, in a Jan. 20, 2005, feature on the presidential inauguration process, presented the text of the presidential oath, supposedly from the Constitution, with "so help me God" appended. The newspaper also discussed the selection of a Bible to be used, without mentioning the option to use no Bible at all. Thus, as with the appearance of God on money, the public is inculcated with the belief that the government is charged with recognizing and promoting God.

What were the attitudes of the Founding Fathers towards religion and government in the new nation? Newt Gingrich said recently, "as a historian, I can talk about . . . historically the absolute fact that the Founding Fathers were deeply committed to the idea our rights come from God."[5]

Jacoby argues for the secular intent of the founders. Washington and Adams issued presidential proclamations of thanksgiving to God — Jefferson refused to do so — yet Jacoby takes the position that they all "were far removed from religious orthodoxy and fully shared Jefferson's views on the separation of civil government from religion" (43–44).

The debate continues at Mount Vernon: "Members of the religious right complain that not enough is made of Washington's religion in the displays of literature at his plantation. It is a firm tenet of many evangelicals that Washington was as godly as Jefferson was godless. The first president is their best display that this nation was born 'under God.' But Washington never referred to Jesus or to Christ, rarely to God, most often to Providence."[6]

Abraham Lincoln's faith is likewise disputed. Jacoby analyzes the testi-

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mony and writings of those who knew Lincoln before he became a politician, before there was reason to conceal his private skepticism. She does a fine job of presenting the conflicting evidence, and concludes, "Whether Lincoln was or was not a devout religious believer — and a Christian — is a question that has never been answered" (117).

This chapter on Lincoln is representative of the focus on the individual found throughout "Freethinkers." The book could just as correctly been subtitled "A History of American Secularists." It presents the actions of freethinkers as they fought for abolition of slavery, women's rights, and other freedoms; the hostility these freethinkers encountered; and the frequent opposition of established prominent churches to reforms for which they frequently took credit afterwards.

For example, note the offhand assertion, "religion and democracy have always been intertwined in America, where churches were at the forefront of battles against slavery and in favor of civil rights. . . ."[7]

Jacoby vigorously attacks this "false image of religion as a staunch foe of slavery" as "a basic tenet of modern religious correctness" (68). Because southern churches often defended slavery, and northern churches were slow to condemn it, radical abolitionists tended to be anti-clerical, even if personally religious. Jacoby gives credit to these anti-clerical abolitionists and "the central importance of the Enlightenment concept of natural rights" (70).

Women speaking in public disturbed conservatives, especially when speaking before mixed audiences of men and women, and to blacks as well as whites.

She finds that merely anticlerical dissidents are much better known today than the unabashedly antireligious dissidents who "identified religion itself as a major contributor to and defender of evils that included, but were not limited to, slavery, poverty, and the subordinate status of women" (96).

The civil rights movement in the '60s involved many irreligious Americans. Michael Schwerner and Andrew Goodman, nonobservant Jews, were murdered in Mississippi in 1964, along with James Chaney, a local black volunteer. Goodman's mother explained that he went to Mississippi, "[n]ot because God told him to do it but because he believed in human beings helping other human beings" (330–334).

Jacoby connects radical reform, freethought, and anticlerical religious belief. In her ample account of the women's rights movement, the book illuminates a key aspect of feminist history. The participation of women in the antislavery movement beginning in the 1830s gave rise to the first wave of American feminism. Sarah and Angelina Grimké, sisters raised on a South Carolina slave plantation, were powerful voices for abolition. In 1837, large audiences flocked to hear their accounts of the evils of slavery. Women speaking in public disturbed conservatives, especially when speaking before mixed audiences of men and women, and to blacks as well as whites. The Congregationalist ministers in Massachusetts issued a pastoral letter declaring that when a woman "assumes the place and tone of man as a public reformer . . . her character becomes unnatural" (74–76).

Such attitudes produced the feminist movement. An 1840 convention of British and American abolitionists refused to seat the female delegates. Two of those excluded, Elizabeth Cady Stanton and Lucretia Mott, met for the first time and resolved to form a new organization to promote equal rights for women (84). This led to the 1848 Seneca Falls convention, which crafted "A Declaration of Rights and Sentiments," modeled on the Declaration of Independence (90).

Stanton and Susan B. Anthony agreed that religion lay at the heart of women's second-class status. Anthony was willing to ally with Christian women's organizations; however, Stanton was open in her condemnation of all religions, "teaching that woman was an afterthought in creation, her sex a misfortune, marriage a condition of subordination, and maternity a curse" (197). Stanton, despite Anthony's admonitions, produced the first volume of her "Woman's Bible" in 1895. It scrutinized many events of the Old and New Testaments as literary fictions of men, and challenged the widely accepted religious foundations for the subordination of women (200–204).

The presence of a disproportionate number of agnostics and freethinkers within the women's movement reinforced the determination of younger leaders to cover up the anticlerical origins of the suffragist movement, and especially Stanton's role in its founding. "The suffrage amendment was named after Anthony, though Stanton was the first to propose it. In 1923, a ceremony to commemorate the seventy-fifth anniversary of the Seneca Falls convention was planned with endless tributes to Anthony and no mention of Stanton" (204).

The history of secularism in the period from the First World War to the present is dominated by the intervention of the Supreme Court in issues of

censorship and establishment of religion. In 1931, the Supreme Court established for the first time that the equal protection clause of the 14th Amendment prohibits states from overruling 1st Amendment guarantees of freedom of the press, speech, and assembly (273) (in the case of *Near* v. *Minnesota*, 283 US 697 (1931)).

After the 1934 boycott of Philadelphia movie theaters, led by the Catholic Legion of Decency, the movie industry established its Production Code Administration. The code banned nudity, vulgar language, and even portrayals of married couples occupying the same bed (270). But film censorship began to crumble in the early '50s. New York's state film licensing board refused to grant permission for the showing of Roberto Rossellini's "Miracle," a move that resulted in the Supreme Court's decision that movies are not subject to prior restraint (307) (in *Joseph Burstyn, Inc.* v. *Wilson*, 343 US 495 (1952)).

Every tax exemption constitutes a subsidy that affects nonqualifying taxpayers, forcing them to become indirect and vicarious donors.

Any reader interested in such issues will benefit greatly from reading the opinions of these judges, via Internet sites such as www.supremecourtus.gov/opinions/casefinder.html or supct.law.cornell.edu/supct/index.html (finding the decision by using the case number, such as 283 US 697).

Jacoby presents such legal battles through the personal experiences of the people involved. She tells the story of Vashti McCollum, who challenged the practice of releasing public school students from regular classes for in-school religious instruction. McCollum argued that her son had been cruelly taunted by the other students for not attending. After she filed her lawsuit, her son was regularly beaten up, and she received hate mail and threats for many years. In siding with McCollum, Justice Hugo Black wrote, "Separation is a requirement to abstain from fusing functions of Government and of religious sects, not merely to treat them all equally" (294–295). This decision is found under: *People of State of Ill. ex ref. McCollum* v. *Board of Ed. of School Dist. No. 71, Champaign County, Ill.*, 333 US 203 (1948).

Judicial opinions are especially enlightening on the issue of vouchers for religious schools. Jacoby calls the Supreme Court decision upholding an Ohio school voucher program "ill-advised" (358). As a libertarian, I favor vouchers, and see most voucher opponents as simply favoring teachers' unions at the expense of students who are trapped in poor public schools. However, I found serious Establishment Clause objections in the dissenting opinions in *Zelman* v. *Simmons-Harris*, 536 US 639 (2002).

Justice Souter made the very valid objections that religious instruction and secular education are "so intertwined in religious primary and secondary schools that aid to secular education could not readily be segregated, and the intrusive monitoring required to enforce the line itself raised Establishment Clause concerns about the entanglement of church and state" (at 691); "When government aid goes up, so does reliance on it; the only thing likely to go down is independence" (at 715); and "the ban on supporting religious establishment has protected free exercise, by keeping it relatively private. With the arrival of vouchers in religious schools, that privacy will go" (at 716).

As added by Justice Stevens, "Whenever we remove a brick from the wall that was designed to separate religion and government, we increase the risk of religious strife and weaken the foundation of our democracy" (at 686).

Although it does not appear in "Freethinkers," the decision *Texas Monthly, Inc.* v. *Bullock*, 489 US 1 (1989) should interest anyone researching the line between church and state. In holding unconstitutional a sales tax exemption for religious publications, Justice Brennan wrote that "[E]very tax exemption constitutes a subsidy that affects nonqualifying taxpayers, forcing them to become indirect and vicarious 'donors'" (at 14). Blackmun, joined by O'Connor, added, "government may not favor religious belief over disbelief"

(at 27). Scalia dissented, questioning how this exemption was different from the one for property taxes (at 36).

Even decisions that protect the separation of church and state do little to promote secularism: "The secularist victories of the postwar [era] were achieved mainly in courts of law rather than in the court of public opinion, and they were not followed by a sustained and candid appeal that challenged traditional beliefs and made a moral, as distinct from a legalistic, case on behalf of freedom of expression, secular public education, and rationalism itself. What was missing was an explicitly humanistic, nonreligious vision of personal ethics and social justice — a vision that could be understood even by Americans who had always believed that religion and morality were identical" (314–315).

Robert Green Ingersoll promoted just such a vision in the late 19th century, and even hostile newspapers covered his speeches (172). It seems clear that vision did not take root. Jacoby feels "the current assault on separation of church and state" is "intended to undermine all secularist and nonreligious humanist values" (352). Whoopi Goldberg, asked about "moral values," replied, "If you have a concern about gay marriage, don't marry a gay person. It appears we're becoming a country whose philosophy is being pushed into a religious column, which I find disheartening."[8]

"Freethinkers" reaffirmed my belief in strict separation of church and state. Jacoby adeptly packs an abundance of information into a very readable form. Both the index and bibliography are extensive, and the text is fully footnoted, making it a valuable resource as the controversies of the past continue into the future. ❑

Notes

1. "The Concise Oxford Dictionary of Quotations," 2nd ed. (New York: Oxford University Press, 1987), p. 185.

2. Bill Moyers, "Welcome to Doomsday," The New York Review of Books, March 24, 2005, p. 8.

3. Rev. D. James Kennedy, pastor of Coral Ridge Presbyterian Church, cited by Jane Lampman, "For evangelicals, a bid to 'reclaim America'," The Christian Science Monitor, March 16, 2005, p. 16.

4. Pope John Paul II in "Memory and Identity: Conversations Between Millenniums," quoted by Sophie Arie, "Must democracy rest on faith?" The Christian Science Monitor, March 4, 2005, p. 6.

5. Linda Feldman and David T. Cook, "GOP's 'big idea' man rolls out a new manifesto," The Christian Science Monitor, Feb. 23, 2005, p. 3.

6. Gerry Willis, "The Wise Warrior," The New York Review of Books, March 10, 2005, p. 16.

7. Peter Ford, "What Place for God in Europe?" The Christian Science Monitor, Feb. 22, 2005, p. 13.

8. "10 Questions for Whoopi Goldberg," Time, Nov. 22, 2004, p. 8 .

"The End of Poverty: Economic Possibilities for Our Time," by Jeffrey D. Sachs. Penguin Press, 2005, 397 pages.

World Poverty Ended!

Jane S. Shaw

Jeffrey D. Sachs, the economist who now heads Columbia University's Earth Institute, has some important successes to his credit. In 1985, he advised the government of Bolivia to stabilize its currency and open its markets, thus preventing hyperinflation. In 1989, he helped the government of Poland shift from socialism to a market economy, using what came later to be known as "shock therapy." But Sachs has had failures, too, the most notable of which was a celebrated but futile attempt to turn Russia into a market economy.

"The End of Poverty" is Sachs' attempt to achieve fame one more time. He argues that it will be possible to end extreme poverty by transferring funds from rich countries to the Third World. The book outlines Sachs' grand scheme and argues why the West should take on this task. Trouble is, the task is naively conceived. It ignores incentives, treating people as chess pieces, assuming that if the First World provides sufficient funds for investment in infrastructure and health care and other major categories, deep poverty will end. Rather than considering how massive increases in funding would affect the decisions of government officials or operate in practice, he devotes lengthy passages to explaining why the West should feel guilty about not giving enough aid, especially to Africa. In spite of his international experience and expertise, Sachs seems to be groping for ideas that failed in the 1960s.

Indeed, for all his strong support of global trade, Sachs has been hijacked by the Left. Some of the signs: He ignores DDT as a way to reduce the 3 million deaths from malaria (giving this successful but politically incorrect chemical one brief reference, outside his main discussion of malaria); he adores powerful patrons such as Kofi Annan ("whom I consider the world's finest statesman"); and he dismisses Hernando de Soto's plea for recognition of property rights. While discussing aid to the Third World, he slips into an environmental agenda as well.

The early part of the book includes

a personal history and commentary on countries whose governments he has advised or in which he has lectured. Only when he starts to build his ambitious proposal does he really go off track.

Sachs claims that impoverished countries need major interventions, primarily investments in "the Big Five" (p. 254): agriculture, health, education, infrastructure, and water and sanitation. Certainly, they do. He contends that in the poorest countries these investments must come from what he calls "official development assistance," not private investment. He doesn't seem to consider private nonprofit organizations as potential investors, either, although in specific instances he has high praise for the work of the Gates and Lenfest Foundations.

"[T]he poorest counties cannot really be expected to receive large inflows of private capital," explains Sachs, "because they lack the basic infrastructure and human capital that can attract international and even domestic private investments" (217). They are caught in a "poverty trap," which he illustrates with a diagram of a hypothetical household, showing that the family's capital declines when it consumes all its income rather than saving some of it.

Sachs' chatter along these lines made me think of another war on poverty — Lyndon Johnson's. In 1964, the Economic Report of the President (written by economists, no less), said: "Conquest of poverty is well within our power. About $11 billion a year would bring all poor families up to the $3,000 income level we have taken to be the minimum for a decent life."

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Sachs does a parallel calculation for the world's poor, concluding that "a transfer of 0.5 percent of donor income, amounting to $124 billion, would in theory raise all 1.1 billion of the world's extreme poor to the basic-needs level" (290). He then says that giving this money to families would fill the "consumption gap" but not extricate them from the "poverty trap." That will require infrastructure investment.

But hasn't the West been providing capital for investment to poor countries? According to Sachs, the aid has been minuscule. He illustrates his point by saying that the average amount of aid per sub-Saharan African in 2002 was $30. All but $12 of this went to things that he considers irrelevant — donor consultants, emergency aid, servicing Africa's debts, or debt relief. This makes an appealing statement, but how relevant is it? According to a recent Milken Institute Review article, about half the budget of the national government of Ghana comes from foreign aid.

Sachs does not give us any information about how much aid was provided by the West in the past. He does comment on colonialism. He says that it "left Africa bereft of educated citizens and leaders, basic infrastructure, and public health facilities" (189). This critique may have some merit but it certainly does not comport with the views of say, Peter Bauer, who points out that Great Britain built railways and roads and introduced exports to Africa. West Africa produced virtually no cocoa until the British encouraged it as an export crop, says Bauer, who quotes Nobel laureate Arthur Lewis as saying that "the tropics were transformed during the period 1830 to 1913" and that sub-Saharan Africa's exports grew from 6.2 percent of tropical trade in 1913 to 13.3 percent in 1937.

To Sachs, capital investment through international loans from the World Bank and other agencies isn't even worth comment. One of his themes is that all debt by poor countries should be forgiven because it puts an intolerable burden on those nations. Sachs supports his argument by quoting John Maynard Keynes' opposition to the punitive debt required of Germany after its defeat in the First World War. The reader can decide whether this is an apt comparison, but in any case Sachs never explores how poor countries used past loans or why debtors have not been able to service them. At the very least, if those investments were failures, we should be cautious about starting a new round of investments, however well-intended they may be.

But Sachs would view even the raising of such questions — asking for some information about past aid and investment and its consequences — as a sign of prejudice. He devotes an entire chapter to confronting what he considers biased (or, at best, uninformed) views about Africa. He reports on studies that he and his colleagues conducted showing that corruption is no worse in Africa than in other equally poor regions. They found, however, that whatever the quality of governance, African countries are growing more slowly than their counterparts. Sachs blames inherent geographical factors, such as the fact that many African nations are landlocked and that transportation is difficult across the continent. He dismisses or ignores evidence that excessive government control is highly correlated with a low standard of living.

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Perhaps the eeriest part of this book is the fact that Sachs writes with such confidence, as though he were the first person ever to think of a massive infusion of aid to Africa, and that it is certain to work if only it is tried. "Getting from here to there is a matter of routine planning, not heroics" (274). And then he gets down to the serious business of castigating people who live in the West for not being generous enough. If only it were so simple! ❑

Breeding a Better Tomorrow?, *from page 26*

systematically ruins women and girls, he does not shrink back from pulling down the blood barriers for others, even on a large scale. It was and it is Jews who bring the Negroes into the Rhineland, always with the same secret thought and clear aim of ruining the hated white race by the necessarily resulting bastardization, throwing it down from its cultural and political height, and himself rising to be its master."

Still, no matter how grave the threat to the "racial foundations" of the gene pool in the Rhineland, "a racially pure people which is conscious of its blood can never be enslaved by the Jew," wrote Hitler. And even better, the means of keeping things racially pure could be a fully humane undertaking with a perfectly fine and healthy ending: "The demand that defective people be prevented from propagating equally defective offspring is a demand of clearest reason and, if systematically executed, represents the most humane act of mankind. It will spare millions of unfortunates undeserved sufferings, and consequently will lead to a rising improvement of health as a whole."

On July 14, 1933, three years after the forced sterilization of Carrie Buck, the "Law for the Prevention of Progeny with Hereditary Diseases" was proclaimed to be the law of the land in Germany. It authorized the forced sterilization of all persons who were suffering from mental illness, retardation, feeble-mindedness, deafness, blindness, epilepsy, physical deformities, and alcoholism. Eight years later, the first experimental gassing occurred at Auschwitz, resulting in the death of 850 malnourished and ill prisoners.

By the time the eugenics craze died out, some 60,000 Americans had been coercively sterilized and thousands of others shipped off to "colonies." In Europe, the slaughter of millions was blurred and softened by the medicalizing of the process. Years later at Nuremberg, the Nazis, to explain, quoted the words of Oliver Wendell Holmes.

Edward Amherst Ott may not have seen that seeking to eliminate the weaknesses of humanity would lead to eliminating the weak themselves, but the horrors others committed made it impossible to see any other way. Once the toast of libraries and courtrooms, eugenics has now become an intellectual curiosity, a disturbing relic in the antique shop of history — which, unfortunately, does not contain an oak hall tree. ❑

Reflections, *from page 18*

would require, this threat is unsubstantiated. Again, we would like to stress that this threat is noncredible."

Any sane man would fall out of his chair laughing. Why? Because it's over. We are so far gone that the five o'clock news gives top billing to a noncredible threat. When I surfed Google News today, the top article contained the phrase "Why wait 32 months for passport requirements to go into effect, and why not issue national IDs?" It is over.

Less perfect, but otherwise appropriate responses include anger, despair, disgust, ambivalence, and so on. But these reactions — especially anger — miss their mark, for there is no fixed target, nothing to aim at.

When I was a child, one of my favorite films was "The Neverending Story," a classic quest tale in which the young hero Atreyu is tested in mind, body, and spirit. Of all the enemies Atreyu faces on his quest, the greatest is The Nothing. The Nothing is an expansive, all-consuming entity of enormity that threatens Atreyu's homeland, Fantasia. Everywhere and nowhere, The Nothing is unstoppable.

Who do you fault for the news bulletin about the noncredible threat? The newscasters? The public that eagerly digests this rot? The government? Hysteria? You'd do better trying to find out who was the first looky-loo to start that traffic jam you're in — you're looking for The Nothing.

Claire Wolfe, author of "What to Do While Waiting for the Revolution," says it's almost time. I think she's right. And in addition to preparing myself, I laugh.

— Katelyn B. Fuller

"But that was in a *previous* life!"

Filibuster foil?— Right at press date, seven Republican and seven Democratic senators came to an agreement that will allow the Senate to vote on some — though not all — of President Bush's judicial appointees.

The Democrats agreed not to support a filibuster on three of the appeals court nominees, in exchange for the Republicans' promise not to support any change the GOP leadership attempted to make to the filibuster rules.

The Associated Press report states that future nominees will be filibustered only "under extraordinary circumstances," which should be read, "when Chief Justice Rehnquist steps down and Bush nominates a pro-life conservative." In the meantime, I hope that means a couple of months without hearing about "the nuclear option," and a couple less times Harry Reid's ghastly visage will haunt my TV. — A.J. Ferguson

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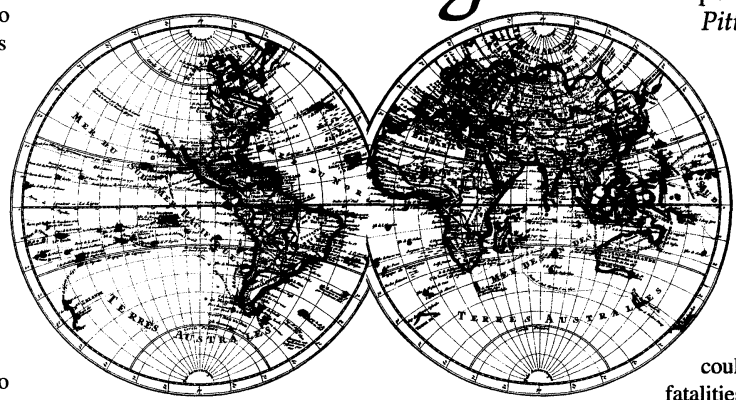

Orlando, Fla.

The rigors of law enforcement, from the *Orlando Sentinel*:

After an Orlando policeman tasered a suspect handcuffed to a hospital bed in order to obtain a urine specimen, Orange County Sheriff Kevin Beary responded to critics by allowing himself to be tasered at a press conference. After watching the conference, Orlando resident Alice Gawronski wrote a letter [to the Sentinel] describing Beary as "too fat for basic police work" and opining that if deputies were in better shape, they might not have to resort to stun guns.

Beary then ordered his staff to use restricted driver's license records to find Gawronski's address for a reply, in which he accused her of slandering law enforcement officers.

When asked about whether Beary's use of the restricted database was legal, department spokesman Sgt. Brian Gilliam said, "There is no black and white. I guess if you believe it's law enforcment-related, it's covered."

Berkeley, Calif.

Labor breakthrough in a bastion of enlightenment, from the pen of Rene Cardinaux, director of public works:

Currently whenever a light bulb burns out, Facilities Maintenance will be notified and a request is made to replace the light bulb. The Facilities Maintenance folks would try and replace the light bulbs as soon as they could in the midst of their high priority work requests and other emergencies. Unfortunately, with the limited resources and the great number of high-priority items and emergencies, the light bulbs are not replaced as timely as the customer desires . . .

The firefighters are authorized to replace their own burned-out light bulb as long as it is just a simple light bulb replacement and does not require special training and equipment.

Albany, N.Y.

The failure of a rehabilitation technique, documented in the *New York Post*:

State Comptroller Alan Hevesi said that scores of convicted rapists and other high-risk sex offenders in New York have been getting Viagra paid by Medicaid for the last five years.

According to Hevesi, the problem is an unintended consequence of a 1998 directive from federal officials telling states that Medicaid prescription programs must include Viagra.

Seattle

Innovation in art criticism, from the *Seattle Post-Intelligencer*:

The idea of taking art without permission came to Brian Balsa last summer when he was standing in a gallery looking at art he believed lacked merit.

"I just took a piece as a response. Art that bad shouldn't be hung on the wall." He formed the Philistine Group to steal art from galleries citywide. "I don't want to take all the credit, because a lot of people put their creativity into it."

Washington, D.C.

Advance in solar legislation, reported with admiration in the *Pittsburgh Post-Gazette*:

Lawmakers crafting energy legislation approved an amendment to extend daylight-saving time by two months, having it start on the last Sunday in March and end on the last Sunday in November.

"The more daylight we have, the less electricity we use," said Rep. Ed Markey (D-Mass.), a cosponsor of the measure.

Markey also claims the change could result in less crime, fewer traffic fatalities, increased economic activity, more recreation time, and fewer struggles for those with seasonal affective disorder.

Wilsonville, Ore.

Progressive schooling in Ecotopia, from *The Oregonian*:

The West Linn-Wilsonville School District has paid Sally Miller $10,000 not to file a lawsuit against a school employee who cut her autistic 8-year-old's hair without permission.

"It was a step above a military buzz cut," Miller said. "If they had given a decent haircut, I probably would have been more grateful."

Seattle

A bump on the road map to peace, from the *King County Journal*:

The parents of Rachel Corrie, a 23-year-old Evergreen College student activist killed while trying to prevent the demolition of a Palestinian home, have sued Caterpillar Inc., the maker of the bulldozer that ran her over. The Corries are pursuing separate claims in Israel against the Israeli Defense Ministry and the Israeli Defense Forces.

Israeli military officials could not immediately be reached for comment.

Switzerland

Advance in recreational technology across the pond, reported in *The Times* (U.K.):

Swiss authorities are planning to wrap mountain glaciers at the Andermatt ski resort with tinfoil this summer in an effort to prevent them from melting.

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

The *real* issues of Social Security reform

There is no longer any doubt that Social Security needs to be reformed. The nation's troubled retirement program will begin running a deficit in just 12 years. Overall, the program faces unfunded liabilities of more than $12 trillion. But while the politicians in Washington debate whether this represents a crisis or just a big problem, the Cato Institute believes it is an opportunity to build a new and better retirement program for all Americans.

Ownership

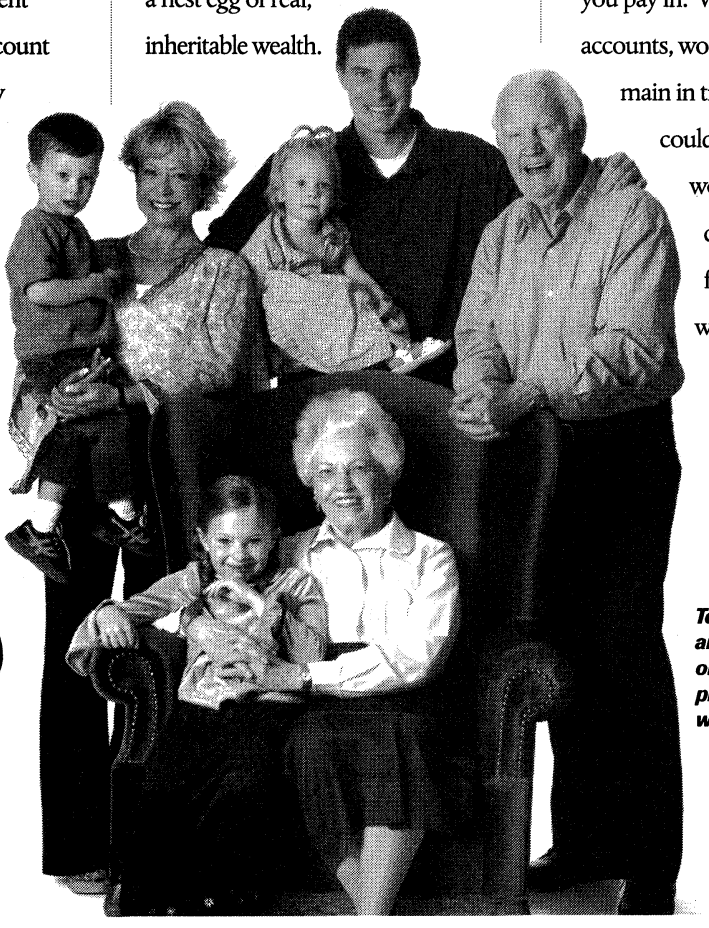
Under the current Social Security system you have no legal, contractual, or property rights to your benefits. What you receive from Social Security is entirely up to the 535 members of Congress. But personal retirement accounts would give you ownership and control over your retirement funds. The money in your account would belong to you—money the politicians could never take away.

Inheritability

Because you don't own your Social Security benefits under the current system, they are not inheritable. Millions of workers are not able to pass anything on to their loved ones. But personal retirement accounts would change that by enabling you to build a nest egg of real, inheritable wealth.

Choice

Choice is part of the essence of America. Yet when it comes to retirement, Congress forces all Americans into a one-size-fits-all, cookie-cutter retirement program, a system that cannot pay the benefits it has promised and under which you have no right to the money you pay in. With personal retirement accounts, workers who wanted to remain in traditional Social Security could do so. But younger workers who wanted a choice to save and invest for their future retirement would have that option.



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