

Liberty

June 2002

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by Sarah McCarthy

Hayek and Psychiatry

by Thomas S. Szasz

The Lives of H.L. Mencken

by R. W. Bradford

The Myth of "Deadbeat Dads"

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Why Airlines Are Too Safe from Terrorists

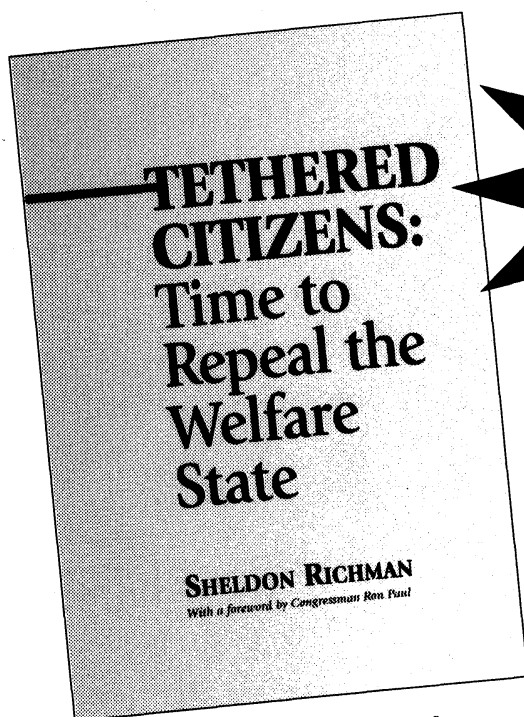
by William Merritt

Also: A Colorado sheriff guns for the anti-drug laws; *Stephen Cox* joins FDR in his quest for the Holy Grail; *Barry Loberfeld* takes a close look at the "genius" behind the genius grants . . . plus other articles, reviews & humor.



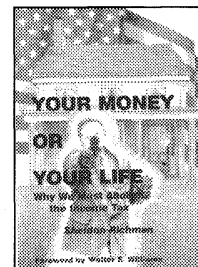
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Letters

Sue for Accountability

In the Reflections section ("But you can be too crazy," April) Ralph Reiland says, "Measured in lost jobs and higher prices, we're each being hit, on average, with a hidden tax of \$616 annually to support the cost of litigation . . ."

The problem with Reiland's argument is that it would cost even more if we didn't litigate. A system that treats surgeons who remove the wrong kidney differently from those who remove the right one is preferable to one that does not.

The simplest way to differentially reward participants is the possibility of a lawsuit. You can quibble about whether the product liability and medical malpractice systems in the country are optimal — and I think I could improve upon both — but we need either the real possibility of lawsuits or some less-effective substitute.

Thomas Crancer
Denver, Colo.

Statist Culture

"Go Forth and Multiply?" (March), Bruce Ramsey's review of Patrick J. Buchanan's *The Death of the West*, overlooks an important question: What is the damn government doing in the culture business in the first place? The bottom line is that Buchanan is a *statist*! He wants to be president so he can involve government into such areas as: religion, family size, personal values, and language.

Fred Bluestone
Pembroke Pines, Fla.

Mental Illness Is No Myth

My mental illness became acute in January of 1981, and I can state categorically that Thomas Szasz is wrong when he states that "mental illness is a fiction, a metaphor, a myth — on a par with fictions such as witch, unicorn, mermaid, sphinx, ghost, or *horribule dictu*, God" ("Rothbard on Szasz," March).

I was in Easton, Penn. six credits shy of a political science degree at Lafayette College. One morning in mid-January,

while waiting for the spring semester to begin, I just woke up a madman. I was out of my mind and believed that Solidarity (remember Poland at about that time?) had come out in Pennsylvania and that the state government had fallen. I feverishly grabbed my address book and for an entire day called every name in it to relay the news. My paranoia was such that I would only speak to people in code, at first, until I was satisfied that they were trustworthy. When I called my mother, brother, and sister in Connecticut, I scared them half to death.

I came to believe one of my housemates was the devil. To ward him off, I broke glass and scattered it in the hallway in front of my bedroom door. Finally, my brother and sister came to Easton, packed me up and took me to my mother's house in Newtown, Conn. After a week or so of bizarre behavior, I was finally "kidnapped" by the police and taken to Fairfield Hills State Mental Hospital where I was diagnosed a severe manic depressive. Manic depression is a chemical imbalance in the brain, and the somatic remedy is lithium carbonate.

After a couple of weeks on lithium my psychosis cleared up and following a third week of observation I was released. I had never before smoked cigarettes, but the experience left me with a three-pack-a-day habit. I had previously been an occasional consumer of marijuana and alcohol, but I developed a hunger for both.

I have since survived a dozen relapses and involuntary commitments. Something about regular alcohol and marijuana use dilutes the restorative effect of the lithium and causes my mind to break down again. The last time this occurred was three and a half years ago when I was so wired that I went four days without sleep. During that time, my wife tells me, I was constantly babbling in secret code to the television. (By changing channels, I could get the most up-to-date information on the status of the underground and the counterrevolu-

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tion. When a number appeared on the screen, I would switch to that station. The weather map was really rough!)

I couldn't remember any of this when I awoke from a 26-hour sleep. I scared the hell out of my wife of five years, I scared myself because I had no memory of what I had done for four days, and my doctor was alarmed but entrusted me to my wife's care rather than an institution. I quit smoking marijuana and adopted a parsimonious approach to alcohol (which I concede I can't always maintain).

My doctor prescribed an anti-psychotic medication known as haloperidol (Haldol). It seems to be working in combination with the lithium and my new regimen.

I could fill the pages of *Liberty* with examples of my 20 years of periodic psychotic behavior, but I think I have said enough. Dr. Szasz is to be commended for his courageous attempts to stop involuntary commitment when no crime has been committed. He is correct that people should still be held responsible (or at least accountable) for their actions whether or not they are deemed sane, but his central thesis that mental illness is a myth is just plain nonsense.

Had I been born in 1854 instead of 1954, I would have spent almost all of my adult life as a hopeless psychotic in a state home for the insane. Thanks to the lithium that Szasz derides, my life today is incomparably better. I wish Dr. Szasz would try to discover concrete alternatives to involuntary commitment rather than propagating a scientifically false thesis.

Courtenay Hough
Stamford, Conn.

What Cash Is

R.W. Bradford seems to worry about RFID tags on money ("The Death of Cash," April). I, too, saw the article in *EE Times* and found it to be, like so many articles in that publication, more an attempt by the technology's promoters to tantalize potential investors with a billion-dollar market than a true discussion of the technology's merits.

The privacy of cash comes from the fact that, to authenticate a note, I look at the note. Its appearance and tactile feel distinguish it as genuine. Other forms of payment require some central authority, a bank or credit card company, to authenticate and record the transaction. This record of the transaction provides a trail of evidence which can be used to

rectify cases of fraud.

The truth is, the plain old 18th-century technology of marking serial numbers on currency is every bit as effective at enabling tracking as an RFID tag. And serial numbers are not easily obscured without noticeably defacing the bill, unlike RFIDs, which can be defeated by wrapping the bills in metallic foil, removing the chip with tweezers, or just sticking the notes in a microwave oven for a few seconds. In public places the RF signal can be jammed or spoofed to present bogus data. RFID tags require a strong RF field from the reading equipment for their power, so attempts to read the tag can be detected from far away.

If governments are to track cash around wherever it goes, RFID is neither necessary nor sufficient. To track the notes, equipment that reads and reports the location of cash (by their serial number, bar code, or RFID) must be installed wherever cash is used: the grocery store, the gas station, and, for that matter, the friendly neighborhood crack house. On private property. In foreign territory if, like U.S. money, many of the notes are used abroad. The article makes it sound like this is a minor step that can be approached incrementally. It is not minor step. It might be approached incrementally, but the introduction of RFID doesn't make it much easier.

Michael Radanovich
Rochester, N.Y.

Bradford responds: Serial numbers are not nearly as effective at tracking currency as are RFIDs, in that there is no plausible way of automating the reading and recording of serial numbers in ordinary trade. RFID-tagged currency would not need a particularly strong signal, since the EU's proposals calls for detectors to be built into cash registers and cash handling devices, and thus would be very close to the tags. Mr. Radanovich is correct in observing that detectors would have to be installed in nearly all locations where cash is used, but that is exactly what the EU's proposal specifies. And, of course, there are many potential problems that the developers may not be able to solve. All this I detailed in my report.

His claim that serial numbers on currency date back to the 18th century and that the "appearance and tactile feel" that "distinguish it as genuine" make it anonymous are simply false. Anti-counterfeiting devices have virtually nothing to do with facilitating safe anon-

ymous exchange, as witness the fact that one cannot anonymously trade a registered security with similar anti-counterfeiting devices. And, at least in the case of U.S. currency, paper money with defaced serial numbers is still legal tender.

Lincoln's Legacy

How difficult it seems for some to visualize anything besides the here and now. Before Richard Fuerle (Letters, May) opined that Abraham Lincoln should have let the South go, he should have thought about all that would have meant.

The Civil War really was about slavery. Dividing the country was only a Southern ploy to dodge the issue. Confederate success would have been a disaster for all concerned. Don't blame the excesses of today's power-hungry politicians on Abraham Lincoln. While his politics stimulated the growth of federal power, they also destroyed an aristocracy.

The men who fought that war would have been dead by now anyway. In their lives they ended slavery in this country and demonstrated that the most dangerous creature God has yet seen fit to set loose on this earth is an adequately frightened free man. That's not a bad legacy.

Bob Jahn
Greenfield, Ind.

Do I Make Myself Clear?

In a Reflection (April), Alan Bock discusses the "intent of the First Amendment." The Amendment reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances."

That would seem to say: Congress shall make no law respecting an estab-

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lishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances. But it means: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.

James Harrold Sr.
Springdale, Ark.

Give Islam a Break

In "Can Islam Change?" (May), Frank Fox seems to revel in the denigration of Islam. Honesty should have prompted him, perhaps, to specify "Islam in one specific form." It appears that his insularity caused him to refer to certain Arabs' attitudes as "anti-Semitic." Does he need to be reminded that Arabs are at least as "Semitic" as are Israelis? He makes several perceptive points, but I wish there were less invective in his article.

J. David Tholl
Wellesley, Mass.

Mirror, Mirror on the Wall

In his May 2002 article, "Libertarians, Conservatives, and the Religious Right," Joseph Bast wrote, "Evangelicals and libertarians are natural, if unlikely, allies."

Actually, evangelicals are the mirror image of libertarians. They are conservatives on social issues, and leftists on economic issues.

The average person who identifies with the religious right is a lower middle income person. Consequently, he or she benefits from Social Security, Medicare, unemployment compensation, and minimum wage laws. Moreover, he or she knows it. During the Reagan recession of 1982, when unemployment reached levels unmatched since the 1930s, Jerry Falwell admitted that he had no political authority over his parishioners when they were afraid of losing their jobs.

The political goals of the religious right include prohibiting abortion and pornography, enacting blue laws, and authorizing prayer and Bible reading in public schools. These cannot be achieved voluntarily. They require the backing of a government that is willing to initiate the use of force.

A more natural ally for the religious

right is the labor movement. William Jennings Bryan created such an alliance during his unfortunately unsuccessful effort to be elected president as the Democratic candidate during the presidential campaign of 1896. Evangelicals were a part of the New Deal coalition during the 1930s. They usually voted Democrat until the Democratic Party adopted libertarian social values during the late sixties.

John Engelman
Walnut Creek, Calif.

Left, Right, and In-Between

Thanks for publishing Joe Bast's "Libertarians, Conservatives, and the Religious Right."

Although my experience is sparse compared to Bast's, his analysis confirms my observations. We have a multitude of potential allies out there. Allowing others to appreciate and accept our views in those areas of agreement without emphasizing the areas where we don't see eye to eye actually opens up avenues previously closed.

And, by the way, if we have a "religious right" there must be a "religious left." Why are they never mentioned in the mainstream media?

Richard O. Rowland
Aiea, Hawaii

Denying What?

In "Holocaust Denial on the Left" (May), Barry Loberfeld makes no mention of the unfairness of labeling as "Holocaust deniers" those who don't deny that the holocaust happened but who question Jewish claims of exactly what happened.

Robert M. LaFrana
Wyoming, Mich.

Lipstadt's Evil

The long paragraph of Deborah Lipstadt's that Barry Loberfeld quotes to discredit her thinking and which he calls a "rhetorical marvel" is actually well written and rather sound. Lipstadt notes that Hitler and Stalin had different reasons for committing their acts of mass murder. This is no doubt true. The evil in Lipstadt's argument is not that she has pointed out this difference; it is in thinking it makes any difference. Motives become absolutely unimportant when you are talking about large numbers like that, when you talk about mass murder on that scale. The only thing that is important morally is the act itself, not the reasons for the act, and if you are attempting to ascribe levels of evil, the

numbers themselves are alone what is important; unless you are prepared to argue that one group of victims is more worthy than another group.

This apparently Lipstadt is willing to do, for by admitting that Stalin probably killed more people than Hitler and still maintaining that Hitler's crimes were a greater evil than Stalin's, she is implying that one group is better than another group and more worthy to live. This is a racist argument. Because the Jews of Europe died for reasons of race doesn't make them more noble, or less noble, or more worthy to live, or less worthy of living than any other group, and to argue otherwise is to be in turn a racist. That is the evil in Lipstadt's arguments.

Jonathan Miller
Chevy Chase, Md.

Proud to Serve and Protect

As an Evangelical Christian, history teacher, libertarian, and National Guard officer, I loved the May issue. Gordon Tullock's critique of evolutionary theory was surprisingly good. Few atheists are willing to admit that faith in macro-evolution is just that, faith. Barry Loberfeld's detailing of Holocaust denial on the left contained many facts I told one of my classes last week. Joseph Bast's call for cooperation between libertarians, conservatives, and the religious right erred only in not recognizing those many of us who occupy multiple categories.

So far, so good, but I have to take issue with R.W. Bradford's characterization of National Guard soldiers as "weekend warriors." For the record, in the last twelve months I attended more than a dozen weekend drills (mostly three-day events) and four two-week training sessions. Fortunately, my teaching job (private school, of course) allows me to do that. Many of my fellow "weekend warriors" have been called up for months at a time since Sept. 11. I must point out that I am writing this in my capacity as a private citizen. I am not a Guard spokesman.

Perhaps Bradford did not mean it to be pejorative. The Founders were justifiably wary of large standing armies. As a libertarian, I like the idea of the National Guard. We stand ready for deployment with little lead time, and we answer to the smallest political entity reasonably capable of fielding and controlling a modern military machine: individual states. I have no idea how many members of *Liberty's* staff have ever worn the

uniform, but know this: Freedom is not free. If a man demands freedom but is not willing to pay its price, he is a parasite. "Weekend warriors" or not, our butts are on the line. R.W. Bradford, is yours?

Mitchell L. Goodrich
Norwich, Vt.

Bradford responds: You surmised correctly. I did not consider the term to be pejorative. When I was growing up, the term "weekend warrior" was used extensively in advertising recruiting men to the Guard, and it simply never occurred to me that the term has become offensive. It apparently hasn't occurred to a lot of other people too. I did a google search of the Web, and looked at the first five hits.

The first was the Air Force Reserve's recruiting site. Next was a newspaper column arguing that the term "weekend warrior" is obsolete. Third was the website of the commander of the Texas National Guard. Then came the personal website of a Guardsman who calls himself "the Weekend Warrior." The fifth was an article that used the term as a synonym for "National Guardsman."

So, if I am guilty of ignorantly using the term in a non-pejorative sense, so is the Air Force Reserve and three of the other four best matches in the Web that google can find.

If guardsmen standing near the security check-in at American airports "have their butts on the line," I would have to say that I do to: After all, as an unarmed passenger in the same place as the heavily armed Guardsman, I am presumably in greater danger.

Liberty's staff consists of three women and one man (me). None has worn the military uniform of their country. Presumably, as one who does not demand freedom, but is willing to pay its price, I am not necessarily a parasite.

Three Cheer Minimum

I was much taken aback to read Alan Bock state: "I am tempted to give two cheers for the notion that human rights are more important than state sovereignty" ("The Folly of Nation Building," May). Any genuine defender of human liberty would wholeheartedly support such a view, not merely be "tempted" to do so. Surely, violence is defensible when it is done to defend human rights. Those who live under oppressive governments have the right to seek help defending their rights, and therefore other states have the right (but

not the obligation) to offer such help.

True, bombing campaigns kill innocents, but their real murderers are their own governments. We may be forced to kill innocent people when defending our rights. After all, the soldiers sent against us are often conscripts forced to fight against us. In these cases, the real murderers are the states that forced them to attack us. The same thinking applies to innocents who are forced to act as shields.

Paul Osborne
Neptune N.J.

Evolution and Faith

I suspect that there are problems with Mr. Tullock's understanding of evolution ("The Trouble With Darwin," May), but not being a biologist myself, I will leave that to others. What I would like to address here is his use of the word "faith."

Tullock writes:

The professional biologists normally desire that people on the other side, mainly but not entirely believers in the book of Genesis, be prevented from teaching their doctrine even in the form of a debate. . . . The account in Genesis is easy to poke fun at, but the account of modern biology depends to a considerable extent on faith also. The gaps in the evolutionary record are real and sizable. To feel that they will eventually be solved, as I do, is a matter of faith, not science.

Those who believe in a literal interpretation of the Bible deny proven facts (the age of the planet, the extinction of animals, and changes in animals). Believers in evolutionary theory may have gaps in their understanding, but they are not denying that which has been proven. The difference in reasoning between these two points is so enormous that there is good reason why scientists do not want to see any version of "creationism" taught as science, and often do not want to engage in debate. In effect, creationists believe that the accused is guilty no matter how much evidence exonerates him; evolutionary scientists have enough evidence to prove innocent beyond a reasonable doubt, even if they are not sure who did it.

Which brings me back to faith. There is nothing wrong with it, and though it might not be "science" it is necessary to advance science. Every new idea must be staked on faith to some degree, but nothing should be allowed to cling to faith alone. I think Mr. Tullock under-

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stands this, but I do not think that all readers of his piece will come away with that understanding. I hope that Mr. Tullock will do something to correct this impression that all faiths are equal.

Kenneth James (Jamie) Pofert
Hopkins, Minn.

Help With "The Hobbyist"

I'm pleased to see a reference to Eric Frank Russell's classic science fiction novelette "The Hobbyist" in Gordon Tullock's "The Trouble with Darwin" — But I'm surprised that neither he nor his assistant could find the story: "The Hobbyist" appeared in *Astounding Science Fiction*, September 1947; was reprinted in *The Astounding Science Fiction Anthology*, ed. John W. Campbell, 1952; and was included in the big collection *Major Ingredients*, by Eric Frank Russell, 2000.

Robert W. Franson
San Diego, Calif.

The Logic of Evolution

Evolution is one of many processes known as "blind variation and selective retention." Like finding what works on your computer by pushing one button after another and remembering the one that does the trick, evolution works by subjecting heritably different individuals to an environment and propagating those that do best. Evolution is true almost as a matter of logic: (1) individuals differ in heritable ways, (2) if those differences make some individuals more likely to have more and better offspring than others, then (3) the population will change by increasing the numbers of those individuals having the favored differences.

It is obvious that individuals have heritable differences. Some genes have 40 or more different alleles (variations in the A, T, C, and G base sequences in their DNA). Most variations have no effect. But when the environment changes, some alleles can be more beneficial or harmful than others, and the species changes.

Nor is it difficult for new alleles to arise. During mitosis, meiosis, and other processes in a cell, the A, T, C, and G base sequences can be altered, sometimes drastically, and new alleles are made.

There are two reasons for gaps in the fossil record: (1) no matter how many fossils are found, people like Mr. Tullock will always pick two and say there are no intermediates, and (2) fossilization is

hit and miss because it requires death to occur in a preserving environment, where few organisms die.

We can conclude that Paley's watch had a designer because we neither know nor can conceive of any natural process that could make a watch. But life can be made by a natural process — evolution.

By the way, evolution has its "watches" too. In fish, the recurrent laryngeal nerve goes in a direct route from the brain through a tube near the heart, then to the larynx. In the giraffe, this nerve goes all the way down the neck from the brain to the heart, then all the way back up the neck to the larynx, an additional ten to 15 unnecessary feet. What theory, other than evolution, can hope to explain that?

Richard D. Fuerle
Grand Island, N.Y.

The Genetic Family Tree

Tullock's critique of Darwin's work is missing most of the current analytic framework — namely genetic. The fossil record is notoriously poor, lacking as it does (for example) nearly the entire record of soft-bodied creatures that preceded by perhaps a billion or more years the familiar skeletons of recent fossils. The development of eyes, for example, had already taken place by the time we saw recent (e.g. hundreds of millions of years ago to the present) fossils. Until the development of molecular biology, the best that could be done was based on the 19th-century technology of digging up fossils, assembling them, and then trying to guess at their relationship. What is really remarkable is how close the fossil-derived family trees resemble the modern molecular biology family trees.

A great deal of the human genome is shared with the extant versions of other organisms. For example, we share about 85% of the mouse genome and even around 60% of the yeast genome. We share about 50% of the genome of bacteria and, in fact, a great deal of work has now shown that genes involved in aging and in life extension are shared by humans with mice, bacteria, yeast, and fruit flies, greatly accelerating progress in aging research by making it possible to work with these animal models. These genomic comparisons show us that much is evolutionarily conserved. Even plants share many genes in common with animals, including humans.

Attempting to relate organisms on the basis of fossils is extremely difficult. Proof of this is the ongoing debates that

frequently erupt in scientific journals over the interpretation of some fossil or other. (One notorious example that was widely reported is the fierce disagreement, still unresolved, over whether structural aspects of a Martian rock that reached Earth represent a once-living creature.) Molecular biology can, through analysis of genes and of the proteins whose manufacture and function they regulate, provide family trees of extant organisms. For example, many of the genes that control learning and memory in fruit flies are shared with humans and, hence, the relationship of humans to fruit flies is much closer than one might have expected. You can develop a family tree by looking at the DNA that specifies an enzyme that is used by everything from bacteria to human beings. If you look at the DNA for a different enzyme that is also shared by all these organisms, you end up with the same family tree. This is powerful evidence for the validity of this technique.

Punctuated equilibrium, a recent addition to Darwin's theory by Stephen Jay Gould that is mentioned in Tullock's article, is an attempt to explain the fact that evolution, as seen in the available fossil record, does not occur at a constant rate. Punctuated equilibrium is not a critique of Darwin or of the theory of evolution, but part of a search for mechanisms that drive evolution.

The evolutionary answer to how complex eyes developed is that they evolved over time (and billions of years is a *very, very* long time) from simpler eyes. Even today, some light-sensitive one-celled organisms are able to move toward or away from light by the simple expedient of containing light-sensitive chemicals. How does the one-celled creature "know" that it contains light-sensitive chemicals and when those chemicals are activated? It "knows" because light-sensitive chemicals undergo certain chemical reactions in response to light, chemical reactions that are of a type widely recognized by other chemical constituents within living cells.

Darwin's theory of evolution never attempted to explain how non-living materials could have become a living organism. We now have a great deal of information on how, under a variety of natural conditions, necessary chemical antecedents of life (such as amino acids and nucleic acid) might have formed on Earth or formed elsewhere and ended up on Earth. The fact that the theory of evolution

continued on page 51

Reflections

Power to the people — According to Greenpeace's *Action Alert*, two of its activists dumped coal inside the Edison building in Irvine, Calif. to protest the building of a coal-fired power plant in Indonesia. To them, this is justice, since if Edison executives like coal, they shouldn't mind some of it in their offices. I think the biotech industry should return the favor, as Greenpeace is standing in the way of genetic modifications that could reduce the need for fertilizers in agriculture. Since Greenpeace is so fond of organic fertilizer, they shouldn't mind having a load of it dumped at their headquarters.

— Tim Slagle

Boxer shorts out again — There are many things to be embarrassed about living in California. Some of them, like "Indigenous Peoples Day" on the list of Berkeley parking meter holidays, make you laugh. Others, like Barbara Boxer, make you cringe. She's one of those politicians I want to get rid of so badly I can never remember the name of the person I voted for — I only remember voting against her, again and again. I'll never forget her calling for a 50% cut in the defense budget while opposing military base closures in California. (To be fair, Boxer may not have understood the connection between the two.)

Our good senator's latest effort to save at least part of humanity is a series of letters to U.N. Secretary-General Kofi Annan and other world leaders, asking them to speak out against the use of women as Palestinian suicide bombers. Since we heard nothing from Boxer on this subject during the erstwhile all-male bombing era, one can only conclude that it doesn't matter as much if men blow themselves up. This latest bit of feminist foolery is reminiscent of Boxer's failed attempt earlier in her career to enact harsher penalties solely for crimes committed against women.

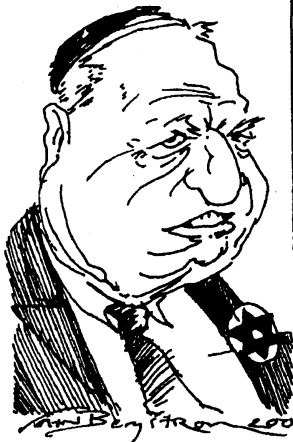
Of course, Boxer and her pals are always pushing for direct combat roles for women in the U.S. military, where many a man has heroically thrown himself on a live grenade or called down artillery fire on his own position. But this is the land of feminist schizophrenia: We thrust women into the deadliest male roles as a matter of principle, then invoke

their "special" status like a random act of kindness whenever the spirit moves us. Boxer's plea echoes the underlying feminist message from the Andrea Yates case: Women are tough and independent, unless they do something really nasty and wrong — in which case they must be the prey of some male influence. In Boxer's view, the female bombers are being manipulated by fundamentalist Islamic clerics to kill, making them helpless victims once again.

Says Babs: "I am trying to wake people up to what it means when women start blowing themselves up. It's a tragic development that has not gotten enough outrage around the world." Or maybe people are just more concerned about an act of terrorism than about the sex of the terrorist. Who knows, maybe that's progress for feminism.

— Michael Drew

I HAVE A CARROT AND
STICK APPROACH TO
ARAFAT.



HERE I BEAT HIM
WITH THE STICK.



HERE I STAB HIM
WITH THE CARROT.



Intuit this! —

If you've ever had the delightful opportunity of debating politics with a left-wing feminist, you will find yourself constantly running into the philosophical dead ends of, "That's not how I feel," or "I think you're wrong." For anyone accustomed to using facts and logic to support his view, this is more than a little frustrating. Even more annoying is the fact that, in a democratic

society, it doesn't matter whether one's opinions are based on reality or on thin air, because either way you get one vote. While I won't challenge the wisdom of the Seventeenth Amendment here, I do blame this feminist chauvinism on an older stereotype that has its roots deep within the Patriarchy: the myth of women's intuition. For millennia, and perhaps beyond, women have been told that their "feelings" have a preternatural ability to judge situations correctly, in spite of overwhelming evidence to the contrary.

— Tim Slagle

The vanity Web — The worst part of the Internet is not the hate sites or the sappy family sites, but those sites maintained by the bloggers. This is a collection of pompous wannabe pundits, all across the political spectrum, who believe the world cannot sleep until it knows what they think of every possible public issue — and the precise time

that they recorded their thoughts. Oy! Are we to be spared nothing?
— Sheldon Richman

Nuke the puppies — The president hasn't had much luck selling Americans on the idea that we should nuke North Korea. I think this is mostly because of poor salesmanship. If he renamed his proposal "The Puppy Protection Act of 2002," he would have more success. And it wouldn't be too far out of line — eliminating North Korea from the face of the earth *would* save a lot of canines from horrible deaths in kitchens across that country. And very few politicians would oppose it. What candidate could survive being called a "puppy hater."
— Tim Slagle

Paint their swastika green — Whenever a group of enviro-lefties get together a lot of clumsy comparisons get thrown around about Republicans, free-marketeers, businessmen, and their resemblance to Nazis. Which is odd because those groups are almost all Christian or Jewish, don't advocate street violence or eugenics, don't tend to subjugate individuals to abstractions like racial purity, and are in no other way like Nazis.

But, when you look at the political wing of the environmental movement, you see a number of ominous parallels:

The Green Party is led by a bunch of pagan, vegetarian dropouts. So were the Nazis. Hitler was a artist and a vegetarian. The leader of the SS, Heinrich Himmler (another soy-sucker), wanted his Black Corps to be the vanguard of a pre-Christian, back-to-the-land movement. The rituals and symbols he devised to replace Christian services looked like a performance of Wagner's Ring Cycle with really bad art direction.

The Green Party claims to stand for workers' rights. "Nazi" is short for "National Socialist German Workers' Party."

Greens sometimes wear animal costumes to political functions. The Nazis went to their rallies in drag as well.

The Greens stand up for farmers and peasants, foreign and domestic. The Nazis were wonderfully agrarian, even advocating organized farming. They just wanted the farms to be in Ukraine, tended by the *untermenschen*.

The Greens advocate "decentralization." The Nazis practiced decentralization by giving their colonial governments life-and-death power over the organic farmers in their juris-

diction.

The Greens wage a war of sabotage for the oppressed peasants of the world. The Nazis waged a war for the oppressed Aryans of Central Europe.

Greens smash shop windows to protest world capitalism. One word: *Kristallnacht*.

The Greens hate guns, especially privately owned guns. The Nazis inflicted on the world groundbreaking "gun-control" laws, which they tested by confiscating the arms of German Jews.

The Greens are big tree planters. So were the Nazis. Seven years ago, an aerial survey of the former East Germany revealed a stand of larch in a forest of pine, forming a huge bright green swastika for a few weeks in spring and a flaming yellow one in the fall.

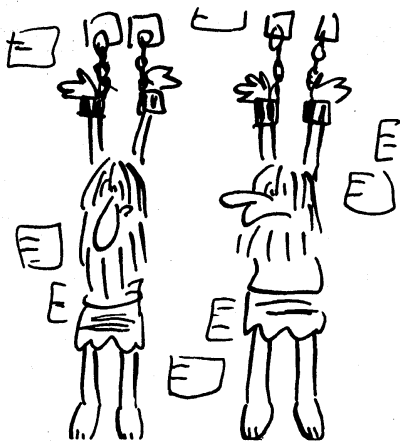
The Greens want investment in alternative energy. The Nazis pioneered not only synthetic oil from coal but invested a ton of reichsmarks in an alternative energy system exploiting a then-useless substance called uranium.

And, of course, there is the whole fetish for Volkswagen Minibuses.
— Brien Bartels

Crisis, crisis, everywhere — At a conference this week in Madrid, U.N. Secretary General Kofi Annan called for a U.N. conference on the "graying" of the world population. By 2050, the U.N. projects, people over 60 will outnumber those under 15 for the first time ever, and that's a "challenge" meriting U.N. attention. Wasn't it just a few years ago that a U.N. conference in Cairo bemoaned the explosive population of young people and demanded free — or maybe mandatory — condoms for everyone? Maybe any demographic trend is a crisis to the U.N. if seeing it as such provides a pretext to increase its power.
— Alan Bock

Notes from a first trip to China — Free enterprise has finally won in China, and without the need for Western troops. The government came to recognize that an economy commanded by the state simply doesn't work here. Once entrepreneurial energies were released, Chinese at home began to develop the skills already exhibited by Chinese living overseas. What I discovered during my recent ten-day, ground-bound trip from Beijing to Shanghai was the pervasiveness of entrepreneurs. On the bottom floors of apartment buildings were stores of different sizes selling a variety of things, often in close proximity to other stores selling roughly identical items. Around our hotel, in the outskirts of Shanghai, were several restaurants, a few product stores, and two beauty parlors. On the streets are peddlers. In the countryside, I saw individual farmers working lands. The principal activity everywhere appeared to be construction and more construction.

The central difference between the two major cities is that Beijing is only partially renovated. Adjacent to a new building is often a wreck or a shell on the verge of demolition. In Shanghai proper, the wrecks are gone. In their place are sleek skyscrapers comparable to those found in the Western world, most of them reflecting some degree of private investment. The area on the other side of the river, the Pudong, mostly modest farms 15 years ago, is now filled with spectacular new buildings. The harbor between them is filled with boats of all sizes, most of them commercial, with dockers



"I could have sworn I had the exact change!"

working well into the night. Given how much Shanghai has developed in only the past dozen years, I'm dizzied by any vision of what it might become a dozen years from now.

Recalling the adulation accorded Mao Tse-tung some decades ago, I hadn't realized until my visit what a bungler he actually was — not a malevolent dictator, like Hitler or Stalin, but an authoritarian jerk whose ideas were, as the Chinese today so charitably say, "70% right and 30% wrong." For instance, thinking that China should develop a steel production from the ground up, he commanded peasants to build backyard blast furnaces. Lacking iron ore, they melted down farm tools, pots, pans, and even doorknobs to meet quotas, leaving them unable to farm their lands properly, eventually causing a needless famine.

What I did see in China was an abundance of small trees, indicating an earlier failure by the state to plant the best palliatives to the bad air that continues to plague the country. All too often, I had the experience of looking up at a sky devoid of clouds, ruined by a gray haze. I heard that the sponsors of the 2008 Beijing Olympics have promised to plant trees west to the Mongolia desert, which is the source of the sandy winds that attack the capital every March. Jinan, an industrial city between the biggest cities, is particularly odorous and odious.

Lazy this culture is not. Retirees gather in public spaces soon after dawn to do slow-motion exercises together, socializing between moves — a practice no doubt superior to hanging out at a tavern or sitting alone before a television set.

Traveling by train between Beijing and Shanghai, I saw much empty land, hardscrabble though it looked, that made me wonder about the myth of Chinese overpopulation and then about the wisdom of the current state policy of penalizing people severely for having more than one child. On the other hand, the government does not let surplus populations emigrate. Our principal guide, an attractive young single woman, told us that her own government refused her permission to visit the United States, on the grounds, she said, that she wouldn't return home.

If Western capitalism could defeat communism without a major war, can it do as well with its current principal antagonist — fundamentalist and dictatorial Islam? I don't know. On one hand, I think that Islamic culture is so backward that it remains impenetrable by modernism. That accounts for why the radical movements staffed by the young are not modernist but antagonist. On the other hand, I can recall that communism some 50 years ago similarly looked intractably regressive.

— Richard Kostelanetz

Dowdy in pink — In her *New York Times* column April 9, Maureen Dowd joins Pat "Death of the West" Buchanan in lamenting the birth dearth among successful Americans. But where Pat blames feminism and other ideological culprits, Mo blames men. Fragile and insecure, the modern male flees from career-minded alpha females. "Men," she notes, "apparently learn early to protect their eggshell egos from high-achieving women."

She has at least half a point; but first, let's talk about where she's wrong.

For one thing, it's not so much that men are intimidated

by high-status, career-minded women as it is that men could not care less about how successful a woman is. In seeking a mate, women are drawn to men with power and status; men, to women with beauty and charm. That's a generalization, sure. Generalizations are generally true — that's why we make them. Thousands of generations of human evolution have hard-wired these differences into our brains.

When Henry Kissinger said, "power is the greatest aphrodisiac," he meant that it had that effect on women. Henry the K is said to have been a very successful womanizer in his day. In contrast, all the power in the world isn't going to make Madeleine Albright look any better in a pair of leather pants.

It's not just a matter of brains: Successful high-status men of limited intellectual gifts have no trouble getting girls. If Kid Rock were behind a deli counter smearing mustard on a sandwich, Pam Anderson wouldn't look at him twice. Put

It's not so much that men are intimidated by high-status, career-minded women as it is that men could not care less about how successful a woman is.

Pam behind the counter, though, and suddenly every job in the neighborhood is buying lunch there. Some of the ugliest men in show business — Steven Tyler, Jimmy Page, Mick Jagger — had groupies lining up by the dozens while the willing and lonely Janis Joplin often drank herself to a solitary sleep.

It's a cruel world, and both sexes are pretty shallow as far as what we're attracted to. But we're shallow in different ways.

And Maureen is wrong to suggest, via an unnamed male friend, that "if there's one thing men fear, it's a woman who uses her critical faculties," and "men prefer women who seem malleable and overawed." "Malleable and overawed": how exciting. If so, she'd better be pretty damned attractive, because the woman Maureen is describing doesn't sound

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like she could hold up her end of the conversation past the appetizer.

But Maureen is correct to suggest that men may be avoiding career-minded women. The statistics she cites make her case: 55% of 35-year-old career women are childless. Between a third and half of 40-year-old professional women are childless. The number of childless women age 40 to 44 has doubled in the past 20 years.

I have a theory about why this may be so: Women who focus maniacally on their careers are insufferably annoying. Consider the following case, described in Dec. 2000's *Washington Lawyer* magazine. In an article about how big-firm lawyers find the time to exercise, we're introduced to one "Beverly Jones":

"As a junior partner in a growing law firm several years ago, Beverly Jones devised a legal strategy for rethinking her priorities and for retaining exercise as a regular habit. 'There always seemed to be a deadline or problem or issue that got in the way,' she recalls, 'until I decided to treat exercise like a client and to make a contract with myself stipulating the steps I was required to execute and the penalties for noncompliance.'"

Now I don't know Ms. Jones, and I probably shouldn't judge her. For all I know, she's happily married, and has several children with whom she schedules quality time, providing strict penalties for noncompliance. But if she isn't married, I'm not going to ask her out.

I'm not setting up a double standard here or making some troglodyte argument that a woman needs a career like a fish needs a bicycle. What goes for Ms. Jones would go for Mr. Jones as well. A person that has to work an entry for "fun" into his or her day planner is a person no one should want to spend his life with. And yet women seem far more willing to put up with this sort of bargain than men. Why? See discussion re: status and power, above.

I don't know how much of all this applies to Maureen Dowd. I don't know why she's fiftyish, single, and can't get a date. But I do know that reasoning from one's own hard luck to a general social theory about gender relations is fraught with peril. Most people who are unlucky in love cry in their beer and grumble to a friend on the next barstool — they don't do it on the *New York Times* Op-Ed page. — Gene Healy

Word watch — Neither bad speech nor bad writing ever gets that way because it is struggling to convey the simple truth. It always gets that way because it is doing something else. It is either dumbing things down or beefing things up. And I do mean beef.

One of the worst samples of beef currently available is the fad for "it turns out." Nowadays, no respectable scientist

or pseudo-scientist ever simply communicates his findings. Instead, he has to wrinkle his brow, look mysterious, lower his voice three octaves, and announce, as if he had solved the riddle of the sphinx, "It turns out . . . that the great majority of people who are struck by fully loaded tractor-trailers sustain major injuries." "It turns out . . . that spiders always have fewer than nine and more than seven legs." "It turns out . . . that the rain in Spain stays mainly in the plains."

There are, of course, other means of making a phony display of intensity. Here's one I'm sure you've noticed, at least subliminally. All producers of historical documentaries now coach the "experts" who appear on their programs to put everything they say in the present tense. Dr. Frintzlib may be a historian, but he's never, never, never allowed to discuss historical events as if they were, well, historical events. It's just so dull, thinking about old people galumphing around, way back there in the past. It's much more fun to live in the present, like MTV. Viewers should get the sense of everything happening *now*, right before their *eyes*! Thus: "It is 54 B.C., and Julius Caesar is fighting Cassivellaunus. Just two years later, it's 52 B.C., and he's back at war again, fighting Vercingetorix. But trouble is still brewing with Cneius Pompeius Magnus. Caesar doesn't know it, but in a few short years, both he and Cneius Pompeius Magnus turn up dead."

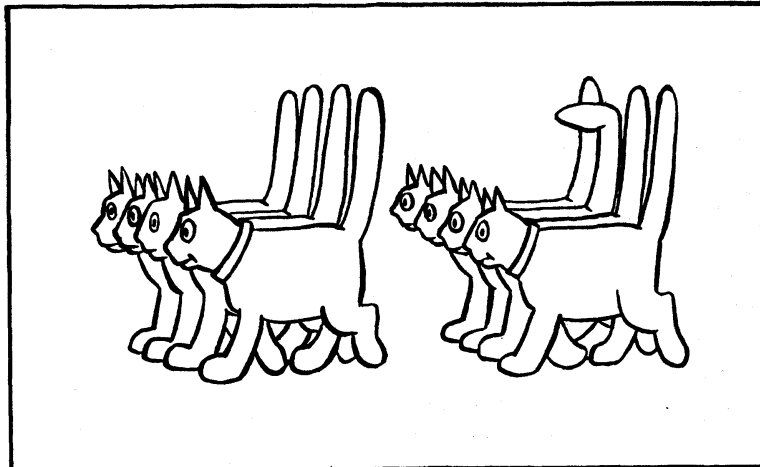
It turns out . . . that beefing up can be very similar to dumbing down.

I recently watched the Queen Mother's funeral, as covered by CNN, MSNBC, and Fox News. They gave it their best, and their best, as Ellsworth Toohey said, wasn't good enough. The assembled throngs of anchors, commentators, and ad-libbers of unknown occupation did a lot of exclaiming about history, pageantry, and ritual, but I heard not one explanation of any visible aspect of those three momentous things. There

were a lot of emphatic words, but nobody had any information to emphasize.

The funeral consisted of a church service. No one, as far as I could tell, tried to discuss or even to identify the parts of the church or its ritual. No one, as far as I heard, even hazarded a guess about the religious denomination that was staging the event. A very big deal was made of the fact that the queen chose the hymns for her own funeral, but no attempt was made to discover what her choice might conceivably indicate about her personality and view of life. "Guide me, O thou great redeemer, / Pilgrim through this barren land": interesting, is it not? Does that song indicate that the queen saw her life as, essentially, a pilgrimage, and the world around her as, essentially, a desert? No one

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paused to ask such obvious questions — and I believe that I know why.

My explanation is — not to put too fine a point on it — those people were all too *dumb* to understand the words.

When poor Christiane Amanpour, who is television's idea of an intellectual, tried to cite the source of the funeral oration's leading text, she revealed the fact that she was incapable of pronouncing the word "Ecclesiastes." It was safer, after that, for everybody just to stick with the phrase "Queen Mum."

— Stephen Cox

The hot air from the Bush administration

— Well, Bush didn't sign the Kyoto Global Warming protocol. It's too bad he couldn't leave well enough alone. While continuing to insist that the science of global warming remained uncertain at best, the Bush administration plainly felt that something had to be done.

That something is the administration's Cleaner Skies Initiative — a "voluntary" program to reduce carbon dioxide. Moreover, the administration sought to shift the debate from reducing CO₂ emissions to reducing CO₂ intensity. Burning fossil fuels means converting as much of the carbon in the fuel as possible into CO₂. Thus, emission caps require using less carbon-based fuels. In contrast, targets for CO₂ emissions require only that one use less fuel per unit of output — that is, that one becomes more energy efficient over time. An intensity target is stupid but somewhat less stupid than would have been a cap on carbon dioxide emissions.

Since firms pay for fuel, markets have become ever more efficient at using energy. The result is that energy intensity has been declining steadily since the Industrial Revolution. But still the intensity goal may make it harder for firms to modify their operations in response to changes in the marketplace. For example, during downturns in the economy, one might see energy intensity numbers going up. That could occur because a firm will still have to light and warm the plant, even if production levels drop. Also, if labor becomes more expensive, the firm might invest in more labor-saving technology. Again, that would tend to make the intensity score go up (labor-saving technologies are energy-using technologies).

But these distortion problems are small in comparison to the major problem created by the "voluntary" approach. A provision in the Clean Skies plan ensures that firms that "act early" (by reducing CO₂ emissions) will benefit if the government later acts to restrict CO₂ levels. That provision will likely encourage firms to assess their CO₂ emission levels

and calculate what they might gain if the "voluntary" standard became mandatory. Recall that Enron lobbied heavily for the administration to sign the Kyoto accord. They believed that under Kyoto energy would be rationed and they would manage the market for energy ration coupons. The Clean Skies plan is foolish, but by strengthening the forces seeking caps on energy use, the administration has created more problems for itself in the future. And the last thing this administration needs is more Enrons.

— Fred L. Smith

The decline and fall of the Roman umpire

— An aspiring actor in Italy who poses for tourists in a Roman gladiator costume was arrested and could face three years in jail. Why? For carrying an unlicensed sword. "No one in Italy can just walk around with arms like that," said an indignant police spokesman.

Italian crooks must feel pretty secure.

— Alan Bock

Taking stocks — Every time I read another cockamamie reason why the stock market is overvalued. I recall that in *Triumph of the Optimists*, Elroy Dimson, Paul Marsh, and Mike Staunton provide definitive figures with all biases removed for all major stock markets around the world for the last 100 years. They show real returns very close to six percent a year in almost all countries with a range of two and a half to eight percent. Anyone who thinks that selling short or avoiding stocks is a good idea after reading *Triumph of the Optimists* or other studies like those authored by Siegel or Engel has to be out of touch with reality.

That stock investing is a bad idea is one thing that libertarians and liberals seems to agree on. We know why the liberals believe this. It's because they want government to take a bigger share of people's assets and the decisions of how to spend them. Related to this is the tendency to keep all people small by making sure that most property is controlled by the government.

But why do libertarians distrust the stock market, when it has a long record of strong positive yields?

If I had to guess, I'd say it's because many libertarians are still part of the Howard Ruff school of economics, believing that collapse is imminent. They fail to recognize the dynamic nature of enterprise economies across the world, their ability to adjust, and the ability of the major property-owning groups to maintain a reasonably constant slice of the total pie. But I'm no psychologist.

Cautious bears like to bolster their harmful case by pointing to the fact that after stock market peaks — like those in 1929, 1906, or 1969 — it takes ten or 20 years to recover to the old highs. But this is also true of any set of random numbers similar to stock market changes. If you know that a peak has occurred, let's say that the market is higher than it's been in five subsequent years, then on average it will be five or 15 years before it is at that level again. A simulation with a random-number generator would quickly prove this.

— Victor Niederhoffer

Taxing for terror — Police in North Carolina say they have broken up a cigarette smuggling ring run by Arab-Americans who, police say, might have been using the profits to finance terrorist groups. Let's see, cigarette smuggling



"I had twelve beers last night and I felt great. Then I woke up this morning and I felt lousy. I gotta give up sleeping!"

only becomes lucrative when state governments impose unusually high taxes. So, high taxes cause terrorism? Or maybe high taxes are terrorism?

— Alan Bock

A way out — The war party among libertarians is engaging in some dubious argument. Writes pro-war blogger Brink Lindsey: “But let’s assume that the anti-war folks are right, and that interventionist foreign policy is indeed to blame for our present predicament. What does that matter now? What should or shouldn’t have happened in the past doesn’t change the present as it actually is. And in that real-world present, thousands of terrorists in dozens of countries are plotting right now to kill as many of us as possible . . .

“Once we face reality, we see that our options are essentially two. Either we try our best to stop these maniacs before they kill more of us, or else we leave ourselves at their mercy.”

Well, I am for stopping maniacs. But I am skeptical of the notion that a war on terror is necessary. As I write, it has been seven months since Sept. 11, 2001, and there have been no attacks by al Qaeda since. Of course, there may be some in the future. That brings me to my second bunker of skepticism, which is whether my government can protect me. The performance of Sept. 11 was not encouraging. Certainly the

Well, I am for stopping maniacs. But I am skeptical of the notion that a war on terror is necessary. It has been seven months since Sept. 11, 2001, and there have been no attacks by al Qaeda since.

Israeli government is not having a large success against teenagers strapped with bombs.

That is the insidiousness of it. Your country becomes the strongest in the world, able to crush any state, and you are then attacked by something that is *not a state*. Lindsey repeatedly refers to war as an activity of the state, in an effort to discredit libertarian anarchism. He doesn’t seem to have noticed that we are not fighting a state.

Lindsey says, go after them! Fine; let’s chase these miscreants around the wastelands, like Pershing pursued Pancho Villa across the deserts of northern Mexico. Maybe this time we will get our man. But also we have to think about defusing the reason for the attacks — and it was a *political* reason. Terrorists do not attack us simply because they are mentally ill. Osama bin Laden objected to our troops in Saudi Arabia, our embargo of Iran, and our support of Israel. Those reasons are political.

We may have two options: to continue to be the godfather and armorer for Israel, and continue in this “war,” and all of its bad side effects, or to back away from the conflict and attempt to shake free of it. Lindsey argues that if we back off, there is no reason we should expect to be left alone. The nutballs might still keep attacking us. Maybe, but I doubt it. Why would they? Why would they sacrifice their

lives attacking us if we were not standing in their way?

The key to an answer is that Israel and America have different interests. We keep thinking of their interests. If we would think of ours, we would see a way out.

— Bruce Ramsey

Making a difference, one person at a time — It recently occurred to me that anyone who believes that the world is overpopulated has the ability to reduce the world population by one. Imagine the wonderful effect if all the population alarmists jumped off a cliff at once, like lemmings diving into the sea. As each doomsayer plummeted nobly to his death there would be that much more food, wealth, and resources for the rest of world to share, and one fewer person ignorant enough to believe the world really works that way.

— Tim Slagle

Homeland Über Alles — With a few months under its belt, the very name of the new Office of Homeland Security kinda gives me a World-War-II-ish, almost warm and fuzzy nostalgic feeling.

“Office of Homeland Security” — how quaint. What troubles me is that I’m unsure whether it invokes vaguely 1940s Britain or 1940s Germany.

— Jim Switz

Party down — The biggest political news of 2001 — at least before Sept. 11 — was Vermont Sen. Jim Jeffords’ party switch.

The immediate impact of his decision is obvious. By leaving the Republican Party to declare himself an independent (while voting with the Democrats on organizational issues), Jeffords made the Democrats the majority party. Thus, Sen. Tom Daschle (D-S.D.) replaced Sen. Trent Lott (R-Miss.) as majority leader, and Democrats now chair the Senate committees. That has meant big changes in what gets to the floor of the Senate, especially in blocked judicial nominations.

Once bills hit the floor, however, conventional wisdom last spring was that the Jeffords switch wouldn’t matter much. It’s the same 100 senators voting on each bill or nomination, after all, so why would they vote differently now? A judicial nominee who could get all 50 Republicans plus one Democrat under the old rules ought to be able to get 49 Republicans, the independent Jeffords, and one Democrat now.

But the conventional wisdom may be wrong. It fails to account for the possibility that party switchers change their votes as well as their labels. If Jeffords were to vote more like a Democrat, then President Bush’s agenda would have a tougher time in the new Senate.

Evidence from two previous party switchers, largely ignored in the Jeffords media frenzy last spring, points to that possibility. The day after Republicans won control of the Senate in 1994, Sen. Richard Shelby (Ala.) switched to the Republican Party. He had been a relatively conservative Democrat and had engaged in high-profile conflicts with President Bill Clinton, so the switch wasn’t a shock. But observers might be surprised to look back at what happened to Shelby’s voting record. According to the American Conservative Union, for his first eight years in the Senate Shelby’s conservative voting percentage had ranged between 43 and 76. Even in 1994, as Shelby often found himself

opposing the Clinton administration, the ACU gave him only a 55. But from 1995 to 2000, his ACU rating only once dipped below 90, and he scored a perfectly conservative 100 in 2000 (even though Citizens Against Government Waste dubbed him the "King of Pork"). Meanwhile, the liberal Americans for Democratic Action had rated the Democratic Shelby 35% liberal in most years. As a Republican, however, ADA never found him more than ten percent liberal. Shelby's voting clearly changed when his party label did.

A few months after Shelby, Colorado Sen. Ben Nighthorse Campbell also switched from Democrat to Republican and underwent a similar ideological migration. The ACU rated him 12 and 25 in his first two years in the Senate, then 96 in the year of his switch. Since then his conservative score has ranged from 72 to 96. His ADA score, on the other hand, has dropped like stair steps — from 75 percent liberal in 1993 to 55 to an unusually low 30 the year he switched, then 45, 25, 25, 15, 5. According to Michael Barone in the *Almanac of American Politics*, Campbell switched his stands on partial-birth abortion, oil drilling in Alaska, and assault weapons.

So what about Jim Jeffords? Conservatives would say that he was already voting like a liberal Democrat, so he has nowhere to go. But that's not quite right. Since he entered the Senate in 1989, his average ACU rating has been 27 — not very conservative, but not Ted Kennedy country either. His ADA average is 58 — liberal for a Republican, but a long way from Vermont Democrat Pat Leahy. The ratings of ideological groups on a small number of "key votes" may be a crude way to measure a senator's voting habits; but if Jeffords' ratings moved 30 points in the direction of his new party, roughly what happened to Shelby and Campbell, then a lot of Senate votes might be affected.

And there is no reason to think that Jeffords won't face many of the same pressures that previous party switchers have faced. Surrounded by new colleagues, encouraged to fit in, pressured to help the party deliver on its promises, the new boy naturally finds himself going along with his new team. And, of course, he may simply be unburdened of the pressures of the former caucus that kept him from voting as he would have preferred. After all, didn't Jeffords quit because he felt he was being pushed around?

Additionally, when an elected official switches parties in Washington, he also switches constituencies back home. The

political challenge for a Democrat is to persuade some 60% of the voters, ranging from center to left, to support him. If he switches parties, he would retain some of that support. But rock-ribbed Democrats and liberals would no longer support him. His new goal would be to get some 60% of the voters ranging from center to right to back him. That would necessarily affect his decision on some votes.

Jim Jeffords will face similar pressures, in Washington and in Vermont — and he'll also be free of the pressures of the Republican caucus. There's every reason to expect his voting record to shift left.

So what's happened since March 2001? Jeffords' ACU rating didn't change much — it was 29 in 2001, compared to a lifetime rating of 27. But it's interesting to note that after his announcement, he voted the same way that Vermont Democrat Pat Leahy on all of ACU's key votes; his conservative votes were mostly on Bush nominees early in the year, and those are just the sort of votes that a party switch is most likely to affect. His liberal rating from ADA showed the same pattern; ADA rated him 40 in 2001, actually lower than his lifetime average, but he deviated from the liberal line only once after his switch. (There were fewer votes after that point, perhaps partly because of Democratic refusal to bring up Bush's nominees and proposals.)

A solid victory for either party in this fall's elections will reduce the impact of Jeffords. But for the rest of this year, and thereafter, look for Jim Jeffords to vote more solidly liberal than he did during his first 16 years in Congress.

— David Boaz

Worrying about Frankenstein's monster

— A specter is haunting Europe — called the "precautionary principle." As generally defined, the precautionary principle states that a product or technology can be banned even if there is no scientific evidence that it is harmful. On first hearing, this policy seems to be little more than a restatement of the aphorism: better safe than sorry. In practice, however, the policy has become a rationale for viewing all innovations with suspicion, for requiring that innovators demonstrate that their product is safe before being allowed to proceed. But, since no innovation is absolutely safe (although many have made the world safer), this policy would slow or block any innovation.

The precautionary principle, like so many bad ideas, was part of the Rio Declaration of 1992. It has since found its way into various international treaties (the most important being the Biosafety Protocol agreed to in Montreal). In Europe, the principle has become a binding rule. The precautionary principle is cited by the European Union as the rationale for its ban of U.S. beef (growth hormones, you see) and biotech corn (do we really know all there is to know about genetic engineering?). And, of course, those seeking to advance the global warming program often invoke it.

It is hard to envision any innovation being able to prove that it is safe. The rational test is to ask whether the world is made more or less safe by innovation — that is, to compare the risks of innovation and the risks of stagnation. Only those content with the present — those distrustful that the world could be a better place — are likely to endorse this policy. But Europe seems of that mind today. Perhaps, they



"Ixnay on the ugersbay."

will rethink. A world without change is a world without a future.

— Fred L. Smith

Show us your papers, please — Attorney General John Ashcroft is said to be considering a change in Justice Department policy that would permit local police to arrest people solely for violating federal immigration laws. In 1996, the Justice Department, in response to the immigration “reform” passed that year, decided that local officials should not do so unless they had entered into a special agreement with the Justice Department that involves specialized training and other provisions. No police department has done so.

Foisting federal responsibilities onto local police agencies might be the Bush administration’s way of avoiding having to take an honest look at the shortcomings of current immigration policy. One can understand heightened concern about border control in the wake of the Sept. 11 terrorist attacks. But the kind of border control that might deter terrorists is actually made more difficult by policies that impose unrealistically low quotas on immigration.

When immigration quotas are lower than the demand for immigrant labor — which is manifestly the case today, given that there are an estimated 7 million illegal immigrants now working in this country — incentives are created for sophisticated smuggling operations, which can then be used by terrorists. It would make more sense to raise the quotas for people who simply want to work while the raising scrutiny on suspicious types. The INS might be able to handle that narrower job. It has demonstrated that it can’t handle the larger job it has been assigned.

— Alan Bock

Secretary Gale Norton: Roosevelt Republican? — Gale Norton, an individual who was once libertarian and who has long espoused a principled view of private property and the market, now heads the Department of the Interior. Previous holders of that position — Jim Watt and Bruce Babbitt — have taken strongly divergent stances. Watt was generally viewed as pro-business — his goal was to ensure that the people of the United States received economic value from the federal government’s land holdings. Babbitt was generally viewed as favoring environmental goals — he sought to preserve the priceless heritage of America for future generations.

Norton has sought to plot a course between these extremes, arguing that America should seek instead a rich array of public-private partnerships to protect the land. It sounds reasonable. But is it?

Public-private partnerships in this context are agreements between private landowners and the government to restrict land development. An owner, for example, might agree to protect habitat or some species or not develop an area. In return, the government agrees to allow the owner to use the rest of his land for productive purposes. Sometimes, a public-private partnership will entail an agreement to reward a landowner for his “conservation” efforts by ensuring that adjacent properties remain free from development.

In practice, public-private partnerships generally involve large corporations or rich individuals and government. Large corporate interests and wealthy individuals can better afford to pay “greenmail” than can smaller businesses or

small property owners. Indeed, since such rules reduce competition (small firms can’t afford to idle any of their land), the big boys can actually benefit from such deals. Similarly, the large private landholder — the Robert Redfords and Ted Turners — can agree to set aside part of their land, especially if the government promises to keep the hoi polloi away from their front porch.

Republicans are all too prone to endorse public-private partnerships. Indeed, Teddy Roosevelt was a major proponent of such land restrictions, viewing private owners as incapable of “scientific land management.” The Rockefellers eagerly supported state purchases of lands for non-development. As rich landowners with country estates, they were pleased that the taxpayer would bear the costs of creating buffer zones around their enclaves. Not surprisingly, the Rockefeller Republicans have been the leaders in the modern environmental movement.

This brand of conservatism is disdainful of private property. They seek always to shift private property into political hands. One strategy is to find an endangered species on the property (the Endangered Species Act is structured so that every piece of land will surely have at least one such species) and then call that fact to the attention of the owner, noting that this drastically reduces the value of his property.

Many Republican conservatives are all too prone to endorse public-private partnerships. This brand of conservatism is disdainful of private property.

They’re still willing, they say, to purchase the land, though only at fire-sale prices. If the owner refuses, then the enviros move in with lawsuits and government action. If he accepts, the group purchases the property and then moves swiftly to resell it to an appropriate government agency. Another success for private-public partnerships!

Public-private partnerships blur the line between the coercive police power of the state and the voluntary arrangements of the market. Norton must decide whether she favors government or private property. If, as her background suggests, she does believe in the value of private property and private conservation, she should stop talking about private-public partnerships and promote the role of private property in advancing environmental goals. Speaking out for private property, clarifying that it is the only way of advancing environmental goals consistent with freedom, will not be easy. The environmental establishment is powerful, hates private property, and will lash out at anyone who challenges their “government knows best” paradigm.

— Fred L. Smith

The Great Game, part CCCIX — Over the last three years, it has been made clear to me that I am not welcome at the Chinese University of Hong Kong. After 22 years here I decided to look for a new position. In February I was offered a position at the Kazakhstan Institute of Management, Economics, and Strategic Research. The next month, I journeyed to Almaty to see this institution for

myself and decide what to do. I was very impressed and decided to take the job. Since my family did not accompany me on this journey, I brought a camera to take pictures so that I could give them a sense of what Almaty and the university are like. However, while taking pictures at the school my daughter would attend, my camera died. I had already sunk a lot of money into this lemon and decided after the previous repair that the next time the camera ceased to function I would give up on it and buy a new one.

The next day, following an early breakfast at a nearby hotel, I made inquiries as to where I could find a good camera store. The hotel staff directed me to what they called a shopping center named Zangara. I took a pleasant half-hour walk and found a building that appeared to be the place in question. However, it was not yet open. Looking around, I saw two smiling middle-aged Oriental gentlemen sitting on a bench. I pointed to the building and said, in a voice expressing doubt, "Zangara?" They nodded yes. Then one of them pointed to me and asked, "English?" I said, "American" whereupon the man pointed to himself and said, "Uighur." I then asked in Mandarin Chinese, "do you speak Chinese?" He said he did. I then asked a question which greatly agitated him. I asked, "Did you come from China?" With a hint of anger in his voice he said, "No, I come from Xinjiang. Xinjiang is my country. China is not my country."

Xinjiang is the province in northwestern China. Most of those native to it are Muslims. The Uighurs are the most numerous of these people. The Chinese regime has adopted a policy for this region similar to that practiced in Tibet. They repress expressions of religious belief by the indigenous people and encourage ethnic Han Chinese to move to the area, where they get the best jobs. It has long been a practice of the regime to encourage Han Chinese to move into border areas as a security measure. The indigenous people are being transformed into a minority in their own homeland. Xinjiang is also of concern to the Chinese regime because it has been the prime location for nuclear weapons tests. Recently, Uighurs have resorted to some expression of violence. Beijing has labeled them terrorists and is seeking American recognition of this. The Uighurs are aware of George W. Bush's war against terrorism and take umbrage at being called terrorists.

Aware of all this, I apologized for my careless question. My new acquaintance then took it upon himself to educate

me. He explained to me that the Uighurs were part of one people. This people also included Uzbeks, Tajiks, Kirgiz, Kazakhs, and Afghans. I asked if he didn't actually just mean the people of northern Afghanistan, having Tajiks and Hazara in mind. He said no — he meant all of Afghanistan. I am aware that the Pashtun in southern Afghanistan are ethnically and linguistically different from the northern peoples. However, I did not argue with him. I was not seeking to persuade him of anything, but seeking to understand his viewpoint.

I asked my interlocutor whether Mongols were also part of this people. He said they were not. I then asked if Tibetans were part of this people. He said they were. This was puzzling since I thought Mongols were more closely related to the Uighurs than the Tibetans. The only reason I can think of for his view is that Tibetans are subject to the identical repressive policies as the Uighurs.

My new friend then explained that this people should govern themselves in their own country. Furthermore, they would fight to the death against anyone who got in their way. He made it clear that he regarded China and the United States as being in their way and voiced support for Osama bin Laden. Actually, bin Laden and al Qaeda backed the primarily Pashtun Taliban against the Tajiks and others more closely related to the Uighurs. But, as I said before, my intention was not to engage this fellow in argument.

I asked the man whether he would return to Xinjiang if it became independent and he said he would. I then asked whether he had high hopes for independence and he said he did.

Considering what he said, together with the Russian conflict with the Uighurs' fellow Muslims, the Chechens (who have close links with al Qaeda), together with the American presence in (the former Soviet Republic of) Georgia to combat the Chechens, it appears that the Uighurs have their own axis of evil. It consists of China with two junior partners: Russia and the USA. Apparently, as President Bush expands the war against terrorism beyond al Qaeda and the Taliban, he is creating hostility towards the United States by other people who never had any grievances directed against Washington before. This chance encounter with the Uighurs was very fortuitous. I certainly learned a lot. — Ben Ostrov

A lock-washer for your thoughts — The Treasury Department has been trying to eliminate the penny for years, but cannot bear the protests, which for the most part emanate from senior citizens who can remember when a penny actually could be used to buy something. I don't even bend down to pick pennies up anymore, as the exercise required to make a dollar is the equivalent of 100 knee-bends, and I don't ever work that hard for so little money. Gas stations that charge up to a dollar for twelve ounces of bottled water, and 25¢ for a tire full of air, give pennies away for free. I read somewhere that lock-washers and pennies both cost about 3¢ to manufacture. Treasury could eliminate the loss incurred in coining the denomination by simply recognizing lock-washers as the legal currency for 1¢. Since it costs three times as much to manufacture as they would be worth as currency, there would be no danger of counterfeiting. Meanwhile, my fellow shade-tree mechanics and I would never again have to make a trip to the hardware store



"This is an experimental drug — Do you feel lucky?"

Hayek and Psychiatry

by Thomas S. Szasz

Friedrich Hayek was a brilliant social thinker, and his ideas have implications that even he didn't recognize. If we followed Hayek's prescriptions, psychiatry as we know it would disappear.

In "Mises and Psychiatry," in the February *Liberty*, I showed that Ludwig von Mises failed to appreciate the incompatibility between the principles of the free society that he espoused and the principles of psychiatry that he uncritically embraced.

Friedrich A. Hayek has articulated the political philosophy of individual liberty and responsibility more fully than anyone else, but, as I shall show, he shared Mises' blind spot about psychiatry: Hayek's conception of the rule of law is incompatible with his recognition of the legitimacy of psychiatric coercions and excuses, in both civil and criminal law.

According to Hayek, "Under the rule of law, government can infringe a person's protected private sphere *only as punishment* for breaking an *announced general rule*" (emphasis added).^{*} This assertion contains two parts, the first relating to punishment, the second, to general rules. Only the second part has received the attention of libertarians that it deserves. The first part, emphasizing that the "government can infringe a person's protected private sphere only as punishment," has been curiously neglected by libertarians. This neglect is especially significant, and astonishing, in view of the fact that more Americans are now deprived of liberty on therapeutic than on punitive grounds. If, as Hayek recommended, nonpunitive sanctions were excluded from among the legitimate powers of the government, *psychiatry as we know it* would disappear. (Jurists and psychiatrists never tire of asserting that all coerced psychiatric interventions are therapeutic, not punitive.)

Loathing and Losing Liberty

Psychiatric diversion from the criminal justice system is a

response to the need for social protection from individuals whose behavior is attributed to madness.^{**} Such attribution is often the result of the individual's inviting psychiatric interference in his life, by acting "crazy." Why do some people act that way? Because they do not to know what to do with themselves and with their lives: They are aimless, conceited, incompetent, are faced with the consequences of earlier unwise choices, and are or feel helpless and dependent on others; they try to unload their problems of making a life for themselves on the shoulders of others; unless they can find a family member or friend willing to assume this burden for them, they often become defined as psychiatric patients. A kind of psychiatric matrimony thus comes into being, in which liberty is sacrificed for another, higher good: The patient sacrifices his own liberty for security, and the psychiatrist sacrifices the patient's liberty — and often some of his own as well — for the domination he gains over the patient.[‡]

Hayek recognized the problem that people who reject liberty pose for the free society. "It is very probable," he wrote, "that there are people who do not value the liberty with

^{**}See "Psychiatric Diversion in the Criminal Justice System: A Critique," by Thomas S. Szasz in Randy E. Barnett and John Hagel III, eds., *Assessing the Criminal: Restitution, Retribution, and the Legal Process*. Ballinger, 1977, pp. 99–120. I thank Randy E. Barnett for permission to use material from this chapter.

[‡] *Schizophrenia: The Sacred Symbol of Psychiatry*, by Thomas S. Szasz. Syracuse University Press, 1988, chapter 4.

^{*} *The Constitution of Liberty*, by Friedrich A. Hayek. University of Chicago Press, 1960, p. 206.

which we are concerned, who cannot see that they derive great benefit from it, and who will be ready to give it up to gain other advantages; it may even be true that the necessity to act according to one's own plans and decisions may be felt by them to be more of a burden than an advantage.**

Most institutionalized mental patients rank liberty and responsibility low on their scale of values. How should the philosopher of freedom — or a system of laws committed to protecting individual liberty — treat persons who instead of wanting to be free, want to be enslaved? Who instead of wanting to be adults, want to be children? Both Mises and Hayek treat such persons as if they were, in fact, unfit for liberty because, like infants and imbeciles, they lack responsibility.

Individuals who complain of mental symptoms or irresistible impulses *feel*, or claim to feel, unfree with respect to cer-

If, as Hayek recommended, nonpunitive sanctions were excluded from among the legitimate powers of the government, psychiatry as we know it would disappear.

tain experiences or desires. Individuals confined in mental institutions are *deprived* of much of their liberty. In both cases — more obviously in the latter — the “victim” is “compensated” for his loss by a commensurate “relief” from the responsibility of having to lead his own life.

Insanity: Condition or Strategy?

The weakness of Hayek's writings touching on psychiatry lies in his treatment of insanity as a condition, similar to infancy, rather than a personal strategy, similar to imitation.** It is important to note that psychiatry's assault on the philosophy of liberty has always focused at this point, which is the philosophy's Achilles heel — namely, the notion of personal responsibility. For centuries alienists, mad-doctors, and psychiatrists have claimed that, like infants and imbeciles, insane persons are not responsible for their behavior; and people in all walks of life — professionals and layman alike — have increasingly embraced that claim. That is the basis for the near-universal acceptance — by liberals, conservatives, and even many libertarians — of the legitimacy of psychiatric diversion from criminal responsibility. Hayek wrote:

The complementarity of liberty and responsibility means that the argument for liberty can apply only to those who can be held responsible. It cannot apply to infants, idiots, or the insane. It presupposes that a person is capable of learning from experience and of guiding his actions by knowledge thus acquired; it is invalid for those who have not yet learned enough or are incapable of learning. A person whose actions are fully determined by the same unchangeable impulses

uncontrolled by knowledge of the consequences or a genuine split personality, a schizophrenic, could in this sense not be held responsible, because his knowledge that he will be held responsible could not alter his actions. The same would apply to persons suffering from really uncontrollable urges, kleptomaniacs and dipsomaniacs, whom experience has proved not to be responsive to normal motives.‡

The proposition that so-called kleptomaniacs and dipsomaniacs “suffer from really uncontrollable urges” is erroneous and unsupportable by evidence. Hayek here falls into the linguistic trap of psychiatry: He seems to think that because a word ends with the Greek suffix “maniac,” it designates a bona fide disease, characterized by irresistible impulses to commit a particular act. Thus, the person who likes to steal is a “kleptomaniac,” the person who likes to drink, a “dipsomaniac,” the person who likes to commit arson, a “pyromaniac,” and the person who likes his own single-minded obsession, a “monomaniac.” (In the antebellum South, “drapetomania” was considered a mental disease characterized by the slave's uncontrollable urge to escape from bondage and seek liberty.§)

The language of psychiatry serves the purpose of making men seem like madmen, exhibiting behaviors they do not will and for which they are not responsible.‡‡ Hayek adopted this language when he spoke of “schizophrenics . . . whose actions are fully determined.” However, there is no objective way to determine who is and who is not schizophrenic. Moreover, if an action is fully determined, it ceases to be an action and becomes instead a movement or reflex. These are crucial distinctions, especially because responsibility is *an attribution, not an attribute*, and because Hayek

The patient sacrifices his own liberty for security, and the psychiatrist sacrifices the patient's liberty — and often some of his own as well — for the domination he gains over the patient.

rightly insists that freedom under law requires the *impartial application of rules* applicable equally to all.

When Hayek spoke of a “schizophrenic” as a person whose actions are not altered by his knowledge that he will be held responsible for them, he was gravely mistaken. If that were true, such a person could not be managed in a hospital. Plainly, the conduct of such a person is susceptible to influence, albeit often of a different kind than that which might persuade others. In addition, Hayek's reasoning about schizophrenics contradicts one of his important caveats, namely, that “in public life freedom requires that we be regarded as types, not as unique individuals, and treated on

continued on page 24

‡The Constitution of Liberty, p. 77.

§“The sane slave: An historical note on the use of medical diagnosis as justificatory rhetoric,” by Thomas S. Szasz. *American Journal of Psychotherapy*, 25: 228-239 (April), 1971.

‡‡Insanity, by Thomas S. Szasz, op. cit.

*The Constitution of Liberty, p. 18.

**Insanity: The Idea and Its Consequences, by Thomas S. Szasz. Syracuse University Press, 1997.

 Culture

Behind the Vestry Door

by Sarah McCarthy

It is not enough simply to blame the scandals in the Roman Catholic Church on a few abusive priests and a church that tolerates them.

A funeral Mass was held April 7 for the Rev. Dan Rooney, 48, a Roman Catholic priest who was found recently slumped over the wheel of his car with a gunshot wound to the head, three days after he was accused of molesting a young girl two decades ago. The suicide of Father Rooney, and the disappearance of Chandra Levy, connected perhaps, if they are connected at all, only by tenuous links of inferred sexual shame — the kind of deep sexual shame and fear that can result in death — one by suicide, the other a possible homicide by a man terrified at the threatened exposure of his sexual secrets, remind us that sexual outings are by their nature infused with danger.

In a nation that has become habituated to sexual spectacles, the current scandal within the Church is particularly tragic because of the tender age of the victims and the homosexuality of many of the priests, compounded by the Church's tempestuousness regarding sexual matters and the higher sensitivity to shame and guilt possessed by men of the cloth.

American society has an abysmally trashy record of managing sex scandals. We have just come off of what Philip Roth, in his prize-winning book, *The Human Stain*, calls an "enormous piety binge," where the president of the United States and a "brash, smitten twenty-one-year old employee carrying on in the Oval Office like two teenage kids in a parking lot revived America's oldest communal passion, historically perhaps its most treacherous and subversive pleasure: the ecstasy of sanctimony."

Roth continues: "In the Congress, in the press, and on the networks, the righteous grandstanding creeps, crazy to blame, deplore and punish, were everywhere out moralizing to beat the band; all of them in a calculated frenzy with what Hawthorne identified in the incipient country of long ago as "the persecuting spirit;" all of them eager to enact the astringent rituals of purification that would excise the erection from the executive branch, thereby making things cozy and safe for Senator Lieberman's ten-year-old daughter to watch TV with her embarrassed daddy again. No, if you haven't lived through 1998, you don't know what sanctimony is."

If we didn't learn in the nineties what sanctimony is — from the humiliation of a Supreme Court nominee crouched on his living room floor in the fetal position because of accusations by liberals, feminists, and civil rights activists inflamed by his use of the words Long Dong Silver (and really not much else) to a female law professor, and garbage can searches, videotape rental investigations, unconstitutional searches and seizures of a young girl's diaries, and the president of the United States being interrogated on TV like a POW held by enemy troops — with the priest scandal we

are about to find out.

The priest scandal raises questions about the culture of the Roman Catholic Church that is shaping and maintaining the behavior of its priests. Though I am a flown away Catholic and have not been immersed in the subterraneanly tempestuous culture of the Church since the age of 22, I have been thinking lately about the Church's culture. Perhaps it was the timing, since I had just emerged from adolescence and was entering early adulthood when I left, but the salient culture of the Church I remember was a cloyingly anxiety-producing mix of sexual repression, whispered guilt, and shame over small sins, followed by the relief of the confessional. At baptisms, devils are cast out and "unclean mothers" are forbidden to approach the altar. Like a government with ubiquitous regulations, most Catholics of child-bearing age live in widespread noncompliance with the sexual laws of the Church, making sexual sinners out of nearly all the members. The sexual requirements — abstinence, celibacy, prohibition of birth control, and the intolerance of homosex-

Just as a fasting person or a dieter becomes obsessed with food, and is likely to binge on junk food, young celibates become inordinately preoccupied with sex.

uality and divorce are not only unreasonable, but not even desirable as ideals.

Biological determinism and the behaviorism of psychologists like Skinner are currently out of vogue, overshadowed in favor of personal responsibility as the exclusive politically correct determinant of behavior; but there is nothing so personally irresponsible as the wholesale denial by institutions like the Church of biological and cultural realities. All people have sex drives put there by nature, and damming them up, as opposed to rationally managing them, results in bizarre outcomes just as a dammed up river will overflow its banks and wreak havoc.

In fact, statements by Dr. Jay Feierman, a psychiatrist who has seen hundreds of pedophile priests at a Catholic treatment center for abusive priests in New Mexico, support a link between sexual repression and pedophilia. Feierman says that celibacy is not "a natural state for humans to be in." Pointing to the celibacy requirement as being part of the cause of clergy abuse of children, he explains: "If you tell a man that he's not allowed to have particular friends, he's not allowed to be affectionate, he's not allowed to be in love, he's not allowed to be a sexual being, you shouldn't be surprised at anything that happens."

Research by the University of New Hampshire's David Finkelhor, Ph.D., supports those observations. Finkelhor, a recognized expert on the study of sexual abuse of children, has shown that repressive sexual attitudes linked to many religions may predispose some persons toward sexual activities with children, and Dr. John Money, a leading expert on sexual violence who has pioneered treatments for deviate sexuality at Johns Hopkins Medical School, adds that people raised in conditions where sex is viewed as evil, and where

sexual curiosity is considered a punishable offense, are likely to end up with warped sexual identities.

Money describes the harmful effects of such environments as follows: "In girls, often you extinguish the lust completely, so that they can never have an orgasm, and marriage becomes a dreary business where you put up with sex to serve the maternal instinct. In boys, sex gets redirected into abnormal channels."

This is not new information. Five centuries ago, Martin Luther observed that the Catholic Church's leaders "were completely unjustified in forbidding marriage and in burdening the priesthood with the demand of continual celibacy. In doing so they have acted like . . . tyrannical, unholy scoundrels, occasioning all sorts of terrible, ghastly, countless sins against chastity, in which they are caught to this day."

The Church remains in medieval denial about the reality of the sex drive — its dogma allowing for no compromise or alternative outlets — not masturbation or birth control to avoid pregnancy, not married priests to avoid "burning," as Saint Paul would put it, and certainly not adult homosexual sex. Like a naive teenager afraid to plan ahead for possible sexual occurrences that could result in unplanned pregnancies and abortions, the Church's stubborn state of denial gives rise to unpredictable and destructive eruptions. Just as a fasting person or a dieter becomes obsessed with food, and is likely to binge on junk food, young celibates become inordinately preoccupied with sex. With such a damming up of the sex drive, heaven only knows where it will find outlets. Just as male heterosexuals denied sex in prison engage in homosexual behavior, and members of the Taliban forbidden the temptation of looking at or associating with women engage in sex with each other, celibacy might result in even children and sheep beginning to look like viable sex part-

Considering the alternatives, the methods the Church has been using to handle these problems — privacy, counseling, and settlements — do not look so bad.

ners. As Francis Bacon put it, nature to be commanded must be obeyed.

The imposition of impossible edicts makes spiritual liars out of people, causing worse behaviors than the ones Church authorities try to eliminate. At the end of the day, I suspect it will be recognized that the fatal flaw in the Church is not sexual license brought on by the '60s, or the acceptance of gays in the seminary, but its overwhelming sexual repression, the same sort of repression that has led to the nutty displacement behaviors seen in radical Islamic cultures.

For gays to become the scapegoats of the priest mess would be a mistake. It would only add more insult and injury to gays, without addressing the Church's root problem — sexual repression. Historically and internationally, heterosexual child abuse has been a frequent occurrence in the Church.

It is interesting to speculate about why gays are so heavily involved in the priest mess, and how their behavior might

be shaped by Church culture. If you're gay and out of place in the mainstream couples culture, life in an all-male, non-married hierarchy where heterosexual couples and women are banished feels comfortable and safe. Incredibly, the Catholic Church might be inadvertently running the biggest closet in town. The atmosphere of steamy repressed sex, guilt, secret confession, repentance, relief, and forgiveness might not only provide shelter, but might just get sexy after awhile, like the priests many remember from their Catholic adolescence, who were a little too interested, with a ear close to adolescent confessions.

The Catholic Church has a dread of sex that is second only perhaps to Islam. This is a Church that explains away the sex linkage to births by proclaiming that they were achieved by virgins. When I was a young girl, virginity was about the only ticket to sainthood. Saint Maria Goretti was extolled for permitting a man to stab her rather than submit to rape. The mother of God was a virgin, and the subtitle of our parish was "the church of the sorrowful virgin." Eve, who had brought down mankind, was a temptress. Lesbians and gays simply didn't exist, and nuns went to town in pairs

And who can blame the victim for not wanting to come forward? What child and his or her family want to embark in a mud slinging contest with the Catholic Church?

of two, covered in garb not unlike the burqas of Islam. The spirit of incipient, subterranean forbidden sex was everywhere. Kids giggled at the sight of a wisp of graying blond hair fringing out of Sister Pierre's veil. Believe me, we are better off shocked at the sight of Britney Spears' breasts than Sister Pierre's stray hair clump. I remember an eighth-grade classmate being slapped in the face by a nun in the front of the class for wearing a light natural lipstick, and the nuns forbidding patent leather shoes because they reflected upwards. Though Americans consider themselves to be sophisticated, enlightened, and modern, it's not been that long since American Catholics were subjected to the kind of environment found under the Islamic Commission for the Promotion of Virtue and the Prevention of Vice.

A recent poll by *USA Today* reports that eleven percent of Roman Catholics have personal knowledge of sex abuse by priests, and according to Gallup, 72% of Catholics believe the problem is widespread. For the most part, victims and their families have decided to deal with the problem privately rather than casting themselves as victims, with all that entails, in the center ring of a sex abuse scandal. Before the Church's quiet handling of the scandals is turned into a scorch and burn frenzy, it's important to remember that if victims and their families had not wanted it brushed under the rug, it never would have been.

Richard Cage, who has investigated pedophile cases for the police in Montgomery County, Md., for 25 years, says that "Our biggest challenge is when it involves the Church. Denial is our biggest problem. Parents are reluctant to have their child interviewed. And of the children that have been

abused, at first 99% will deny it."

And who can blame the victim for not wanting to come forward? What child and his or her family want to embark in a mud slinging contest with the Catholic Church and with their friends and neighbors and relatives who refuse to believe that the parish priest whom they love and admire could be guilty of such a thing? Which child wants to cast himself as the pariah and joke of the neighborhood?

Opting under political pressures for a cure that will probably be worse than the disease, last week the New York Archdiocese said it would drop its policy of not reporting alleged child sexual abuse to police. Cardinal Egan says that if there is reasonable cause to believe an allegation, and if the victim does not object, civil authorities will be notified. Egan's statement fell flat with critics, write reporters Douglas Montero and Dan Mangan in the *New York Post*:

"Talk is cheap," said David Clohessy, national director of Survivors Network of Those Abused by Priests. "Few Catholic leaders have been as insensitive to abuse victims as Egan has. He's full of hollow-sounding pronouncements, but the evidence clearly shows that he has impugned the motives of abuse survivors, and used hardball legal tactics time and again, and treated people who were hurting like the enemy." Also yesterday, Manhattan DA Robert Morgenthau said he has told a lawyer for the archdiocese he would seek to extend the state's mandatory reporting law to include priests.

In his anger and outrage, David Clohessy of the Survivor's Network has inadvertently embarked on a strategy ensuring that even more abused people will have hardball legal tactics used against them. Some of the accused will be innocent, others will be terrified and will hire tough lawyers. In war and in lawsuits, truth is the first casualty. Victim groups never seem to understand that once they bring their grievances to the legal arena, such tactics are inevitable. Considering the alternatives, the methods the Church has been using to handle these problems — privacy, counseling, and settlements — do not look so bad.

Rather than resorting to a punitive purge of priests, with a cast of characters that inevitably will include false and real perpetrators, truthful and delusional accusers, ecclesiastical versions of the coffee spill lady, and the inevitable suicides, the Church should find the courage to focus on curbing future pedophilia by widening the group from which priests are chosen to include women and by eliminating celibacy requirements. Columnists Maureen Dowd and Andrew Sullivan have suggested that to limit abuse by priests, women must be brought into the Church hierarchy. Dowd writes in the *New York Times* that:

A monsoon of sickening stories lately illustrate how twisted societies become when women are either never seen, dismissed as second-class citizens or occluded by testosterone: the church subsidizing pedophilia; the Afghan warlords' resumption of pedophilia; the Taliban obliteration of women; the brotherhood of al-Qaida and Mohammed Atta's misogynist funeral instructions; the implosion of the Enron Ponzi scheme; the repression of women, even American service-women, by our allies the Saudis.

The Saudi religious police let 15 little girls die in a school blaze in Mecca. The police — the Commission for the Promotion of Virtue and Prevention of Vice — stopped men who tried to rescue the girls or open the school gates, telling

them "it is sinful to approach" the girls because they weren't wearing head scarves and abayas, and there could be no exposure of "females to male strangers." . . . the Saudi police were operating on the philosophy "Better a dead girl than a bareheaded girl."

Dowd is right, of course, that the obliteration of women results in twisted societies, but she's missing the point that the obliteration of women is really just the symptom of an insidious underlying problem — pathological sexual repression. Sexual repression underlies each of the aforementioned sickening stories, with the exception of the Enron scandal. The inclusion of women in societies, is, in itself, no guarantee that things will not become twisted. Feminists have enabled American women to gain access to the workplace, but the excessive punitiveness of sexual harassment lawsuits, or the threat of sexual harassment lawsuits, is a sexually repressive process that itself ensures twisted stories, endlessly spotlighting legal-political sexual scandals, and maybe even some deaths like Chandra Levy's. Feminists have embarked on a purification drive in the workplace not unlike the Saudi policy of "better dead than bareheaded," that instead, inadvertently becomes "better dead than sexually harassed." High stakes legal shamefests casting women as victim whistle-blowers that ruin families, workplaces, and careers, is a twisted strategy that sends unprepared women to play with fire.

At the end of the day, who really believes that our much ballyhooed sexual political scandal "victims," Lewinsky,

Jones, or Hill, were even victimized at all except by that which was done to them as stars of the sexual spectacle itself? Rape counselors have long grappled with the problem that women are first raped by men, and then by the legal system. Because of the terror of sexual accusations, such is also the case in sexual harassment and abusive priest cases.

If victims don't want to come forward and star in a legal-political circus, their rights should be respected. If they choose the dignity of quiet settlements and counseling, that should be their prerogative. Despite the widespread hysteria about the exploitation of an intern by the president of the United States, ask Monica Lewinsky, now or in 20 years, who abused her — Bill Clinton or the American legal-political system that outed her in the wake of the Paula Jones sexual harassment case, and the sanctimonious American media.

Americans should reconsider whether or not the legal system is the best first choice venue for solving sexual issues. Most Catholics know the terror of confessing private sins to a priest in a dark booth. Imagine the terror of sexual sins being heralded across the front page. It is the political equivalent of a public execution. As the moralists like to tell us, sunlight is the best disinfectant. But sunlight also brings drought, and burns, parches, and kills shade-loving plants. Draconian mandatory legal processes may, in fact, make victims, either young teens or their families, even less likely to come forward to complain about an errant priest. □

Hayek and Psychiatry, from page 20

the presumption that normal motives and deterrents will be effective, whether this be true in the particular instance or not."* If by types Hayek meant categories identified by objective criteria, exemplified by "persons accused of crimes" or "persons convicted of crimes" — not categories identified by subjective judgments, exemplified by characterizations such as "subversive persons" or "persons suffering from schizophrenia" — then he is arguing for treating innocent persons as innocent, and guilty persons as guilty. If so, both civil commitment and the insanity defense violate the rule of law.

Schizophrenia: Attribute or Attribution?

In its accepted use, the assertion "he is a schizophrenic" resembles the assertion "he is a political subversive": Each phrase refers to an attribute for which there is no objective test; hence, it is an attribution not susceptible to proof or disproof. Neither assertion resembles the phrase "he is a diabetic," naming an attribute for which there is an objective test; hence, it is an attribution susceptible to proof or disproof.

The problem with the notion of schizophrenia is, moreover, twofold. On the one hand, the alleged illness cannot be identified by objective tests. At the same time, the behaviors attributed to it are, de facto, illegal, punishable by severe psychiatric sanctions.

It is unclear, then, how Hayek would reconcile his recommendation to treat people as types in precisely that public sphere in which psychiatrists insist that schizophrenics (as

indeed all mental patients) ought to be exempted from the protections and penalties of the rule of law, and instead treated with "therapeutic compassion," as unique, sick individuals.

Hayek's well-founded insistence that, in a free society, laws must promulgate abstract or general rules is itself enough to invalidate the justification for all psychiatric coercions. In a passage that could have been written specifically to refute such justifications, Hayek wrote: "Because the rule is laid down in ignorance of the particular case, and no man's will decides the coercion used to enforce it, the law is not arbitrary. This, however, is true only if by 'law' we mean the general rules that apply equally to everybody As a true law should not name any particulars, so it should especially not single out any specific persons or groups of persons."**

Mental health laws mandating psychiatric coercions prescribe exactly what Hayek says genuine laws ought not to do: They single out "mentally ill" persons and judge and regulate their behavior by special criteria used to judge and regulate the behavior of "mentally ill" persons: The behavior of such "mentally sick" persons is not judged and regulated by the criteria of guilt and innocence, the criteria we use to judge and regulate the behavior of "normal" persons. Instead, it is judged and regulated by the criteria of psychiatry, turning those under "psychiatric treatment" into actual or potential nonpersons, devoid of what we regards as our constitutional or human rights. □

**Constitution of Liberty*, p. 78.

***Constitution of Liberty*, pp. 153–154.

How Safe Is Too Safe?

by William E. Merritt

Despite government's best efforts, airline travel is not yet 100% safe from terrorists. But it is already too safe.

It's hard to imagine America could have been so naive, but there was a time when our country was seized by the illusion that I was just the guy to help win the war in Vietnam. So, come the Summer of Love, I found myself at Fort Leonard Wood, Mo., learning what to do when the Viet Cong slipped up behind me with a weapon of mass destruction.

Here's what I was supposed to do:

If they came tiptoeing up with chemicals or germs, I jump in a hole and pull a poncho over my head. That way, the germs or the chemicals wouldn't jump in after me. But if they were about to toss a 100-megaton atom bomb my way, forget the poncho and go straight for the hole. Ponchos melt, and the last thing you want in a nuclear blast is a poncho running down your neck. And the suddenly decaying plutonium atoms streaming their warming rays over my unponchoed skin were no problem at all — the army was sure to have a stock of aloe vera somewhere for just that sort of thing.

Looking back, those holes and ponchos don't seem like they would have been as effective as the drill sergeants made out.

What they really look like is a charm against fear — the official, military version of the diving-under-your-desk drills we all practiced in grade school to protect ourselves from turning into harmful, ionizing radiation during spelling class. Practicing how to dive under desks was one of the ways you could tell that nobody had a clue what to do about atom bombs.

It was no different from the medieval doctors who dressed themselves in bird suits and stuffed herbs in their

beaks to ward off plague bacilli. Or from the tribesmen who anointed themselves with magic lotions to turn bullets into rain. Or whirled their way to dervish invulnerability before charging headlong into a British square. Or cut out a whole bunch of extra human hearts to make sure they would win before setting off to do something about Cortez.

You could see it with the Patriot missiles in the Gulf War. Since there wasn't a damn thing in the world we could do about Scuds, we put on a great show of shooting Patriots into the sky. We never hit anything. But, by God, it calmed our nerves.

Hitler may well have thrown away the whole Second World War shooting useless explosives into the air. At least that's what Albert Speer says in *Inside the Third Reich* when he mentions that something like 100,000 flat-trajectory eighty-eights were tied up as anti-aircraft guns because, when the bombers came, civilians had to see somebody shooting back or they would have lost faith in the government — even though the anti-aircraft guns never hit much of anything and those eighty-eights, if used as artillery on the Eastern Front at a time Germany was losing every battle by ten percent, might have turned the tide.

When you look back at all the 16th-century townspeople

trying to do something about crop failures by burning old women at the stake, or running naked through the streets while hitting themselves with whips to make the floods go away, you begin to suspect there is a pretty good inverse mathematical relationship here: The more charms against fear, the less likely anybody has a clue what might really work. Which is pretty scary when you think about what's going on at the airport.

The fear-charmers were out in force the other day when I flew to Atlanta. They pulled an 80-something-year-old codger out of line and worked their comforting magic on every stitch and cranny of his person. Then they pulled aside an elegant, mid-twenties Asian lady — my personal first choice for a full-body search — and groped her.

By the time they got to me, terrorist suspects were backed up like al Qaeda in the processing line at Guantanamo. I had to hold out my arms. I had to submit to electronic devices and human hands. I had to take off my shoes and empty my

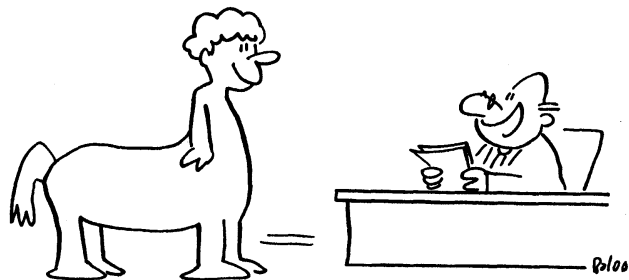
It is no different from the medieval doctors who dressed themselves in bird suits and stuffed herbs in their beaks to ward off plague bacilli.

wallet. Every rivet in my jeans, every eyelet in my shoes, had to be individually inspected and discussed.

The terrorist suspect behind me muttered that the pat-down was more thorough than you get visiting a jail. He said this with the quiet authority of a man who knew what he was talking about.

I would have bought into all this as just one more not-very-efficient government intrusion into our liberties if it hadn't been for the National Guardsmen dressed up in their most serious-looking noncombat combat suits. Because, the more I thought about it, the more I couldn't figure out what those guys were doing there. As far as I can tell, they never actually search any of us potential terrorists. They don't handcuff us into long daisychains, then lead us away for interrogation by CIA agents. They carry scary-looking M-16 rifles but they never seem to shoot anybody — even though hardly a week goes by that some airport or other doesn't close down after some hothead who is about to miss his flight skips around the metal detector and scoots off down the concourse.

The more I thought about it, the more it seemed to me those guys weren't doing *anything* but standing around looking like Your Government Means Business. The whole thing



"You bet you're hired — and I can hardly wait to send the paperwork to the Equal Employment Opportunity Commission!"

made me think my plane just might blow up after all.

Wisdom From the Nazi Experience

Here's a bit of wisdom from Otto Skorzeny, Hitler's head commando.

Skorzeny is the guy who kept Italy in the war by landing gliders on the top of a cliff in the Apennines and rescuing Mussolini from the Italian army. Then, when Miklos Horthy began looking like he was going to surrender Hungary to Stalin, Skorzeny slipped into Budapest and kidnapped Horthy's son from under the noses of the Hungarian army — keeping another country in the war on Hitler's side.

Skorzeny was so effective that, when word got out that he and a handful of men had slipped behind American lines at the Battle of the Bulge, Eisenhower wound up house-arrested by his own security people for a week, while Sir Bernard Law Montgomery wound up really arrested when a couple of American enlisted men decided to run an informal culture check on people passing by in jeeps, and demanded Montgomery tell them who won the World Series.

After the war, Wild Bill Donovan tried to recruit Skorzeny to beef up security against the Reds, but it didn't work out. Skorzeny told the OSS the very idea was foolish because anything at all can be stolen, kidnapped, or blown up by somebody who wants to steal it, kidnap it, or blow it up badly enough. There is simply no way to guarantee the complete safety of anything.

I think Otto had a good point, here. When you think about what's going on in our airports, the real question is not how to make air travel 100% safe. Even Otto Skorzeny couldn't do that. The real question is: What degree of

The fear-charmers were out in force the other day when I flew to Atlanta. They pulled an 80-something-year-old codger out of line and worked their comforting magic on every stitch and cranny of his person.

expense, inconvenience, disruption, intrusion, and inefficiency are we willing to tolerate to achieve a level of danger we can live with?

I, personally, would gladly accept a few notches more on the danger scale for the sake of the enormous savings in hassles and intrusions but, sometimes to my surprise, I am not the measure of all things. So, a few weeks ago, I set out to learn whether other people agreed with me about this and, for a while, I asked everybody I bumped into this question: If you knew that, on average, there would be one terrorist-related airplane crash in the United States every month, would you still fly? With the exception of one guy who, for the sake of scientific unanimity I immediately dismissed as a statistical anomaly, every single person answered the same way: "Sure. The risk would be too small to worry about."

On the other hand, I didn't run across anybody who thought airport security should be more intrusive and annoying just to squeeze down the risk one more vanishing increment toward absolute zero. □

The Myth of Deadbeat Dads

by Stephen Baskerville

Special interest groups demonized divorced fathers into “deadbeat dads,” and then criminalized them. The result: system that traces all newly hired employees, shifts the burden of proof to the accused, and throws fathers in jail for losing their jobs.

TV host Bill O'Reilly recently declared that “There is an epidemic of child abandonment in America, mainly by fathers.” Sen. Evan Bayh has attacked “irresponsible” fathers in several speeches. Campaigning for president, Al Gore promised harsher measures against “deadbeat dads,” including sending more to jail. The Clinton administration implemented numerous child-support “crackdowns,” including the ominously named Deadbeat Parents Punishment Act; the Directory of New Hires, which contains the name of every newly hired individual in the country so that any deadbeat among them can be tracked down; and the Federal Case Registry, a massive system of government surveillance that aims to monitor 16–19 million citizens.¹

In an ironic role reversal, Republicans have responded to the Democrats' law-and-order campaign with social programs. President Bush recently announced a \$320 million program to “promote responsible fatherhood,” and Congress is considering a bill to “reconnect fathers with their families.” Yet the underlying message is similar. The administration promises to increase collections with a “five-year plan.” “We want to send the strongest possible message that parents cannot walk away from their children.”²

In fact, no evidence exists that large numbers of fathers voluntarily abandon their children. No government or academic study has ever demonstrated such an epidemic, and those studies that have addressed the question directly have concluded otherwise.

In the largest federally funded study ever conducted on the subject, psychologist Sanford Braver demonstrated that very few married fathers abandon their children.

Overwhelmingly it is mothers, not fathers, who are walking away from marriages and thus separating children from their fathers. Other studies have reached similar or more dramatic conclusions.³

Braver also found that when they are employed, virtually all divorced fathers pay the child support they owe and that the number of arrearages “estimated” by the government is derived not from any actual statistics but from surveys. The Census Bureau simply asked mothers whether they were receiving payments. No data exists to corroborate the mothers' claims. As Braver found, “there is no actively maintained national database of child support payments.”⁴

Braver's research undermines most justifications for the multi-billion-dollar criminal enforcement machinery, as well as the proliferation of government programs to “promote responsible fatherhood.”⁵ If Braver is to be believed — and no official or scholar has challenged his research — the government is engaged in a massive witch hunt against innocent citizens.

The system of collecting child support is no longer one of requiring men to take responsibility for their offspring, as most people believe. The combination of “no fault” divorce and the new enforcement law has created a system that pays

mothers to divorce their husbands and remove children from their fathers. "By allowing a faithless wife to keep her children and a sizable portion of her former spouse's income," writes Bryce Christensen, "current child-support laws have combined with no-fault jurisprudence to convert wedlock into snare for many guiltless men."⁶

Centuries of common-law precedent protected fathers from this possibility. "The duty of a father (now spouse) to support his children is based largely upon his right to their custody and control," ran a ruling typical of the age-old consensus. "A father has the right at Common Law to maintain his children in his own home, and he cannot be compelled against his will to do so elsewhere, unless he has refused or failed to provide for them where he lives."⁷ While few were paying attention, new laws have completely overturned this principle and created a system, as attorney Jed Abraham writes, whereby "a father is forced to finance the filching of his own children."⁸

In 1975, President Ford succumbed to pressure from bar associations and feminist groups and created the Office of

When they are employed, virtually all divorced fathers pay the child support they owe. The number of arrearages "estimated" by the government is derived not from any actual statistics but from surveys.

Child Support Enforcement (OCSE), warning that it constituted an unwarranted federal intrusion into the lives of families and the responsibilities of states. The size of the program increased tenfold from 1978 to 1998.⁹

This massive growth of law enforcement machinery was federally driven. Welfare legislation promoted by the OCSE and passed by Congress in 1984 required states to adopt child-support guidelines under the claim that it would get single-mother families off welfare by making fathers pay more. "No statistical data available then (or since) indicated that such legislation would have the desired effect," writes Robert Seidenberg. Because most nonpayment of child support results from unemployment, and most noncustodial parents of welfare children are not earning enough to pay as much child support as their children already receive in welfare, higher child-support guidelines cannot help these children.¹⁰

Then, in 1988, with no explanation or justification, the guidelines and enforcement machinery that had been created to help children on welfare were extended to include the 80% of child-support orders to children not on welfare.¹¹ Yet both Braver and a pilot study by OCSE itself had already made clear that nonpayment was not a serious problem among this class. A full-scale federal study that was planned to follow up the pilot study was quashed by OCSE when the findings of the pilot threatened the justification for its existence.¹²

Though child-support enforcement formally falls within the executive branch, the linchpin of the system is the family court, a secretive and little-understood institution. Unlike

other courts, family courts usually operate behind closed doors, generally do not record their proceedings, and keep no statistics on their decisions. Yet they reach further into the private lives of individuals and families than any other governmental arm. "The family court is the most powerful branch of the judiciary," writes Robert W. Page of the Family Court of New Jersey, "the power of family court judges is almost unlimited."¹³

Like other state court judgeships, family court judgeships are political positions, elected or appointed by commissions dominated by lawyers who have an interest in maximizing litigation.¹⁴ Family court judges wield extensive powers of patronage, thanks to their power to appoint attorneys and expert witnesses.¹⁵ Like most courts, family courts complain of being overburdened. But it is clearly in their interest to be overburdened, since their power and earnings are determined by the demand for their services.

As Judge Page recommends:

Judges and staff work on matters that are emotionally and physically draining due to the quantity and quality of the disputes presented; they should be given every consideration for salary and the other "perks" or other emoluments of their high office.

If the judiciary is viewed in part as a business, as Charles Dickens suggested, the family courts' customers are divorcing mothers who hope to win custody and windfall settlements. The more satisfied customers an enterprise has, the more it prospers. So it is not surprising that family courts are interested in attracting and satisfying customers. As Page writes:

With improved services more persons will come before the court seeking their availability. . . . As the court does a better job more persons will be attracted to it as a method of dispute resolution. . . . The better the family court system functions the higher . . . the volume of the persons served.¹⁶

The judges who remove children from their fathers and the bureaucrats who seize the fathers' property and persons are often closely connected. David Ross, head of OCSE during the Clinton administration, began his career as a family court judge before moving to higher courts and a stint in a state legislature. The OCSE Web page says he was honored as "Judge of the Year of America" by the National Reciprocal Family Support Enforcement Association in 1983 and as "Family Court Judge of the Nation" by the National Child Support Enforcement Association (NCSEA) in 1989. That enforcement groups are bestowing honors upon judges indicates their interest in family court decisions, especially those that remove children from their fathers and award child support to their mothers: Without those decisions, the groups' services wouldn't be needed. And that a government Internet page boasts about awards given to its supposedly impartial judges by these interest groups indicates how little ethical scrutiny family court judges receive. The NCSEA Web page lists its members as "state and local agencies, judges, court masters, hearing officers, district attorneys, government and private attorneys, social workers, caseworkers, advocates, and other child support professionals," as well as "corporations that partner with government to enforce child support."¹⁷ In other words, it is made up entirely of people who have a financial interest in having

children separated from their fathers.

Setting child support levels is a political process conducted largely by groups that benefit from divorce. Parents are largely excluded. In about half the states, the guidelines used to set child-support levels are devised not by the legislature but by courts and enforcement agencies, and in all states the courts and enforcement agencies play a dominant role in setting the guidelines.¹⁸ Under the separation of powers we do not normally permit police and courts to make the laws they enforce and interpret, since this would create an obvious conflict of interest.

Provisions for citizen input are mostly perfunctory. In Virginia, of twelve members serving on the review commission in 1999, one member represented fathers. The rest were full-time lawyers, judges, enforcement agents, and feminists. When the fathers' representative in 2001 pointed out this fact in a *Washington Times* Op-Ed column, he was dismissed from the panel for his "opinions."¹⁹ "The commissions appointed to review the guidelines have been composed . . . of individuals who are unqualified to assess the economic validity of the guidelines, or who arguably have an interest in maintaining the status quo, or both," writes a Georgia district attorney. "In 1998, for example, of the 11 members of that Commission, two were members of the judiciary, two repre-

The combination of "no fault" divorce and the new enforcement law has created a system that pays mothers to divorce their husbands and remove children from their fathers.

sented custodial parent advocacy groups, four were either present or former child support enforcement personnel, and two were state legislators."²⁰

The conflicts of interest extend to the private sector, where privatization has created a class of government-subsidized bounty hunters with an interest in creating "delinquents." In 1998, Florida taxpayers paid \$4.5 million to Lockheed Martin IMS and Maximus, Inc. to collect \$162,000 in back child support.²¹ Supportkids of Austin, Tex. describes itself as "the private-sector leader" in what it calls the "child support industry." The company is confident of rich investment opportunities, optimistic that delinquencies will only increase. "The market served totals \$57 billion and is growing at an annual rate of \$6 billion to \$8 billion," reports its founder and CEO.

Some firms, like Policy Studies Inc. (PSI), also set the levels of what they collect. From 1983 to 1990, PSI president Robert Williams was a paid consultant with the Department of Health and Human Services (HHS), where he helped establish uniform state guidelines in the Child Support Guidelines Project under a grant from the National Center for State Courts. The guidelines he helped create significantly increased child-support obligations and Congress required states to implement the presumptive guidelines, giving them only a few months of legislative time to do so.²² Virtually all states met the deadline, many by quickly adopting Williams' model. "The guidelines were enacted in 1989

to insure Georgia's receipt of an estimated \$25 million in federal funds," writes William Akins. "They were hastily adopted . . . to beat the federal deadline."²³

One year after joining HHS, and the same year the federal guidelines were implemented, Williams started PSI. "With his inside knowledge [Williams] has developed a consulting business and collection agency targeting privatization opportunities with those he has consulted," explains James Johnston of the Kansas Child Support Guidelines Advisory Committee. "In 1996, his company had the greatest number of child support enforcement contracts . . . of any of

Family courts usually operate behind closed doors, generally do not record their proceedings, and keep no statistics on their decisions. Yet they reach further into the private lives of individuals and families than any other governmental arm.

the private companies that held state contracts."²⁴ PSI grew "by leaps and bounds because of the national crackdown on 'deadbeat dads.'" From three employees in 1984, PSI grew to over 500 in 1996, before welfare reform legislation took effect, from which the company "stands to profit even more."²⁵

The profitability of these enterprises is a function of the size of obligations put on fathers. A collection agency only operates if there are arrearages and "delinquents." Williams therefore not only has a vested interest in making the child-support levels as high as possible, but to make them so high that they create arrearages.

Williams' model has been widely and severely criticized for its methodology. He himself has admitted that "there is no consensus among economists on the most valid theoretical model to use in deriving estimates of child-rearing expenditures" and that "use of alternative models yields widely divergent estimates."²⁶

State governments also profit from child support, according to the House Ways and Means Committee, which notes that "States are free to spend this profit in any manner the State sees fit." States profit through federal incentive payments of 6-10% on each dollar collected, as well as receiving two-thirds of operating costs and 90% of computer costs. Federal outlays of over \$2 billion in 1996 allowed California to collect \$144 million and New York to receive \$49.1 million.²⁷

Most people assume that collections made through enforcement agencies involve arrearages or target those people who would not otherwise pay.



"Of course you're sick — we live in a sick society."

But this is not the case. To collect these federal funds states must channel all child-support payments, including those not in arrears, through their criminal enforcement machinery. This both further criminalizes the fathers and enables the government to inflate the amount of collections it makes, which helps divert attention from fact that the program operates at a consistent loss.

In January 2000, HHS Secretary Donna E. Shalala announced that "the federal and state child support enforcement program broke new records in nationwide collections in fiscal year 1999, reaching \$15.5 billion, nearly twice the amount collected in 1992."²⁸ Yet the method of arriving at these figures is questionable. Figures from the OCSE show that collections in welfare-related cases (in which collection is problematic) have remained steady since 1994, while collections in non-welfare cases (in which compliance has always been high) continue a steady increase.²⁹ Thus the "increase" in collections was achieved not by collecting the

In Indiana, a father has been shackled with an electronic ankle bracelet and forced to turn over three-fourths of his salary for the college expenses of a 21-year-old "child" while his 12-year-old goes without medical treatment.

arrears built up by poor fathers but by bringing more employed, middle-class fathers, into the collection system.

Between the incentive payments, the court patronage, and the bureaucratic conflicts of interest, the systematic bullying by courts and enforcement agencies is becoming difficult to ignore. Several recent cases have attracted wide attention. In Milwaukee, a father was hauled into court and threatened with jail when penalties turned a 4-cent arrearage into hundreds of dollars. Another father was arrested for failing to pay child support during the five months he was held hostage in Iraq. In Texas, a janitor was exonerated after ten years on death row, only to be presented with a bill for \$50,000 in child support not paid while in prison. In Virginia, child support is being sought for 45-year-old "children." In Kansas and California, teenage boys have been ordered to pay child support to grown women criminally convicted of statutorily and forcibly raping them, and an 85-year-old invalid sexually assaulted by his housekeeper has had his pension garnished for child support while being denied access to the child on the grounds it was not in the "best interest of the child." In Indiana, a father has been shackled with an electronic ankle bracelet and forced to turn over three-fourths of his salary for the college expenses of a 21-year-old "child" while his 12-year-old goes without medical treatment.³⁰ The list is endless.

Perhaps most disturbing is the case of Brian Armstrong of Milford, N.H., whom many believe to have received a summary "death sentence" for losing his job. Armstrong was jailed without trial on Jan. 11, 2000 for failing to appear at a hearing of which his family claims he was not notified, and was apparently beaten to death by correctional officials. Another inmate saw Armstrong being led into a room from

which he then heard screaming before he was dragged away.³¹

Fatal beatings of fathers are probably not widespread in American jails, but the *Massachusetts News* has reported on many suicides. Charles London stabbed himself with a kitchen knife in August 1999 after being cut off from all contact with his two children and ordered to pay more than 75% of his salary in child support, leaving him with \$78 a week. The National Association for Child Support Action has published a "Book of the Dead" chronicling 55 cases which they claim the official court coroner concluded fathers were driven to suicide because of judgments from divorce courts.³²

The suicide rate of divorced fathers has skyrocketed, according to Augustine Kposowa, who attributes his finding directly to judgments from family courts. Reports by CBS, CNN, and Reuters ignored this conclusion in favor of therapeutic explanations emphasizing fathers' lack of friends and "support networks." One reporter told Kposowa his finding was not "politically correct."³³

Advocates of "unilateral" divorce have portrayed it as a "citizen's right" and even a "civil liberty."³⁴ Yet in practice, "unilateral" divorce entails highly authoritarian measures. "To preserve these perks, especially child support," writes attorney Abraham, "the government commands an extensive enforcement apparatus, a veritable gulag, complete with sophisticated surveillance and compliance capabilities such as computer-based tracing, license revocation, asset confiscation, and incarceration. The face of this regime is decidedly Orwellian."³⁵ OCSE now maintains an army of almost 60,000 plainclothes agents, with sweeping powers to seize property and persons involved in divorce proceedings, including the power to issue arrest warrants.

Hunting alleged deadbeats also rationalizes highly intrusive monitoring of all private citizens. In addition to automatic wage garnishing from all obligors, even before they become "delinquent," the New Hires Directory now compels employers to furnish the name of every new employee to the federal government. "Never before have federal officials had the legal authority and technological ability . . . to keep tabs on Americans accused of nothing," wrote the *Washington Post* on June 27, 1999. "Just like in totalitarian societies, government bureaucrats will soon have the power to deny you a job, and the ability to monitor your income, assets, and debts," says Libertarian Party Chairman Steve Dasbach. "This law turns the presumption of innocence on its head and forces every American to prove their innocence to politicians, bureaucrats, and computers."³⁶ Several state governments have even voiced dissent, including skepticism over the reality of "deadbeats." "Under the guise of cracking down on so-called deadbeat dads, the Congress has required the states to carry out a massive and intrusive federal regulatory scheme by which personal data on all state citizens" is collected, the Kansas Attorney General's office charged in a federal suit challenging the constitutionality of the mandate.³⁷

The distinction between the guilty and the innocent becomes almost meaningless, since officials are monitoring citizens who owe, those whose obligations are paid up, and those who are not under any order at all. The presumption of

guilt against those who are obeying the law was revealed by one official who boasted to the *Post* that "we don't give them an opportunity to become deadbeats." The presumption that not only are all parents under child support orders already quasi-criminals but that all citizens are potential criminals against whom pre-emptive enforcement measures must be initiated is revealed by Teresa Myers of the National Conference of State Legislatures (NCSL). "Some people have argued that the state should only collect the names of child support obligors, not the general population," she suggests. But "this argument ignores the primary reason" for collecting the names: "At one point or another, many people will either be obligated to pay or eligible to receive child support."³⁸

The presumption of guilt extends into the courtroom, where a father charged with "civil contempt" need not receive due process and may legally be presumed guilty until proven innocent. "The burden of proof may be shifted to the defendant in some circumstances," according to a legal analysis by NCSL, which promotes aggressive prosecutions. The father can also be charged with criminal contempt. "The lines between civil and criminal contempt are often blurred in failure to pay child support cases," NCSL continues. "Not all child support contempt proceedings classified as criminal are entitled to a jury trial." Moreover, "even indigent obligors are not necessarily entitled to a lawyer."³⁹ The bottom line is that a father who has lost his children through literally "no fault" of his own faces a daunting burden: He must prove his innocence without a formal charge, without counsel, and without facing a jury of his peers.

Within the world of child-support enforcement a father becomes a "deadbeat" if he fails or refuses to surrender control of his family to the hegemony of the state. "Child support is 'paid' only when it's paid in a bureaucratically acceptable form," says Bruce Walker, of the District Attorney's Council in Oklahoma City, who claims to have jailed hundreds of fathers. A father is "supporting" his family if he pays by government-approved procedures to government-approved people and has "abandoned" it if he pays in any other way. "Men who provide non-monetary support are deadbeat dads according to the child-support system," says Walker. "Even men who are raising in their homes the very children for whom child support is sought are deadbeat dads."⁴⁰

Though ostensibly limited by guidelines, a judge is free to order virtually any amount in child support. A judge who decides that a father could be earning more than he does can "impute" potential income to the father and assess child support and extract attorneys' fees based on that imputed income. The result, as Darrin White found, is that child support can exceed earnings. If a father works extra hours (perhaps to pay legal fees) or receives any other temporary income, he is then locked into that income and those hours, and the child-support level based on them, until his children are grown.⁴¹ If a relative or benefactor pays the child support on his behalf, that payment is considered a "gift" and does not offset the obligation, which the father himself still owes.

A Rutgers/University of Texas study found that "many of the absent fathers who state leaders want to track down

and force to pay child support are so destitute that their lives focus on finding the next job, next meal or next night's shelter."⁴² Why so many divorced fathers seem to be unemployed or penurious may be accounted for in part by the strains legal proceedings put on work schedules. Fathers are summoned to court so often they lose their jobs. The Ohio Psychological Association found that employers report losing more productive time to divorce and custody proceedings than to alcohol and drug use combined.⁴³ Many divorced fathers are either ordered out of their homes or must move out for financial reasons. They may also lose their cars, often their only means of transportation to their jobs and children. Those who fall behind in child support, regardless of the reason, now have their cars booted and their driver's licenses and professional licenses revoked, which in turn prevents them from getting and keeping employment. An odd myopia is demonstrated in the controversy over whether to give child support priority over other debts in bankruptcy proceedings. Curiously, no one stops to ask the obvious question of why so many allegedly well-heeled deadbeats are going through bankruptcy in the first place.⁴⁴ In what some have termed a policy of "starvation," a proposed federal regulation will render these rich playboys ineligible for food stamps.⁴⁵

It is hardly surprising that some fathers who have been worked over eventually do disappear. Anyone who has been plundered, harassed, vilified, and incarcerated — all on the pretext of supporting children taken from him by force and

A father is "supporting" his family if he pays by government-approved procedures to government-approved people and has "abandoned" it if he pays in any other way.

whom he is not permitted even to see — will eventually reach the limits of his endurance.

There is nothing mutually exclusive about protecting the rights of parents and their children not to be separated without cause and enforcing child-support collection on those men who truly abandon the offspring they have sired. Requiring men to accept financial responsibility for their progeny has been a matter of public policy for centuries. But taking away people's children and forcing them to pay for it, as one scholar warns, is moving us "a dangerous step closer to a police state."⁴⁶ The "deadbeat dad," whom Braver and others diplomatically call a myth, is really more like a hoax, the creation of groups with an interest in separating children from their fathers and criminalizing the fathers. □

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I Flacked The Sheriff

by Ari Armstrong

What happens when a sheriff from Colorado goes to Washington, D.C. to tell the politicians about the drug war?

Bill Masters was a drug warrior for many years. In fact, he received the DEA's award for outstanding achievements in the field of drug-law enforcement. But today he's sheriff of San Miguel County, Colo. and he has come to see that his job as a drug warrior was at odds with his job as a peace officer. Today, he believes that the War on Drugs is undermining the notion of justice by both punishing those who have hurt no one but themselves and by offering the excuse of drug addiction to violent criminals. As he wrote in the November 2000 issue of *Liberty*, "What kind of peace officer — what kind of society would allow a peace officer — to use one minute of time, spend one dollar, or use one jail cell for a marijuana smoker, when vicious child murderers are on the loose?"

Masters recently wrote *Drug War Addiction: Notes From the Front Lines of America's #1 Policy Disaster*. In March, he went to Washington to speak out against the drug war and promote his book. I went along to take photographs, help with the scheduling, make notes, and collect videotapes and various bits of information.

As my wife and I drove to the Denver airport, I hoped I wouldn't be superfluous. I hate Denver International. It's the most difficult airport I've ever tried to find my way around, and it's painfully far from Denver. And I wasn't looking forward to the post-Sept. 11 airport security measures.

I showed up three hours early and breezed through the lines.

To my surprise, the "random" searches failed to target an attractive female. Instead, a tall, lanky man was selected for special attention. He wore a shit-eating grin that said, "I feel ridiculous and slightly embarrassed, but I know you feel a

little embarrassed watching me, too."

At the security gate, I passed the military guys with the cool guns. I had to resist the urge to ask for technical information about the guns and to take a closer look at them. I didn't figure such conversation would go over very well. Man, that job looks boring. They wear camouflage inside the airport and have to carry guns around all day but they don't even get to shoot.

I was flying into Reagan, so there were extra-heavy-duty security precautions. They roped off an entire area near the gate and the military guys examined every nook and cranny with interesting-looking gadgets. Once we were checked into the "secure" area, we weren't allowed to leave. Of course, on the way out of the gate there was a non-secured door to the outside world.

I've seen photos of plastic knives a lot nastier than the box cutters those murderous bastards used last September, and nothing I saw would have prevented such weapons from making it onto the plane. But I felt secure because I knew that I and most of my fellow passengers were ready to do what needed to be done to fend off terrorists, should it come to that.

And I was damn proud to be flying again. Sure, the gov-

ernment has done its damndest to screw up the airline industry. Still, jetting through the air while eating a turkey wrap and potato chips is a technological marvel, a salute to human ingenuity and all the secular values hated by mystical zealots of all stripes.

Once in the district, I purchased my Metro card and stopped by the Libertarian Party offices at the infamous Watergate building to meet up with George Getz and Ron Crickenberger, who were helping Masters publicize his book. Getz was worried that his press release hadn't generated the interest in Masters' visit he had anticipated — a previous release had generated over two dozen radio interviews for the sheriff.

I went to my hotel room to make a few phone calls and ate dinner at a nearby brew pub. The sheriff arrived. He is a pretty down-to-earth kind of guy, somebody who tends to make those around him feel comfortable. After stopping at

Drug prohibition destroys trust among civilians within the community and between the community and law enforcement. Sheriff Masters is trying to win back a little bit of that trust.

the local Starbucks, we headed off to our first appointment, a radio interview with Alan Nathan, whose show *Battle Line* runs on Radio America.

After explaining how he wants Republicans out of his bedroom and Democrats out of his pocketbook, Nathan told us that he wasn't that enthusiastic about Libertarians, either, just because they're not centrist enough. He was a nice enough guy, though, and sympathetic to many of Masters' points.

Nathan just couldn't accept the notion of decriminalizing "hard" drugs, because drugs can make people go "crazy." The sheriff responded to this rather florid argument by pointing out that drug abuse may be bad, but that drug prohibition is far worse.

Back at LP headquarters, Getz had lined up a telephone interview with Jeff Johnson of the Conservative News Service, an online deal. The Sheriff was on top of his game as he explained that the drug war is largely about class. Rich people can afford fancy lawyers, so asset forfeiture and other weapons of the drug warriors are aimed at the poor and the politically unconnected. "I think you'd find new respect in the [law-enforcement] profession if we were to end the drug war," he said. To me, this is his most compelling message. The War on Drugs alienates the police from the people they're supposed "to serve and protect."

In a speech at Cato that afternoon, Masters told how, as a young lawman, he had gone toe-to-toe with a gang of ruffians in Telluride. He approached the group, and they dispersed. The fact that the patrons of the local cafe had lined up on the street corner behind him made all the difference. "We got your back, sheriff." Years later, after he had made his reputation as a drug warrior, many of those same patrons burned an effigy of him to protest his policies. You could tell

it broke his heart.

These days, it can be easy to forget that the profession of protecting people's rights is among the noblest careers anyone can pursue. Drug prohibition destroys trust among civilians within the community and between the community and law enforcement. Sheriff Masters is trying to win back a little bit of that trust.

William Otis, a former federal prosecutor invited by Cato to respond to the sheriff, gave a response that struck me as sincere. He said, "There is much to admire in Masters' book, as there is much to admire in the libertarian philosophy which Masters champions." He referred to Masters as "a principled man" who hadn't sufficiently thought through the consequences of ending prohibition.

Legalizing drugs, Otis argued, would lead to more drug use and abuse. Even Masters realized this, he said, and then quoted the following from Masters' book: "Once drug prohibition is repealed and the violent black market is wiped out, the prices of most drugs will drop dramatically. Thus, some addicts and casual users may take more drugs, and some people who don't take drugs today . . . may start taking them" (64). But Otis failed to quote the very next line: "But that simple economic model doesn't tell the whole story. Repealing drug prohibition will also result in some people taking fewer or no drugs" because of things like more truthful education about drug harms, greater access to treatment, and more emphasis on personal responsibility.

Otis argued that drug use can result in death or physical injury to the user, that some people who take drugs hurt other people, and taxpayers bear the burden of irresponsible drug use. These social harms can be partially prevented, he suggested, through prohibition. As to the argument that the repeal of drug prohibition would be as salubrious as was the repeal of alcohol prohibition in 1934, Otis argued that, unlike

The sheriff had a couple hours sleep, then caught a plane home. But he had no opportunity to catch up on his sleep. A couple of skiers near Telluride had gone into an avalanche area and . . .

the 1930s when alcohol prohibition was repealed, we live today in an "age of indiscipline" that has helped to "destroy moral standards." Otis cited the news story about a woman, who happened to be a recreational drug-user, who crashed into a man and left him dangling from her shattered windshield for days as he died in her garage. This, he said, illustrated the need for drug prohibition. The question running through my head was, "How many pot smokers did the local cops bust while this poor guy was dying in the woman's garage?" Even if he could link drug use and homicidal behavior — a stretch — Otis would still have to admit that she got the drugs despite the current program of prohibition. (It was later reported that the initial reports were wrong: The man, also a drug-user, had died upon impact or shortly thereafter.)

The sheriff responded, sensibly enough, that to take Otis'

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The “Genius” Behind The Genius Grants

by Barry Loberfeld

It isn't pretty when a “naive liberal” tries to put his spin on communist horrors.

People in other parts of the country are liable to imagine that Long Island has a newspaper like *Ripley's Believe It or Not*, what with everything from the “Amityville Horror” to Joey Buttafuoco happening here. And they're not far from wrong — as anyone who's ever gotten hold of a copy of *Newsday* can attest.

The most intriguing piece of late, however, is one that contains no sex at all and whose only violence is to fact and logic. Its writer is not some local yokel but the publisher of a national magazine — John R. MacArthur of *Harper's*. He is, by his own description, a “naive liberal” — a term that, as we shall see, hides more than it reveals.

Consider, for example, MacArthur's “Neo-McCarthyism and the New Cold War Hangover” — its continuation on another page is called “Exhuming Communism to Fight It All Over Again” — in which he bemoans his innocence in having thought that the decay of the Soviet Union would fertilize “a more freewheeling argument about the exaggerated menace of communism.” One might leap to suggest that his disappointment is the product less of his innocence than his orientation. There are indeed any number of texts that make a “freewheeling argument” about communism, all of which can now be found in the dustbin of history.* Today, even many of the one-time arguers themselves (e.g., David Horowitz, Ronald Radosh) concede that such works are about as useful as a pre-Columbian map. But if MacArthur is despondent about the argument that the disintegration of the Soviet Empire hasn't inspired, he is positively livid over the

one it has, viz. it has “resurrected and solidified some of the worst elements of American historical dogma about Josef Stalin, World War II, the Cold War and McCarthyism.” Meaning?

First came a reinvigorated Stalin-Hitler equivalency campaign, which for decades has sought to place the Soviet dictator on an equal footing with his German adversary, at least in terms of sheer savagery. The ultra anti-Stalinists believe that liberal and leftist dupes have somehow given Stalin a free ride by focusing on the more obvious crimes of Adolf Hitler. No more, they cry. Armed with French historian Stephane Courtois' massive 1997 compendium, *The Black Book of Communism*, historians Tony Judt of New York University and Martin Malia of the University of California at Berkeley have clambered on to mainstream media vehicles to announce their amazing revelation: Stalin was evil! He was really evil!

“No one,” announced Judt last year in an op-ed piece for *The New York Times*, “will any longer be able to claim ignorance or uncertainty about the criminal nature of communism, and those who had begun to forget will be forced to remember anew.” One might dismiss such a pretentious and condes-

cending generalization as mere academic bombast. Except that Courtois doesn't stop there; Courtois, in Judt's account, "claims that we can no longer insist on the conventional distinction between communism and Nazism, which sets Hitler's state apart as a singularly terrible regime to which nothing can compare. Those very features of Nazism that we find most repellent have now been proved endemic to communism from its inception."

Okay, you can start breathing again.

What of the "Stalin-Hitler equivalency campaign"? For some reason, MacArthur never considers why such a campaign was needed. There never was a Dillinger-Capone equivalency campaign because no one ever claimed to discern any moral distinction between the two. In contrast, while Hitler's Germany was condemned uniformly by the democracies, Stalin's Russia was championed by many in the West. As David Horowitz has observed:

... Althusser and Brecht, Lukacs and Gramsci, Bloch and Benjamin, Hobsbawm and — yes — Edward Thompson too. Subtle Hegelians and social progressives, they were all promoters of the Stalinist cancer, devoting their formidable intellects and talents to its metastatic growth... And what of the tens of thousands of Party intellectuals all over the world, among them Nobel Prize-winning scientists and renowned cultural artists who saw no particular difficulty in assimilating Stalin's gulag to Marx's utopia, socialist humanism to the Soviet state?*

The question of how "good people" in Germany could have fallen under the spell of Hitler has been asked and considered repeatedly since the end of World War II — a reflection of the gravity of the question and the urgency for an answer. And yet it is "McCarthyism" to question the motives — to say nothing of the moral status — of those in the Free World who supported and defended communist dictators.

Imagine a historian who, commenting on a work of scholarship that brilliantly documents the horrors of Hitler's atrocities, states that no one "will any longer be able to claim ignorance or uncertainty about the criminal nature of Nazism, and those who had begun to forget will be forced to remember anew." Such a statement would be applauded by all. We can well imagine the abuse that would fall upon someone who characterized that statement as "a pretentious and condescending generalization" and "mere academic bombast" from an "ultra anti-Hitlerite."

Can MacArthur really be unaware that, while the "Zionist hoax" crowd has always been relegated to the fringes and the gutters, the deniers of and apologists for the many communist atrocities have included prominent journalists and professors? Does he really mean to suggest that the Soviet murder of 7–10 million Ukrainians actually has been given — both academically and popularly — the same attention as the Nazi murder of 6 million Jews? Hitler's crimes are remembered as "the Holocaust," whereas Stalin's crimes are remembered... how, if at all? (I hesitate even to mention Mao's mass slaughters, which have now almost completely fallen into the West's memory hole.) And would

MacArthur really care to tell us who — apart from some hate-monger with a website — would deride a commitment to "never forget" the Holocaust as "exhuming Nazism to fight it all over again"?

MacArthur's keen sense of justice is noticeably troubled by Courtois' blanket condemnation of "communism." MacArthur finds this "disturbing":

Lumping Stalin and, say, Ho Chi Minh together amounts to an ignorant polemic; good history is about making intelligent distinctions, and no "crime" committed by Ho and his followers in their ambition to rid Vietnam of successive foreign invaders can be logically called equivalent to Stalin's Gulag or his wholesale destruction of the Kulaks.

Really? Not the "tens of thousands of domestic opponents [who] were killed by Uncle Ho Chi Minh after 1954"? Or the "thousands of civilians [who] were clubbed to death in Hue during Hanoi's brief occupation of that city in 1968"? Not even the "bloodbath after Hanoi's victory — an estimated one hundred thousand summary executions, a million and a half boat people driven to exile and death, and a like number consigned to tiger cages and Marxist 're-education' camps — to complete North Vietnam's subjection of the South"?** Now is MacArthur claiming that not one of these things actually ever happened — or that not one of them can

There never was a Dillinger-Capone equivalency campaign because no one ever claimed to discern any moral distinction between the two.

be called a "crime," since they were all obviously necessary to the struggle against imperialism? I don't know which view is worse. It's incredible that MacArthur can so berate Judt, and then demonstrate his own "ignorance or uncertainty about the criminal nature of communism" in Southeast Asia.

MacArthur gives his idea of "making intelligent distinctions" when he comes to the core of his argument:

But it's one thing to lower Ho to Stalin's level; it's quite another to raise Hitler to Stalin's... To borrow Judt's phraseology, the feature of Nazism that I find most repellent — the extermination camps and their systematic, train-to-oven efficiency — never existed in the Soviet Union. Political prisoners of different races and ethnicities survived the Gulag because it was not a collection of slaughterhouses designed to eliminate a distinct group of people; bureaucratic happenstance and whim, or the refusal to confess, sometimes resulted in unexpected clemency. By contrast, no Jew was intended to survive the Nazi death camps...

This is, quite simply, a lie. The Gulag was every bit an abyss into which multitudes were thrown never to return. Historian Robert Conquest: "For Russians — and it is surely right that this should become true for the world as a whole — Kolyma is a word of horror wholly comparable to Auschwitz... it did indeed kill some three million people, a

*David Horowitz, "The Road to Nowhere," *Liberty*, November, 1991, p. 26. This is not to overlook the "liberal" dupes, e.g., New Deal brain truster Rexford G. Tugwell, who opined, "The future is becoming visible in Russia; the present [i.e., America] is bitterly in contrast."

***Destructive Generation: Second Thoughts About the Sixties*, by Peter Collier and David Horowitz. Summit Books, 1989, p. 233.

figure well in the range" of the Nazi death camp.* Given the scale of death and suffering, MacArthur's legalistic distinction based on an occasional "unexpected clemency" is an obscenity. As for his fabrication of Soviet concern with the sincerity of prisoner confessions, the less said the better.

Still, MacArthur is unrelenting in his determination to raise the soul of Uncle Joe to a considerably higher ring of hell: "It is false to make Stalin's indirect killings born of political ideology equal to Hitler's direct murder born of hatred for an entire race." What we have here is a claim that it is morally superior to commit mass murder indirectly against an entire class for ideological reasons than directly against an entire race. MacArthur continues: "Starving masses of people to death in Ukraine . . . is monstrous, but fundamentally different from gassing Jews en masse . . ."

In the name of God, how?

To justify that assertion, MacArthur states: "Some Ukrainian peasants in 1929 survived the famine by fleeing to the cities to try to find food; the Jews in Hitler's camps had no such option." That's about as helpful as noting that because some Jews (e.g., Freud, Mises, and Einstein) escaped persecution by fleeing to the West, the fact that destitute Ukrainians in Stalin's prison state had no such option makes Hitler into a relatively good man.

If we ignore how ultimately unimportant differences of degree are between them and weigh Hitler against Stalin, it is undeniably Stalin who comes out looking the worse. Consider the case of Archbishop Galen of Münster, who rallied the Roman Catholic clergy to protest Hitler's killing of the mentally ill and retarded. Der Fuehrer responded by stopping the murders. In similar situations, Stalin responded by murdering those who protested. Another example: German officers who refused to obey orders to commit atrocities were never punished for insubordination. This fact played a major role at the Nuremberg trials, where it was adduced to undermine the accuseds' defense that they had no choice but to follow orders for fear of their own lives. In contrast, under Stalin — and Mao and Pol Pot and Mengistu — those who refused to commit murder were themselves murdered. It seems inconceivable that anyone could "out-Hitler Hitler" — yet the communists did. Not only was Soviet communism morally equal to Nazism, it was also morally responsible for the rise of Hitler. As German historian Ernst Nolte observed, "the Gulag came before Auschwitz." British historian Paul Johnson elaborates:

The camps system was imported by the Nazis from Russia . . . the scale of [Stalin's] mass atrocities encouraged Hitler in his wartime schemes to change the entire demography of Eastern Europe. . . . Hitler's "final solution" for the Jews had its origins not only in his own fevered mind but in the collectivization of the Soviet peasantry.

Soviet demographer Nick Eberstadt concurs: "the Soviet Union is not only the original killer state, but the model one."** Should anyone still harbor any doubt, he need only consider the statement of this Cheka official:

*Kolyma: *The Arctic Death Camps* by Robert Conquest. Viking, 1978, pp. 15–6.

**Quoted in Ralph Raico, "The Taboo Against Truth: Holocausts and the Historians," *Liberty*, September, 1989, p. 18.

We are not carrying out war against individuals. We are exterminating the bourgeoisie as a class. We are not looking for evidence or witnesses to reveal deeds or words against the Soviet power. The first question we ask is: to what class does he belong, what are his origins, upbringing, education, or profession? These questions define the fate of the accused. This is the essence of the Red Terror.‡

MacArthur concocts these transparently absurd distinctions between Hitler and Stalin out of an apparent need to cast Stalin as the lesser evil.‡‡ But why? Here is what he fears: "If Stalin was as bad as Hitler, then [Joseph] McCarthy's depredations against civil liberties and common decency become more palatable." Think about what's implicit in that assertion: If Hitler was worse than Stalin, then "depredations against civil liberties and common decency" — in the name of anti-Nazism — "become more

While the "Zionist hoax" crowd has always been relegated to the fringes and the gutters, the deniers of and apologists for communist atrocities include prominent journalists and professors.

palatable." This must explain why Leftists never condemn the creation of the House Un-American Activities Committee — by Soviet agent Samuel Dickstein (D-N.Y.) — as an organ to monitor American "fascists."§ Does he believe that this is the conspiratorial motive of scholars Courtois, Malia, and Judt and their "Stalin-Hitler equivalency campaign"?

Amazingly, MacArthur generates more indignation over the actions of Sen. Joseph McCarthy and his followers in their ambition to rid the American government of Soviet agents than over any alleged "'crime' committed by Ho and his followers in their ambition to rid Vietnam of successive foreign invaders." Apparently, not only was Ho Chi Minh not "as bad as" Stalin — he wasn't even as bad as McCarthy! Equally amazing is that MacArthur imagines that his perverse quibbles and outright falsehoods could alter anyone's view of McCarthy. His view of McCarthy, cut to fit contemporary fashion, is that of evil personified — an evil now exemplified by such apparent neo-McCarthyisms as serious consideration of the evidence provided by Soviet archives with regard to the question of Russian spies (the archives are

‡Collier and Horowitz, p. 289.

‡‡Three times in his essay MacArthur reminds us that the Soviets were "our World War II allies" against the Nazis. So, while Stalin receives no mention of — let alone moral condemnation for — originally having been allied with Hitler, he nonetheless receives moral credit for eventually having been betrayed by him. But far more grotesque is MacArthur's effort to establish anti-Semitism as a point of distinction between the two dictators, a myth that obscures the fact "that Stalin had helped his erstwhile partner by acquiescing in the extermination of the Jews" (p. 73) — and that Stalin ultimately tried to similarly liquidate Soviet Jewry. *Stalin's War Against the Jews*, by Louis Rapoport. The Free Press, 1990.

§*The Haunted Wood: Soviet Espionage in America in the Stalin Era*, by Alexander Vassiliev and Allen Weinstein. Random House, 1993.

a forgery, MacArthur assures us) concluding that the Rosenbergs and Alger Hiss are guilty despite "the respectable counterarguments in support of [their] innocence." Incredibly, in the next breath he asks, "So why is it necessary to re-try and re-convict the Rosenbergs and Hiss?"

I suspect today's neo-anti-communist movement is in part fueled by a profound desire to wipe out the tattered remnants of both the old and the new left. Not satisfied with Ronald Reagan's reversal of Franklin Roosevelt's New Deal legacy (or Mikhail Gorbachev's reversal of Lenin's), the emboldened reactionaries in U.S. politics, media and academia are out to settle scores with their counterparts who opposed the madness of the Vietnam War, the crime syndicate run by Richard Nixon and the racist laws of the former slave-holding states.

And there you have it: "Stalin-Hitler equivalency" equals anti-communism equals McCarthyism equals approval of My Lai, Watergate, and Jim Crow.

And what was ostensibly a scholarly endeavor to reassess the status of communism is, in fact, an attack on Leftists by a right-wing conspiracy so vast as to include even Bill Clinton,

The bogey of "redbaiting" the socialist Left must come to be seen as ludicrous as the idea of "brownbaiting" the fascist Right.

who played his part by "return[ing] the administration of welfare to the individual states, very much in keeping with the spirit of George Wallace's white supremacist doctrine of 'state's [sic] rights.'" Follow the Harold Hill (*The Music Man*) logic: Clinton returned welfare to the "individual states," and that sounds like "states' rights," and that stands for "white supremacist doctrine."

Whatever you think of MacArthur, you cannot deny he is unique — literally. In no newspaper anywhere will we find his "counterpart" argue that remembrances of the Holocaust (e.g., *Schindler's List*) are motivated by the "profound desire" of leftist radicals to obliterate conservatism. The obvious reason is that no prominent conservative sympathizes with the ideology of Hitler; consequently, none sees a condemnation

of Nazism as an attack on himself. In contrast, any number of prominent individuals — "in U.S. politics, media and academia" — share the Marxist ideology of Stalin, Mao, and all the other communist despots. It is here that his concerns fully surface, for what is the ultimate implication of a "Stalin-Hitler equivalency" but that it would marginalize those who propagate Stalin's ideas? Accepting the "Stalin-Hitler equivalency" means an end to the double standard that holds that Nazi Germany was the result of an evil ideology — racism — while Soviet Russia was the result only of an evil man. That claim once served to allow Marxists to convince people (including themselves) that Stalinism would die with Stalin, that Marxist ideology was innocent of Soviet crimes. Consequently, the world never said "never again!" to communism, with the result being that Stalinism thrived and spread — across the globe, decade after decade (while Nazism did indeed die with Hitler).

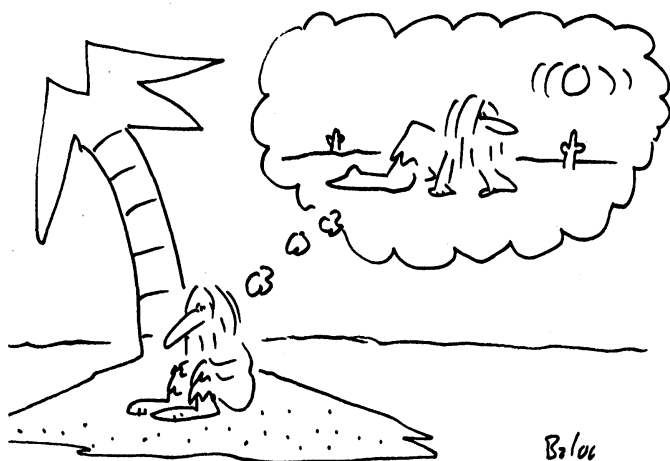
The "Stalin-Hitler equivalency" is only a euphemism for an equation that MacArthur fears even more. The connection that MacArthur and other "naive liberals" evade is not that between the dictators Hitler and Stalin, but that between the theorists Hitler and Marx. What they ultimately dread is not the notion that "Stalin was as bad as Hitler" in practice, but that Marxism is as evil as Hitlerism in principle. For what was Nazism ever other than Marxism in which class consciousness was replaced with racial nationalism?* Is a determinist doctrine of classism and class warfare less repugnant than one of racism and racial warfare? Is it less evil in principle? Is it less evil in practice? It is only if you can believe in MacArthur's morally grotesque distinction between "[s]tarving masses of people to death in Ukraine" and "gassing Jews en masse." Lest there still be any uncertainty, consider this: In the first months of 1849, Marx (using Engels' byline) wrote a series of pieces for the *Neue Rheinische Zeitung* in which he proposed the liquidation of different European ethnic groups that he deemed "reactionary." In 1924, quotations from these essays appeared in Stalin's *Foundations of Leninism*. The necessity of mass murder is one of the lessons that Marx taught Lenin, who in turn taught Stalin — who in turn taught Hitler.**

Our culture can no more be neutral or agnostic toward Hitler or Nazism than it can be neutral regarding Stalin or communism. The bogey of "redbaiting" the socialist Left must come to be seen as ludicrous as the idea of "brownbaiting" the fascist Right. And yet we have only to look at academia (to take one of MacArthur's own examples) to see how far from a single standard we still are.

As for John MacArthur, he is Exhibit A, a flesh-and-blood specimen of the very "liberal dupes" he contends exist only as fantasies of lunatic critics of communism. □

*Consider the figure of Rosa Luxemburg whom many Leftists (e.g., *The Nation's* Christopher Hitchens) revere as someone who could have "saved Germany" from Nazism. Speaking for the country's communists, she declared: "Socialism does not mean getting together in a parliament and deciding on laws. For us socialism means the smashing of the ruling classes with all the brutality that the proletariat is able to develop in its struggle."

***... Hitler admired Stalin, quite properly seeing himself as a mere infant in crime compared to his great exemplar." *Walking in the Shade*, by Doris Lessing. HarperCollins, 1997, p. 262.



Reviews

The Lives of H.L. Mencken

R. W. Bradford

H.L. Mencken, 1880–1956, was the most influential American literary critic of the 20th century, one of America's most influential personalities, and arguably the most prominent and influential American libertarian. He has never lacked devoted readers, and there are now signs that he is coming back into his own with a wider audience of educated people.

On April 7, C-Span celebrated his life with a two-hour program in its American Writers series, featuring Mencken anthologist Marion Elizabeth Rodgers, *Baltimore Sun* reporter Fred Rasmussen, and Vince Fitzpatrick, curator of the Mencken collection at the Enoch Pratt Free Library in Baltimore. The program, done live from the street outside Mencken's now-abandoned home in Baltimore, consisted primarily of call-ins, augmented by photographs of Mencken and selections from a 1948 interview recorded for the Library of Congress.

The program provided an introduction to Mencken, rather than a serious look at his life or work. The most provocative comment was offered in a brief excerpt of an interview with P.J. O'Rourke, who observed that Mencken was not an individualist in that he did not believe in the:

sanctity of the individual, the primacy

of the individual, the idea that society and political organization should be based on the individual and I don't think Mencken's opinion of the individual was quite that high. Mencken was a believer as many people in his era were, in the forces of culture. He may not have believed in politics. He may not even have been much of a nationalist, but he did believe in culture.

Despite O'Rourke's eccentric use of the term "individualism," this is a prescient observation. Of course, in a political context, individualism means that the state should keep its hand off the individual and allow him to bear the fruits of his successes and the costs of his failures — by which standard Mencken is one of the greatest individualists in American history. Happily, the American Writers program was followed by the full interview with O'Rourke.

Judging from the number and character of the calls to the program, there is certainly a renewed interest in Mencken. This may, then, be a good time to evaluate some of the major sources of information about his life — and, indeed, to say something about the *many* lives he led.

H.L. Mencken led five lives, two public and three private. His public

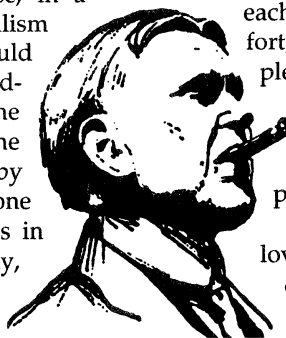
lives were as newspaperman and literary figure; his private lives were as family man, friend, and lover. There was some overlap among these lives (for example, he encouraged his friends and lovers to write for the literary publications he edited), but as a general rule, he tried to keep them reasonably separate. He had two reasons: he valued his independence, which he knew he could maximize by having more than one successful career, and

he sought different things from each of his different lives: comfort, camaraderie, and private pleasures from his private lives: fame, money, excitement and intellectual challenge from his public lives.

He sought to keep his love life private but was quite open about his life as family man and friend.

And for a man who vituperatively eschewed public relations and denounced professional p.r. men, he did an awful lot of work to enhance the public perception and reputation of his public lives as newspaperman and (especially) literary figure.

Anyone who read *The Man Mencken*, by Isaac Goldberg (1925) was bound to suspect that its subject had played a substantial role in writing it. For one thing, it contained a considera-



ble amount of information that could have come only from Mencken; for another, it was written very much in Mencken's own style. But his style is contagious — those who read Mencken very often ape him — so Mencken's role in his first biography was therefore conjectural until Carl Bode revealed in *Mencken* (1969) that Mencken had provided Goldberg with a "thick autobiographical typescript," much of which Goldberg rewrote by changing it from the first person to the third. ("It was, of course, very friendly," Mencken commented in his

For a man who vituperatively eschewed public relations, Mencken did an awful lot of work to enhance his public perception and reputation.

memoir [*My Life as Author and Editor*, p. 408], "and I doubt that it could be called penetrating.")

Mencken's publicity-hounding continued after his death. He sequestered personal papers, correspondence, detailed records, a diary, and two lengthy memoirs for release 25, 35, and 45 years after his death, thereby ensuring a steady stream of new information and, presumably, new interest in his life and work.

The past five years have seen publication of abridged versions of Mencken's diary and two lengthy memoirs, one on his life as a newspaperman and one on his life as a literary figure. Revelations from these, and other papers, made past biographies somewhat obsolescent, so in 1994 Fred Hobson published the newest, most definitive biography, *Mencken A Life*. It is not surprising that an English professor like Hobson, already known to Menckenophiles as author of *Serpent in Eden: H. L. Mencken and the South*, would produce a rather dull biography. There is a dramatic contrast between Hobson's prose and that of Mencken and Mencken's livelier correspondents. Thanks, however, to the fact that Mencken is Mencken and that the biography of a literary figure is bound to quote extensively from its

subject, Hobson's biography is a pleasant read.

Hobson enjoys two advantages over previous biographers: the release of various of Mencken's papers, most notably two long memoirs, *Thirty-Fine Years of Newspaper Work* and *My Life as Editor and Author*; and the availability of various previously unavailable personal correspondence. This latter consists mostly of letters from Mencken to various women friends, all of whom promised Mencken that they would destroy every last piece of correspondence. Their failure to keep their word, and their eventual sale of these letters to libraries, has added considerable detail to our knowledge of the private life that Mencken very much wanted to keep very private.

Before Hobson, discussion of Mencken's love life was pretty limited. Bode (1969) did write a chapter about Mencken's longest-lasting relationship, an affair with Marion Bloom that lasted more than a decade, and hinted at a few others. Hobson had the advantage of playing the voyeur through hundreds of old love letters. Mencken was discreet both as lover and romantic correspondent, so there's nothing salacious revealed. Mostly, the letters allowed Hobson (and any other scholar who goes to the trouble of reading them) to get a better idea of the women who interested Mencken and the sorts of things he found appropriate to write to them about. For a Menckenophile like me, this is interesting, though I wonder whether my interest is any different from that which motivates 3 million housewives to pick up *The National Enquirer* at their grocery checkstand each week.

In general, however Hobson's biography covers quite familiar ground, and covers it in a pedestrian manner, the way a welfare mom covers her new sofa from Kmart with clear plastic. For the individual unfamiliar with Mencken's life, it is a decent enough book, though there are livelier alternatives. I overstate Hobson's dullness, I suppose, but there certainly is a dramatic contrast between Hobson's prose and the prose of Mencken or of his livelier biographers.

One other thing annoys me about Hobson's book. In its "Acknowledgements," Hobson thanks the National

Humanities Center and the National Endowment for the Arts for providing him financial support in 1991–1992. Why does anybody need a government subsidy for a book that is virtually certain to be a financial success? I know, writing a detailed scholarly biography takes a lot of work. But this is not a biography of an obscure figure of interest only to scholars. Mencken is a writer of enduring interest, whose fans are many. If you don't believe me, check the prices of Mencken's books in any decent used book store. Despite their large printings during his life and since, they continue to be scarce and to command very good prices, thanks to demand from fans and collectors of Menckiana. I have corresponded with three different people who subscribe to *Liberty* only because, they say, we review new books on Mencken. Hobson's book was published by a major commercial publisher, extensively advertised and publicized. In short, its commercial success was virtually certain. So why does its author take a subsidy, let alone one forcibly extracted from his fellow citizens?

Mencken's two recently published memoirs, on the other hand, are much

Mencken once wrote a new constitution for Maryland that included a provision for a tax on bachelors of \$1.00 per day, on the ground that it was "worth a dollar a day to be free."

more fun to read, and reveal much more new and interesting information about their author.

The Private Lives of H. L. Mencken

Mencken sought to keep his love life private (hence public details were sparse until the publication of Bode and especially Hobson), but was quite open about his life as family man and friend. In all these lives he seems to have been very much a bourgeois but cosmopolitan Victorian. His father died when he was 18, leaving Mencken as head of his family, a responsibility he accepted without any evident hesi-

tation or feeling of burden. His mother lived until he was 45, and during all those years he lived with her in the row house in Baltimore that his father had bought in 1883. His home life was a peaceful refuge from the tumult of his careers as literary critic and newspaperman, an environment in which he found both comfort and pleasure.

He cultivated a reputation as a confirmed bachelor and misogynist, though the truth of the former charge was doubtful and the latter negligible. He once wrote a new constitution for Maryland that included a provision for a tax on bachelors of \$1.00 per day, on the ground that it was "worth a dollar a day to be free" and his book *In Defense of Women* (1918) was sufficiently delphic to allow many to read it as anti-women. Nevertheless, he plainly enjoyed the comforts of women. My own suspicion is that he avoided marriage as long as his mother lived, appreciating the stability and comfort of his mother's home, his freedom both to pursue his careers and to avail himself of the pleasures of a variety of women. He began to think seriously of marriage only when his mother died.

He met Sara Haardt in 1923, when he lectured at Goucher College, a rather genteel Baltimore woman's college at which she was an English instructor. He courted her as well as several other women intermittently during the next few years. Sara was the youngest, the most similar to Mencken in class, culture and style, and the woman most clearly likely to play a subordinate role in their relationship. She also was in poor health, partly the result of an unfortunate intervention in her medical care authorized by a well-intentioned Mencken in 1928.

In choosing Sara, it seems plain that Mencken sought a quiet, comfortable, and secure home life, one similar to the life he enjoyed as a bachelor. Mencken's and Sara's love was deep and abiding, and her early but not unexpected death in 1935 devastated him.

Mencken enjoyed the company of literary figures and newspapermen, but his closest friends came from disparate walks of life. They included a physician, a violin maker, a medical artist, and an electrician. He seems to

have sought in his friendships the same sort of comfort and security he sought in his family. His friends were by no means stupid or unaccomplished men, but plainly he valued common prejudices, loyalties, and similarities of taste over intelligence and accomplishment. In this way, perhaps, he was more demotically American than he would have wanted to believe.

Mencken as Litterateur

Mencken never limited his criticism

to literature; he also wrote about politics, culture, art, music . . . and virtually anything else that captured his fancy. But it is Mencken the literary figure that we know best. There is a good reason for this. For one thing, virtually all his biographers are professors of literature, who naturally focus on his literary criticism. More importantly, it was as a literary critic that he made his reputation.

In the early years of the 20th century, he established himself as the most

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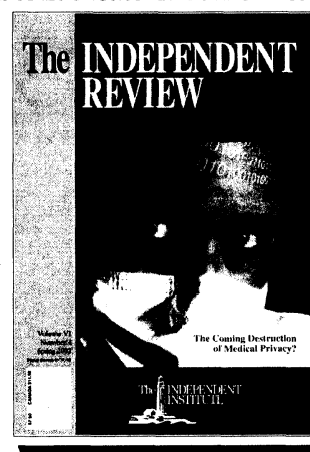
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intelligent, lively, and interesting critic in America. His first criticism was written for Baltimore newspapers, but he quickly sought out a wider stage. In 1908, he began writing criticism for *The Smart Set*, at the time a not particularly distinguished magazine of short stories, essays, and criticism. His acerbic wit, his skill at penetrating fundamental issues of style and taste, and his enormous appetite for work — in 15 years at *Smart Set*, he wrote more than a million words, reviewing an astonishing 2,000 books — gradually made him the nation's most influential literary critic.

As the 1910s ended, his interests gradually evolved away from literary matters toward cultural and political issues. He intransigently advocated civil liberties and general classical liberal values. Mencken often characterized himself as a "libertarian" and many contemporary libertarians see him as one of their own, though it is clear that he was not a libertarian in the sense the term is used today.* His open support for Germany in World War I made him an unpopular figure, leading him to turn away from politi-

Plainly Mencken valued common prejudices, loyalties, and similarities of taste over intelligence and accomplishment. In this way, perhaps, he was more demotically American than he would have wanted to believe.

cal writing for a time and turn more to humor. This was when he wrote his fanciful history of the bathtub, a hoax that managed to take in a great many people, including not a few scholars. At the same time, he was establishing a reputation as a scholar himself, thanks to publication of *The American Language* in 1919.

Beginning in 1919, he gathered an anthology of his magazine writing,

* See "H.L. Mencken: Libertarian or Conservative?," by R. W. Bradford, *Liberty*, May 1992, especially pp. 55-6.

that he called *Prejudices*. It proved so successful that, over the next eight years, he did five sequels. He continued to be more and more a critic-at-large than a literary critic, a development evident in each successive collection of *Prejudices*. Even so, his influence on the literary world remained very substantial: In his memoir, for example, he twice mentions using his influence to get a Pulitzer prize for one or another individual.

In 1924, he launched *The American Mercury*, a monthly review that quickly became immensely popular with educated Americans and made him a celebrity on college campuses. But his success was not limited to highbrows. By now, his books were best-sellers and his newspaper column was syndicated nationally. In 1926, journalist Walter Lippman accurately described him as "the most powerful personal influence on a whole generation of educated people."

His popularity flagged during the so-called "Great Depression," but his literary output did not. He continued to write, to edit the *Mercury* (until 1933) and to play an important role in the management and editing of the *Baltimore Sun*, one of America's great newspapers. He wrote editorials, essays, memoirs and scholarly articles until 1948, when a stroke silenced him. He lived until 1956.

Rating Mencken's Biographies

Here are brief evaluations of Mencken biographies and memoirs, complete, I believe, through 1990. I rate them on a scale of one to four cigars, presumably "Uncle Willies," Mencken's favorite brand.

The Man Mencken: A Biographical and Critical Study, by Isaac Goldberg, 1925. Lively and fun — no surprise, since much of it was ghosted by Mencken himself — but covers his life and career only through 1925. 3.5 stogies.

Happy Days, by H. L. Mencken, 1940. A collection of brief memoirs about Mencken's childhood in Baltimore. Written for the *New Yorker* between 1936 and 1940, these sketches of boyhood are immensely readable, charming, nostalgic, and fun. They reveal a Mencken far different from the well-known critic and polemicist. It seems safe to say that the childhood of

this upper middle class boy in the Gilded Age was not so idyllic as the adult recalls — we all remember the good things that happen to us better than the bad — but this in no way diminishes the charm of his recollections. Two decades since most recently reading *Happy Days*, I can recall dozens of phrases and images from it ("the protein factory that was Chesapeake Bay"). 4 stogies.

Newspaper Days, by H. L. Mencken, 1941. Another anthology from Mencken's *New Yorker* pieces, these

Mencken often characterized himself as a "libertarian" and many contemporary libertarians see him as one of their own, though it is clear that he was not a libertarian in the sense the term is used today.

concerning the exciting early days of his newspaper career. 4 stogies

Heathen Days, by H. L. Mencken, 1943. The final entry in his *Days* trilogy. Not quite the equal of the first two efforts — one has an impression that for *Heathen Days*, he went over the same years refining the ore he rejected the first time through. Still, very good. 3.5 stogies.

Disturber of the Peace: The Life of H. L. Mencken, William Manchester, 1950. Manchester met Mencken in 1947 while doing research for his master's thesis on Mencken's criticism in *The Smart Set*, and continued to be a frequent visitor at Mencken's home even after Mencken's debilitating stroke in November 1948. Manchester is a fine writer and an able researcher, and *Disturber of the Peace* remains the biography that I would recommend to anyone wanting to get to know Mencken, despite the fact that the subsequent release of Mencken's papers leaves it incomplete in some details. 4 stogies

The Irreverent Mr. Mencken, by Edgar Kemler, 1950. A credible biography, written, like Manchester's, when Mencken was still alive, and thus suffering from lack of access to a lot of material, but benefiting from the help

and cooperation of Mencken himself. 3 stogies.

H. L. Mencken: A Portrait from Memory, by Charles Angoff, 1956. A very bitter, highly personal portrait by a young man whom Mencken mentored, this book teems with anecdotes portraying Mencken as a vile and nasty low-life. Here is a picture that varies strongly from virtually every other account. It was the first Mencken book I ever read, and to this day it amazes me that I ever read another word by or about Mencken. Published shortly after Mencken's death, I suspect, because the law of libel does not allow a dead man (or an estate) to sue. 0 stogies.

H. L. Mencken, Literary Critic, by William H. Nolte, 1966. A competent biography, focusing on Mencken's literary criticism. 3 stogies.

The Constant Circle, by Sara Masefield, 1968. A literary memoir, written by a friend of Mencken's wife. It didn't do much for me. 2 stogies.

Mencken, by Carl Bode, 1969. Researched before Mencken's papers were released, but when many of his friends and family were alive and valuable. Does the job very well. 3.5 stogies.

Serpent in Eden: H. L. Mencken and the South, by Fred Hobson, 1974. I read this when it was published, and can only barely remember it now, despite its focus on one of the most colorful aspects of Mencken's writing and public career. So I guess it deserves a pretty low rating from me, though hardly an authoritative one. 1.5 stogies.

Mencken, a Study of His Thought, by Charles Fecher, 1978. Inept. 1 stogie.

The Diary of H. L. Mencken, edited by Charles Fecher, 1989, but written 1930–1948. To goose its sales at the time of publication, its publisher suggested rather absurdly that it revealed Mencken to be a closet anti-Semite. There are many lengthy gaps; it's too bad Mencken was not a more faithful diarist. And its editor cut about two-thirds from what Mencken did write. Still, this rates 4 stogies.

My Life as Author and Editor, by H. L. Mencken, edited by Jonathan Yeardley, 1993, but written 1942–43. Uncompleted, substantially (and pointlessly) condensed, but still rates 4 stogies.

Mencken: A Life, by Fred Hobson, 1994. Most thorough biography to date, but unduly dull. 2.5 stogies.

Thirty-Five Years of Newspaper Work, by H. L. Mencken, edited by Fred Hobson, Vincent Fitzpatrick, and Bradford Jacobs, 1994, but written during the war. Editorially condensed, as are Mencken's posthumous memoir and diary. I can appreciate the need to condense these lengthy works to maxi-

mize sales in the popular market, but why in the world hasn't the Enoch Pratt Library, which owns rights to the works, published a complete edition for scholars? Surely doing so would be economically feasible: Every university library and a great many Menckenophiles would purchase copies. In any event, this is a great book, of special value to any journalist, but a pleasure to read for anyone. 4 stogies. □

Property Rights: From Magna Carta to the Fourteenth Amendment, by Bernard H. Siegan. Transaction, 2001, 328 pages.

Surveying Property Rights

Bruce Ramsey

Bernard Siegan begins his history of property rights with a look at the Magna Carta, from which sprang the phrase "due process of law." Siegan traces the spread of this phrase and the idea behind it, and its allied idea about the need for the state to pay when it takes private property. Through the English legal theorists Coke and Blackstone, colonial America, the first state constitutions, and the U.S. Constitution, Siegan lines up his canons. He makes an impressive barrage, but for a long while the enemy is only dimly seen.

Then, halfway through, there appears Justice Harry Blackmun, who brought up the losing side in *Lucas v. South Carolina Coastal Council*. In that 1992 Supreme Court decision, the supporters of property rights took back territory that had been lost for many years. Blackmun, a defender of the administrative state, began his dissent from it with the sneering line, "Today the court launches a missile to kill a mouse."

"Denial of liberty is not a mouse," Siegan had written in *Property and*

Freedom. But that book had focused mainly on what Justice Antonin Scalia had ruled in *Lucas*, a ruling that is still law today. *Property Rights: From the Magna Carta to the Fourteenth Amendment* focuses on Blackmun's dissent.

This is an important issue, and one that is likely to come up again. Right now, property rights are holding on by just one vote in the Supreme Court, and the Democratic Party, which is hostile to property-rights, has control of the judge-vetting process in the U.S. Senate. The battle of *Lucas* could be overturned, and if it is, the ammunition will come from the dissent of Harry Blackmun.

In the decade since *Lucas*, Siegan has seen Blackmun's dissent quoted again and again. Much of Siegan's book is a strike against Blackmun, and particularly against Blackmun's historical argument, which Siegan says is all wrong.

Lucas was a case of a builder who bought two lots, zoned single-family, on the Isle of Palms on the South Carolina coast. They were prime waterfront lots: In 1986, *Lucas* paid \$975,000 for the two of them.

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Two years later, the state declared that such land should remain undeveloped to preserve beaches and dunes from erosion, to provide wildlife habitat, to increase public access to the beach, and to promote tourism. Lucas was forbidden from building. The question was: Should South Carolina have to pay him for taking his land?

Had the state *taken* it?

Lucas still had title to the land. He could picnic on it, lay out a towel and sunbathe on it, pitch a tent on it, park a trailer on it, put up a sign that said, "No Trespassing." He could sell it. Its value hadn't fallen to zero — but it was worth a good deal closer to zero than to the \$975,000 Lucas had paid for it.

Scalia said Lucas had been denied "all economically beneficial or produc-

Only one state, South Carolina, allowed the uncompensated taking of land to build roads — and it denied monetary compensation on the theory that a road would add more to the value of the land than invading the property would subtract.

tive use" of the land. Effectively the land had been taken.

That did not mean by itself that the state had to pay. If Lucas' planned use of the land were noxious, offensive, or a nuisance, the state might not have to pay, because no owner has a right to create a nuisance. But the mere fact that the state *said* it was preventing some kind of harm, Scalia said, was not enough to justify not paying Lucas: "Since such a justification can be formulated in practically every case, this amounts to a test of whether the legislature has a stupid staff. We think the Takings Clause requires courts to do more than insist upon artful harm-preventing characterizations."

It was a neat argument. But Scalia had said little about Blackmun's historical argument. Blackmun had argued that for more than a century, courts

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had been allowing governments to wipe out all commercial uses of property in order to protect the public good. There was, for example, *Mugler v. Kansas*, an 1876 case in which the owner of a brewery sued for compensation when Kansas went dry. The court said it was too bad; that the legislature had declared beer to be "injurious to the health, morals and safety of the community," and Mugler would not be paid. Was beer really "injurious"?

Next Blackmun cited an 1888 case upholding a law banning oleomargarine, and wiping out the margarine maker — was *margarine* "injurious"? Would Lucas' two houses on the Isle of Palms have been "injurious"? If that were so, why did the state of South

Siegan's argument in Property Rights about what 19th-century Americans believed is part of an argument about what to do today about wetlands, salmon streams, urban-growth boundaries, and design review.

Carolina, after paying Lucas, resell the land to another builder? This is the argument taken up in *Property and Freedom*.

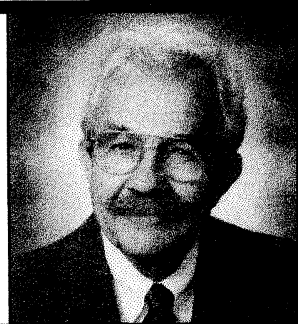
Property Rights takes on Blackmun's next claim: "The principle that the State should compensate individuals for property taken for public use was not widely established in America at the time of the Revolution."

Blackmun had asserted that in the early 19th century, "State governments often felt free to take property for roads and other public projects without paying compensation to the owners." Siegan shows that the main case Blackmun cited to demonstrate this proves no such thing, and that, as of 1860, only one state, South Carolina, allowed the uncompensated taking of land to build roads — and it denied monetary compensation on the theory that a road would add more to the value of the land than invading the property would subtract.

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Blackmun had not quoted any federal cases before 1870, but Siegan piles them on. He then offers 60 pages on the Fourteenth Amendment, focusing on the due process clause and the privileges or immunities clause. Here he shows what the Fourteenth Amendment meant to the men who proposed these provisions, revised them, debated them, and approved them. And what they meant was not that state legislatures may devalue private property to zero, or near-zero, by citing general public benefits.

But meanings change as judges change. And at the end of the book Siegan tells the story of how the privileges or immunities clause, long a bulwark of individual rights, was gutted in the *Slaughterhouse Cases* of 1872, only four years after it was enshrined in the Fourteenth Amendment.

In the final part of the book, Siegan goes well beyond Lucas and Blackmun. Siegan presents the Fourteenth Amendment as the great libertarian battering ram, if only judges understood what it was intended to say and do — particularly if they understood those old English phrases, “due process of law” and “privileges or immunities.”

Regaining territory for liberty requires more than winning a historical argument; it requires winning today's arguments. But history matters — else why, for example, would scholars be arguing so hotly today about how many 19th-century Americans owned guns? Siegan's argument in *Property Rights* about what 19th-century Americans believed is part of an argument about what to do today about wetlands, salmon streams, urban-growth boundaries, and design review.

This is a fine book to help Americans acquaint themselves with what their tradition is and what it isn't. And it is not that property rights are absolute. In our legal tradition, no rights are absolute. Some, such as the right to freedom of speech, have an extensive territory — greater today than in the 19th century. Some, such as the freedom to contract over the sale of one's labor, formerly had a large territory but since the 1930s has been riddled with holes. Lucas and other decisions of the past 15 years have

extended the right of property to a medium-sized domain, less than that of free speech but greater than freedom of contract.

Siegan's life work has been to make a historical and legal case to extend

economic liberties, including the rights of ownership. He makes his case brilliantly in this book, and by focusing part of it on Blackmun's dissent, he raises the chance that his argument will count. □

The A~tomic Christ: F.D.R.'s Search for the Secret Temple of the Christ Light, by William Henry. Scala Dei, 2000, 333 pages.

D-ru-ids, Mongolia, and the Origin of the Atomic Bomb

Stephen Cox

The thesis of this book, if I've got it right, is the following:

— That Franklin D. Roosevelt (president, 1933–1945) and Henry A. Wallace (secretary of agriculture, 1933–1941, vice-president, 1941–1945, secretary of commerce, 1945–1946) were disciples of the Perennial Philosophy or central tradition of world mysticism;

— That in the early 1930s Roosevelt and Wallace sponsored an expedition to central Asia, the purpose of which was to discover the current whereabouts of Jesus Christ;

— That this expedition was also a search for the Holy Grail, an object that Roosevelt had sought ever since he participated, as a young man, in an attempt to raise the famous treasure thought to be interred at Oak Island, off the eastern coast of Canada;

— That, once fully revealed, the secrets of the hidden Christ and the Holy Grail will demonstrate the nature of both the spiritual and the physical world, allowing an endless renewal of human life, the ability to travel from one “dimension” to another, and the means of releasing the inner power in all things;

— That, even partially revealed, these secrets have always been the source of physical and military power, a truth confirmed by the Roosevelt administration's invention of the atomic bomb in the decade following its spiritual invasion of Mongolia.

Clearly, this is important news, and the author is well equipped to communicate it. He is a popular writer of books of this kind, and can often be heard on radio. I heard him on Whitley Strieber's *Dreamland*; that's why I bought this book, which has given me finite but significant hours of enjoyment.

The book has only one flaw. It is a major flaw, and it is very damaging, but I will get to it later. Right now, I want to talk about its virtues.

One of them is the virtue of quaintness. What can be quaintier than Henry's description of America at the start of FDR's regime — or, as he puts it, “at the end of the Great Depression”:

Hopeless millions were out of work. . . . Everywhere there was hunger. Americans thought the world was coming to an end. They literally scratched to live. At the same time they begged for another chance. Their

prayers began to be answered in March, 1933 when Franklin Delano Roosevelt took office as President of the United States.

That's quaint — almost as quaint as suggesting that the "Roosevelts may have been ancestors [he means descendants] of the . . . D-ru-ids [he means Druids] (possibly the family of the pharaoh Akhenaton)"; or that "the first A-bomb exploded within a days [sic] walk south of the Grand Canyon" (which is true, if you consider 300 miles a day's walk); or that "Novus Ordo Seclorum" ("A New Order of the Ages"), the motto that appears on the great seal of the United States, should be rendered into English as "New Order or New Deal of the Ages"; or that the appearance of the great seal on U.S. currency in 1935 establishes the fact that the administration's Asian expedition had returned with crucial spiritual knowledge.

And Henry's methods are quaintness itself. He is "an investigative mythologist" practicing "the science of mythology." I am not certain that I understand all the ramifications of this science, but I do know that it relies a lot on what he calls "the Language of the Birds. . . . This code equates words that sound alike in different languages, connecting word concepts by sound *in English*." Henry never says exactly what birds have to do with it, but never mind. Once you understand the language, you will understand the affinity between the a-tom (atom) and the Egyptian god Aton; between the biblical Tree of Life, which, as it seems, was an elm tree, and "the word *element*," which "stands for the first power, the first word or force which constitutes all physical matter"; and, finally, between the hieroglyphic letter "ru," President Franklin ROOSEVELT, and a man named Roerich (RUrik), whom Henry Wallace and Franklin ROOSEVELT put in charge of their campaign in central Asia.

Now, this Roerich was a truly interesting fellow, and his presence as a character in this book provides another good reason for enjoying it. But we don't need the Language of the Birds to understand him. Even the conventional historians whom Henry seems to think are hiding so much from us are onto him.

Nicholas Roerich (1874–1947) was a Russian painter. Once the associate of famous people with rhyming names — Stravinsky, Nijinsky, and so on — he hightailed it out of Russia when he saw that the Bolsheviks were turning out to be bad for business. This did not prevent him from helping the Soviet government unload its looted works of art to buyers in the West.

Roerich was never a very good painter, but he was extremely prolific; and he was something better, in a way: He was a genius at getting other people to consider him a genius. He didn't stop with painting. He dabbled in "peace" politics and succeeded in hav-

Henry' is "an investigative mythologist" practicing "the science of mythology." I am not certain that I understand all the ramifications of this science, but I do know that it relies a lot on what he calls "the Language of the Birds."

ing himself nominated for the Nobel Prize — by the faculty of law at the Sorbonne, no less. He also dabbled in "Eastern" mysticism, of the Theosophical or anything-goes variety. He did more than dabble. He impressed impressionable people as the world's greatest visionary and spiritual force.

Henry Wallace met Roerich in 1929 at the museum that Roerich had convinced his wealthy patrons to build for him in New York. Soon Wallace was floundering happily in the swamp of Roerichian metaphysics. There was a long, ridiculous correspondence, familiarly known to historians and professional enemies of the New Deal as the Guru Letters. "Dear Guru," Wallace writes, "I have been thinking of you holding the casket — the

sacred most precious casket. And I have thought of the New Country going forth to meet the seven stars under the sign of the three stars. And I have thought of the admonition 'Await the Stone.'"

Oh, my! How shall we translate that? Let's see . . . Consulting the Language of Birds, we find that the casket and the stone are, both of them, the Holy Grail, which, in turn, is Jesus Christ in his spiritual and possibly physical essence and existence. That's what Mr. Henry thinks. What Mr. Wallace thought remains unknown, if he thought anything in particular.

Wallace's discipleship to Roerich came to an unhappy end, for both the guru and his chela. In 1934, FDR and HAW sent an expedition to Mongolia to identify grasses useful to American agriculture. To the disgust of everyone who actually cared about Asiatic grasses, Wallace selected as leader of the expedition (you guessed it) Nicholas Roerich. When the expedition arrived in Asia, the Ag Department's scientists did their job gathering plants, and their reputed leader wandered off on his own, making himself a political nuisance and embarrassment.

Roerich was still in Asia when, in 1935, a wealthy former disciple clued Wallace in on his idol's true character. Wallace, who had abused and even fired lesser beings for trying to enlighten him on that subject, now turned against Roerich. Then he did the worst thing an American politician can do to an enemy: He notified the IRS that there was something fishy about his taxes. The IRS socked Roerich with a bill for \$50,000, and Roerich decided to stay in Asia.

So much for Roerich. The strange



"No bouillabaisse today, M'sieur — we used up the last can of sardines yesterday."

literary progeny of the relationship, the Guru Letters, came into the possession of the Republicans, who were strongly tempted to use them against Wallace during the campaign of 1940; they refrained because the Democrats threatened to retaliate by using the Republican candidate's extramarital romance against them. In 1948, when Wallace was running for president under the banner of the Progressive (i.e., Pro-communist) Party, conservative columnist Westbrook Pegler got the Guru Letters and publicized them. Wallace had been and continued to be thoroughly Clintonian in his treatment of the issue — lying, threatening,

Roerich was never a very good painter, but he was extremely prolific; and he was something better, in a way: He was a genius at getting other people to consider him a genius.

stonewalling — but this time it didn't do much good. His reputation was permanently damaged, at least among people who still cared about Henry Wallace.

Well, that's it; that's the history. A brief, reliable treatment of the facts can be found in *American Dreamer: The Life and Times of Henry A. Wallace*, by John C. Culver and John Hyde (Norton, 2000, 656 pages). Culver and Hyde are good writers, even though they seem, for some reason, to be fond of Henry Wallace. William Henry is not a good writer. He isn't even a good speller. But he deserves credit for bringing to light, once again, this bizarre chapter of American history. It's exactly the

kind of thing that one would expect to happen under a regime in which intellectual quackery was often the ticket to arbitrary power. It's therefore a good historical and political lesson.

Of course, however, that's not the point that Henry wants to make. He seems to realize that neither Wallace nor Roerich nor even Roosevelt was all that he might have been, but what the hell? Seen from the standpoint of eternity, petty moral and intellectual distinctions fade and vanish away. No moral, political, or religious differences seem to matter very much. Everyone you ever heard of was part of a long, benevolent conspiracy to restore the world of the gods. At least I think that's what Henry means when he talks about "radicals":

Jefferson, Washington, and Franklin were radicals. Kennedy was a radical. Martin Luther King was a radical. So too was Ronald Reagan. They sought to revive the human spirit through the resurrection of an ancient pagan belief in a Golden Age, believing that in this act we could create a utopia. The Holy Grail is the center of this new Eden. Call it Camelot or the New Atlantis, it is the home of the gods on earth.

It's quaint and funny to think of Martin Luther King and Ronald Reagan marching off to utopia, arm in arm with Washington and Franklin. It's quaint and funny to wonder how they could all be so "radical," yet all get along so well together. It's quaint and funny to ponder the concept of a Holy Grail that is also "pagan." But there's something lacking here. It's passion.

If there are fashions in delusion, and God knows, there are, the fashion represented by *The A-tomic Christ* is peculiarly bland. Nutball theories used to appeal to passion. Enraptured expectations of the millennium, panicky fears about invasions from outer space, embittered reveries about the destruction of the international bankers: those are things that make the heart pump harder. But unfortunately, what we have now, at least on this side of the prime meridian, is only an appeal to . . . "science."

I recently listened to one of the radio programs that exist to purvey this kind of thing, and I heard someone elaborate, at very great length, a theory

that the Ark of the Covenant was a machine for generating electricity. At one point, the host did something that hosts on these programs almost never do: He challenged his guest's logic. What, he asked, would ancient people have *done* with a machine that generated energy? Good question. After all, there weren't any power lines or anything. But the guest had an answer. Oh, he said, modern people think that everyone who lived in the past was stupid, but actually, those people were just as bright as we are. Brighter! Just look at all the health advantages offered by ancient Israel's dietary laws! Ancient people were . . . *scientific*. Of course, that settled everything. There's no arguing with science.

For Henry, too, it's all scientific. The Holy Grail, the Tree of Life, the grand convocations of the gods of the ancient East — all the grand illusions boil down to nothing more than the scientific method. Christ was a scientist. Adam was a scientist. Roosevelt was a scientist. Henry is a scientist.

William Henry is not a good writer. He isn't even a good speller. But he deserves credit for bringing to light, once again, this bizarre chapter of American history.

Even mythology, once the expression of man's deepest anxieties and most glorious fantasies, is now a "science."

I suspect that this is one reason why people buy books like Henry's. I suspect that they want their delusions to be packaged as nonthreatening, inclusive, once-over-lightly assertions that everything is roughly equal to everything else and that "science" is the measure of all. Of course, they are totally ignorant of what science really is, just as they are totally ignorant of the subtle differences between Christianity and paganism, or the ancient world and the modern, or Roosevelt and Reagan. But this is a secondary concern. The real problem is the strange lack of passion now apparent, even in craziness. In America today, it's the bland leading the bland. □



Booknotes

Horton Smears a Who

by Clark Stooksbury

Before finding fame with *The Cat in the Hat* and *Green Eggs and Ham*, Dr. Seuss tried his hand as an editorial cartoonist. Between 1941 and 1943, he worked for the *PM*, a New York paper described by Dwight Macdonald as a "Stalinist-cum-populist daily." *Dr. Seuss Goes to War* (The New Press, paperback edition 2001, 272 pages) offers a selection of these cartoons with commentary by Richard Minear and an introduction by Art Spiegelman. Anybody who grew up with Dr. Seuss books will instantly recognize these cartoons and their artist. Seuss' editorial cartoons share many artistic themes with his children's books — stacking turtles, adorable elephants, and birds, though not yet cats in hats.

Seuss was the caricature of a jingoistic warmonger. His enemies, besides Hitler and Japan, were the isolationists. The America First Committee, Charles Lindbergh, senators Gerald P. Nye (Rep., N.D.) and Burton K. Wheeler (Dem., Mont.) and *Chicago Tribune* publisher Robert McCormick were among his targets. He portrayed the isolationists as being motivated by cowardice, bigotry, and support for the Nazis.

Seuss admirably opposed racial bigotry, except for when he espoused it. Some cartoons in this volume denounce the armaments industry for refusing to employ blacks, but this high-minded sentiment is balanced by his repeated portrayal of the Japanese as grinning, bespectacled, slit-eyed stooges. In one pre-Pearl Harbor cartoon a Japanese boy is portrayed buying various flammable items from an

American eagle, proclaiming, "Ma wants to bake a cake." In another an endless expanse of Japanese-Americans is lined up along the west coast collecting TNT from a building labeled "Honorable 5th Column" while a man on the roof peers through a telescope with the caption: "Waiting for the Signal From Home . . ." Significantly, Hitler and Mussolini almost always stand in for Germany and Italy, while Japan is depicted as a generic figure.

Dr. Seuss Goes To War is a fascinating collection and I applaud Richard Minear and The New Press for publishing it. But I can't help being appalled by the substance of Seuss' views. His cartoons resemble the lunatic ravings of those supporters of the "War on Terror" who see 5th columnists and traitors among every dissenter and can't wait for war with the "Axis of Evil." The cartoons that Seuss didn't draw are also disturbing. If he was opposed to the internment of the Japanese-Americans, the Rooseveltian sedition trials, or the role of Uncle Joe Stalin as a U.S. ally, he did not bother to publish his views in *PM*. □

Freedom vs. Empire

by Karen Lewis

The 19th century was the age of self-congratulatory liberalism for England, and with good reason. In the 19th century, Britain was one of the most liberal, tolerant nations in the world. The irascible revolutionary Karl Marx, previously exiled from Prussia and France, worked and published in Britain with his collaborator Frederick Engels (who owned a cotton mill in Manchester) freely and without molestation or interference. Britain also gave a home to revolutionary nationalist

Giuseppe Mazzini and hordes of exiled revolutionaries from the failed uprisings of 1848. Successive reform acts from 1832 on had progressively widened the franchise (on the local level, property-owning women could vote after 1869), so that by 1918 Great Britain had become a full democracy. Britain's was a liberal culture marked by religious toleration, local government, and free trade. Although British society wasn't without its critics, there was a broad consensus, at least until World War I, on commitment to reform through free trade, gradualism, the parliamentary process, and restraints on government power rather than through revolution.

Set against this liberal society at home was the contradiction of England's empire abroad, the largest in the world. At home, the Lockean idea of limiting state power and the concept of separation of powers held sway; abroad, the British ruled over their empire as autocrats. Those living in the empire, aside from those in English-speaking areas, were not citizens with natural rights, but conquered subjects. The same liberals who trumpeted free trade and individual rights in Britain defended the empire, even administered it (James and John Stuart Mill worked for the East India Company, Thomas Macaulay drew up the earliest provisions for education in India). How did a creed that professed to be universal (all men are created equal, all are endowed with reason) come to be applied so selectively? How did liberals square their involvement in imperial practice with their liberal principles?

These liberals and their rationalizations are the subjects of Uday Singh Mehta's book *Liberalism and Empire* (University of Chicago Press, 2001, 237 pages). He answers these questions by developing the concept of unfamiliarity (what other post-colonial scholars refer to as "otherness"). While Mehta acknowledges that these men were anything but ignorant, they were, however, unfamiliar with the societies and peoples they wrote and thought about. This led them to conceive of these people's experiences and lives as provisional, or in some transitional stage to a better liberal future — one more like England's. The transition to make

Indians as British as possible was to be effected through education. This view wasn't unique to the colonized: England's intellectual elite commonly held that subordinate groups such as women and workers needed a prolonged period of education before they would be ready to take their rightful place (and their rights) in society. In the meantime, during this transitory or provisional stage, it was better that their educated superiors handle their affairs. The same principle applied to Indians. Despite their familiarity with India's long, distinguished civilization,

Even though 19th-century liberals were reformist and activist, they conceived of the British Empire as a vast project upon which they would work their magic for a perfect society.

liberals conceived of Indians as in a childlike, dependent state.

Mehta is at his best when he examines and critiques this kind of cradle-to-adulthood governance. In an age when Third World scholars blame Western Civilization for all the evil of the world, Mehta finds value in the most unlikely and most politically incorrect of thinkers, the conservative Edmund Burke. Burke rejected the paternalistic elements of liberal thought towards Indians and was a severe critic of the East India Company and its officials, repeatedly condemning its mendacity in parliament. He also criticized British policy toward the American colonies and was glad when they won their independence. Compared to Burke, the liberals come off as paternalistic at best, arrogant at worst. Even though 19th-century liberals were reformist and activist, they conceived of the British Empire as a vast project upon which they would work their magic for a perfect society, preferably through direction, but by coercion if necessary. Their concerns were the maintenance of their own power, and they mistook their own military superiority for evidence that their civilization was more advanced. □

Are You Ready For the Country?

by Clark Stooksbury

I have noticed in my frequent trolling through bookstores and catalogs that the memoir is becoming a popular literary form. Of course, most are written by politicians, celebrities, or otherwise obscure people who happened to have climbed Mt. Everest, fended off a grizzly bear attack, or traversed the Pacific in a tea cup.

But *She's Gone Country* (Vintage, 2002, 283 pages) by Kyle York Spencer falls into another category. The author is an obscure former newspaper reporter who has no particular achievements to make her life worth reading about. She is a native of New York City with a bohemian upbringing who

moved to Raleigh, N.C. to brush up on her reporting skills. One might expect her to have a lot of culture-shocking experiences, sort of a reverse *Beverly Hillbillies*. *She's Gone Country* resembles a TV show, but nothing so entertaining as *The Beverly Hillbillies*. It's more of a Dixified *Ally McBeal*.

Spencer airs her dysfunctional family's dirty laundry. She screws a shooting instructor she has just met in the course of researching an article. She whines about it to a friend who is living in L.A. Then she screws a Jesse Helms supporter and then guiltily whines about it to her support group of catty, self-absorbed women. She lies to her group, saying that she dumped the Helms supporter when actually it was Helms boy who stopped returning her calls.

Why would a self-respecting person write about herself in such a way? I don't know and I lack the stomach or the desire to find out why. □

Notes on Contributors

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Baloo is a nom de plume of Rex F. May.

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I Flacked the Sheriff, from page 34

"externalities" argument seriously, we would have to adopt police-state tactics to prevent the use of cigarettes and double cheeseburgers. Further, designer drugs like methamphetamine are a product of prohibition and will only become more prevalent if prohibition continues. Masters noted that the rate of drug addictions has remained constant regardless of the laws and asked, "Who are these mysterious people who will jump up and start shooting heroin once prohibition is repealed?"

During the question period, Roger Pilon noted that Otis' "cost-benefit" approach to drug prohibition is at odds with Republican rhetoric on other issues and pointed out that the costs of the drug war substantially outweigh the benefits. Most drug overdose deaths are a direct result of prohibition, which results in tainted drugs of unknown potency.

Oddly, Otis said that Masters was wrong to link gun prohibition to drug prohibition because, while the Second Amendment protects the right to bear arms, there is no constitutional provision to prevent the government from criminalizing drug use. Apparently, Otis has yet to make his way through to the Ninth and Tenth Amendments.

After dinner that evening, the sheriff and I met Getz to head over to a local television studio for an interview on C-SPAN's *Washington Journal*. The sheriff shined. He looked at home and he made an excellent presentation during his half-hour interview. He hit all the major points: drug prohibition wastes police resources, it doesn't stop drug addiction, it's hypocritical, it's enforced differently depending on class, and it subverts individual responsibility. One caller, a recovered addict, said, "I celebrate hearing these words." I was celebrating too, especially when the station showed a close-up of the book's cover.

After C-SPAN, the sheriff and I walked around the Mall. He had never been to the Jefferson Memorial or the Vietnam Memorial. Bill gathered a couple pencil rubbings of names

on the wall. We chatted about his job. I learned a lot about law enforcement, which I found really interesting. We made our way back to the Watergate building and met Getz again, who drove us out to meet Roger Arnold so the sheriff could talk about the economics of the drug war on Arnold's radio show.

That night, Masters spoke at an LP-sponsored banquet. I had fun yakking with the local activists and policy wonks. It reminded me of the difference between the "small pond" of Colorado and the "ocean" of national policy centered in D.C. I remembered the days when I was a young idealist who just couldn't get radical enough. Well, now I'm an older idealist who hopefully knows better how to pick his battles.

As the sheriff and I had a drink at the hotel restaurant, I was struck by the irony of imbibing a drug that was once prohibited. Then we retired. The sheriff had a couple hours sleep, then caught a limo to Dulles and headed home. But he had no opportunity to catch up on his sleep. A couple of skiers had gone into an avalanche area near Telluride and been trapped under a wall of snow. Masters is a member of a volunteer rescue unit, which went into action. It found one of the skiers. The other remained lost and is presumed dead, after a snowstorm forced the crew to retreat and wait for warmer weather.

My flight left the next day. Back at Reagan, I was reminded that I had to show "government-issued ID" to board the plane. "Papers, please!" That was enough to jolt me out of my cheery optimism that everything would be okay now that Masters is taking his message to the public.

My flight was delayed for about an hour because of a security breach at Denver. Somebody had unplugged one of the metal detectors and nobody noticed for a while. They even brought some planes back from the runway and unloaded all the passengers. An unplugged metal detector. I'm not kidding. □

Letters, from page 8

lution doesn't explain how these chemicals originally became organized into living things is too bad (it would sure save a lot of effort), but what it does explain (for example, why most organisms reproduce sexually, why most organisms age, and where much social behavior comes from) is very impressive.

Durk Pearson and Sandy Shaw
Tonopah, Nev.

Teach Science, Not Creationism

I object to Tullock's implication that the reason many scientists object to teaching creationism in schools, "even in the form of a debate," is that they fear that objections to evolution will arise in class and the theory will be discounted. Nonsense. The reason for keeping creation stories out of science classrooms is that they aren't scientific.

Science has to be testable, creation isn't. For testing evolution, all one has to do is try to find an organism with no ancestor. While I think the "organism without an ancestor" is an unreasonably high standard, I think the species question is not, and evolution, being scientific, is happy to lay that on the table. The ground for creationists to work from is there. How does one test creationism, however? By finding a species God didn't make? Seeing as how we can't prove God created a species, we can't prove it didn't — and we are left to either throw our hands in the air or quote musty "Thou shalt not put the Lord your God to the test" passages.

Science should be predicative. In the case of evolution, we can say things like "If we induce selection pressure for taller chickens, we should expect most chickens in a particular flock to be taller in X

number of generations." Then we can test our prediction. With intelligent-design or creation theory . . . what can we hypothesize? "If we pray that God sends us a dragon, we should expect to see a dragon after X prayers of Y degrees of faith?"

Christian Wiswell
Seattle, Wash.

A Universe of Possibilities

Gordon Tullock poses the problem of how improbable it is that life might come from non-life and cellular life from pre-cellular life. In pondering this, Tullock actually gives the solution to his problem. In elaborating on the hypothesis of the seeding of the Earth from distant civilizations, with its mere pushing back of the origin problem to another planet or planets, Tullock states:

The theory of distant origin does not, however, solve the basic problem of

the origin of life itself. It would presumably be as hard for life to start on another planet as on Earth. Of course, even if the origin of life is very, very, very improbable, there might still be enough planets to allow it to take place on one or a few, supposing that there are, in fact, many, many planets close enough to Earth.

However, even if it is improbable that life would begin in any particular place, the more possible places for life to begin, the more probable it becomes that life would begin *somewhere*. There are certainly many, many, many more planets in the whole universe than there are near Earth. Earth's being seeded by a nearby planet would require this "near miracle" to occur among the systems of at most 100 billion stars, the number of stars in our whole galaxy, just to be generous. Then whatever probability that such seeding would occur would have to be factored in.

But the probability that life would begin somewhere would be greatly expanded by including the whole universe, with 10 sextillion stars. But then, how does that life get to Earth? Well, it's already there. Wherever that unlikely event took place is the place that the evolved people came to call their planet Earth (or la terre, etc.). Of course, by any other name it would still be home sweet home. This is the hypothesis presented in *Rare Earth* by Peter Douglas Ward and Donald Brownlee. It also is called the Anthropic Principle.

If one also postulates the many-worlds interpretation of quantum mechanics, then there would be infinitely many such universes in the multi-universe, and surely somewhere, despite its unlikelihood in any one universe, a well-endowed planet would exist and life would grow on it, and again, only on such a planet in such a universe would anyone be wondering about the mysteries of life.

By the way, Tullock commits an evolutionary howler in asking, "Why do we not have a continuing series of skulls with gradually shortening canines? The fossils simply move from the sabertooth tiger to the more modern tiger in one step." Modern tigers have been around for over a million years; sabertooth cats lived contemporaneously until about 10,000 years ago. No one claims they evolved into modern tigers, as that would have to involve time travel to go back to the real tiger's origin. Here is a quotation from www.forevertigers.com/

evolution.htm:

Panthera, the "great cats" represent one genus within the family Felidae, which includes all living cat species, big and small, and first appears in the fossil record from about 30 million years ago in the form of the extinct species *Proailurus lemanensis*. (The genus *Smilodon* known colloquially as the "Saber tooth tiger" was a member of a now wholly extinct branch of the felid family and is not ancestral to the modern tiger, or any living cat for that matter.)

Charles Kluepfel
Bloomfield, N.J.

Finding the Fool

As I read Dr. Tullock's article on Darwin and the lack of evidence for evolution through natural selection, I started to chuckle and thought to myself, "Oh, they're putting out an April Fools issue." Then I looked at the front cover and saw that it was in fact labeled May! To paraphrase Stephen Jay Gould, "If I spent all my time answering such tripe I'd never get any work done." The numerous fallacies, inaccuracies, and downright distortions of the arguments for the fact of evolution are too many to address in a short letter to the editor.

P.C. Chapman
Rochester, N.Y.

Prove It

It is impossible to prove or disprove any scientific hypothesis because of lack of evidence. In seven painful pages of text, Tullock fails to provide a single fact that disproves a single hypothesis contained within Darwin's Theory of Evolution. He does, however provide a huge number of questions without answers, a lot of should nots and might nots, and some things that merely illustrate how hard it is to trace evolution — and says nothing about whether it's a good theory or not.

To absolutely prove Darwin's Theory of Evolution as unassailable, a continuous minute fossil record must still exist (and be dug up, identified, cataloged, and displayed) for all life that has ever existed — insects, fishes, reptiles, and mammals. For fossil excavators to exhume, from what's left of the fossil record, a complete step-by-step example of every evolved example of every species of life on this planet is obviously impossible.

Sometime in the past 4 billion years, life developed on Earth. Darwin's Theory of Evolution is the best way to

explain how we got from there to here. Should it be questioned? Have a ball, but you cannot attack a theory without offering up either a proof that it is wrong or an alternate hypothesis to be tested in its place.

This is where Mr. Tullock's article fails. He did neither. Instead, he offers only suppositions, questions and probabilities that have no place in a critique of a theory that has accumulated millions and millions of pieces of individual anecdotal evidence in support of it.

Mike Endres
Eustis, Fla.

Evolution: Faster, and Slower, Than You'd Expect

Gordon Tullock misunderstands a few points about evolutionary theory. What he finds inconsistent is in fact entirely predictable and consistent.

Tullock is correct to question how a creature highly adapted to a certain situation can evolve since any change makes it less adapted to the situation. Indeed the creature doesn't evolve in that case, until the situation changes. And the situation does change. A new predator comes along, or a new prey, or a fast stream becomes a slow swamp. Climates change. Comets strike. Whatever. A creature perfectly suited to a certain situation suddenly finds itself in a different one, and must change or die. The mountain-top of Tullock's example shifts location or height. In extreme cases, it becomes a plane or a valley. The changes are often minor, and may be reversed in the next generation. The big changes that create gaps in the fossil record do not happen all that often, but we are playing with millions of years and eventually they do happen.

It was long assumed that the evolution would be slow. So it has only been recently that we realized it was quite "rapid" (keeping in mind each step is a generation long). Domesticated animals came from wild ones, but the two are easily distinguished. Within a thousand years, the wild has become the tame. A dozen generations in different situations and the creature becomes two different types. Within 100 generations, the types are two different creatures. And the different situations may persist for 10,000 or more generations.

This is why the gaps in the fossil record are not just a matter of little concern, they are highly predictable. A change happens and the animal "quickly" changes with it. The new form

then persists for a very long time. A creature that has a generation every year can become a new species within a century, and that new species may last 1 million years. That alone says there will be almost no fossils of the transition. Moreover, the transition forms were almost certainly small in number compared to the better-adapted final form. So there may be way more than 1 million fossils of the new species for every one of the transition, and the transition fossils may be early or late in the process, making them impossible to distinguish from the old species, or from the new. Add in that we have fewer than 100 fossils of many species (except where some disaster has killed and preserved many at once. But for our purposes, these are simply many copies of one fossil rather than a number of randomly preserved fossils). The net is a situation where transition forms are not going to be found, and not recognized as such if found.

As a minor point, Tullock is incorrect in assuming that the sabertooth tiger gave rise to the modern tiger. If anything, the reverse happened where some tigers became sabertooths, only to become extinct (probably because they were specialized big game hunters and vanished when something, quite possibly man, wiped out the big game animals). However, as far as I know, the two types of cat were related only in name.

David Carl Argall
La Puente, Calif.

The Theological Approach

Tullock rags about deficiencies in the fossil record, reminding me of someone who is browsing through the dump at colonial Williamsburg and saying there is no way a Lexus could have evolved, it must be God's work. The fossil record is spotty because fossils are produced by a very rare and special set of circumstances and those will change over time.

A major problem Tullock shares with creationists is his desire to look for genetic continuity in very high order species. Before we go comparing mammals, let's look at bacteria and plants. I think one will find stunning continuity there. Since sexual selection is typical of higher order animals one may induce that it is this very sexual selection that accounts for the lack of continuity. I contend that girl cats like the boy cats with spots or without spots but not with blotches — hence the differentiation that evolved between leopards and lions.

Then again some girl cats must like stripes because — well, you get it. That's why species settle into local niches in the multi-dimension solution space that is existence. It's great to be a conscious mammal that can ponder this kind of stuff, which I guess gives us a global niche.

At least that's what the scientists would say. Me, I believe one day we will find the titanium pod that held Adam and Eve when space aliens sent them to earth 12,459 years ago. The reason they were sent here? So the aliens can die laughing. After all, we were specially bred to host the premier entertainment planet in the 23rd dihedron.

Paul Rako
Mountain View, Calif.

Tullock responds: Only one of my critics has accused me of deceptive behavior and that is because I did not cite one, admittedly important, book. My very brief account of the development of eyes is indeed brief, but the existence of light detecting spots on some single-cell animals requires explanation instead of being used as an explanation for complicated eyes. The light sensitive spots on the surface of the one-celled animals could be selected for future generations only if there were some connection between it and the animal's behavior. My critic says the connection is chemical and although the interior of single-cell animals is not well known, I see no reason for doubting it. It is not an answer to my objection which was that a connection had to exist and the evolution of the connection involves different genes than the evolution of the light-sensitive spots.

The problem here is like that of the chickens mentioned by one of my critics. You may, of course, breed chickens for many characteristics. Indeed, if one looks around any agricultural area you find animals and plants that by selective breeding have been made radically different from their ancestors. None of them however is a new species. The gap between the two mountains is hard to cross.

With respect to the debate between evolution and one of the many different accounts of divine intervention, different religions having different accounts and different divinities, I am a follower of Karl Popper's and believe in the discussion process as the ultimate scientific method. The best way to resolve a debate is by experimentation, but sometimes this cannot be done. The big bang

is not subject to direct experimental duplication. There are, of course, various existing phenomenon which point in that direction, but cannot be said to prove it. The same is true with evolutionary development. It is certainly the most probable theory now existing, indeed, I asked for a new theory of evolution. What that scheme will be I do not know, but I have faith that human mind will eventually solve the problem. It is ironic that my critics object to this proposed improvement. It is rare that I am accused of being too radical rather than too conservative.

For much of my life the Marxist superstition was important in social science and in particular in economics. I thought it was absurd and was perfectly willing to debate any Marxist on the subject. Indeed I thought all economics departments should have a Marxist scholar and organize debates between him and more orthodox economists. I thought this would be a good way of getting rid of an important heresy. I take it that several of my critics would have disagreed. Challenging the fundamentalists to produce evidence for their own position before an audience would be a help in dealing with those misguided people who believe in one or the other of the various religions in the world. The fundamentalists could, of course, rely on St. Augustine's argument, and that is essentially immune to formal criticism. It could be fully consistent with evolutionary theory. Defenders of evolution sometimes are driven back to such foolish arguments as that all animals have ancestors. So far as I know none of the upholders of special creation in one form or another deny that.

One of my critics says the fundamentalist argument is unscientific and deduces it cannot be taught in a science department. If he objects to debates in science departments they could be put somewhere else in the curriculum. I should warn this particular critic that he should not get into such a debate. I have not followed the fundamentalist scholars with any care, but I am aware of the fact that modern fundamentalists would offer arguments quite different from those he apparently thinks he would face. I suppose that after being badly damaged in the first two debates he would learn and do better later. There is no reason why the evolutionary theory even as it now exists, without the improvements that I hope will be made, could not win the debates.

Delray Beach, Fla.

Exercise in logic from a letter to the *South Florida Sun-Sentinel*:

"It is time our government passed a law that made guns that kill illegal. If drugs are illegal, certainly an item manufactured to kill should be illegal."

U.S.A.

Advance in nutritional science, from the catalog of Thomas Nelson Books:

"Based on a biblical and historical study of what Jesus ate, as well as scientific research on why these particular foods are ideal for healthy living, *What Would Jesus Eat?* is the ultimate program for eating well in the twenty-first century."

Egypt

Morality takes a leap forward, from *The Wall Street Journal*:

Grand Mufti Nasser Farid Wassel issued a *fatwa* last year saying that beauty pageants with swimsuit competitions contravened Islamic law. The Grand Mufti proposed instead that pageant promoters stage a Miss Morality contest that would be awarded to "the woman who adheres to righteous principles best."

Tampa, Fla.

Evidence that drug use leads to more serious crimes, from the *Seattle Times*:

"Probation officers said Strawberry has been caught smoking, exchanging baseballs for cigarettes, autographing baseball cards and clothing and giving money to residents."

Bloomington, Ill.

The redemptive power of law, reported in the *Panagraph*:

The Bloomington police department has ticketed José Casas-Ruiz for DUI, not having a valid license, improper lane usage, and failing to wear a properly adjusted seat belt on the night of an automobile accident that killed him.

New York

Curators make a down payment on future attractions. In the *The Independent* of London:

Officials at the Lower East Side Tenement Museum are trying to use eminent domain to have the residents of a neighboring tenement evicted so the museum can expand.

Australia

Old habits die hard on the Farthest Shore, reported by the Australian Associated Press:

Peter John Russell has been arrested, charged with possession of 400 bloodworms, which police say he intended to sell on the black market.

Hopkinton, Mass.

Alarming news, reported by the *MetroWest Daily News* on April 15:

"Take a quick look at the pair of toads 4-year-old Casey Dicken found in her grandparents' pool yesterday, and they look relatively normal.

"They may even look like they're doing something a 4-year-old shouldn't see and probably wouldn't understand.

"But look closer, and there's something different about the two toads.

"They are one. They're connected. The two amphibians are conjoined, un-identical twins."

Hopkinton, Mass.

Retraction printed in the *MetroWest Daily News* on April 18:

"Looks can be deceiving. It's as simple as that. To the untrained observer, two toads enjoying a romantic moment together could easily be mistaken for an exotic, two-headed mutant."

Merrie Olde England

Insight into the development of the mind of evil, as Dr. Khaled Batarfi recalls his childhood friend Osama bin Laden in the *Sunday Herald Sun*:

"There was a movie, a series called *Fury*. It was American. *Fury* was a horse like his. He watched that. And he liked also *Bonanza*. That was one of the favourites. . . . Osama almost always brought the sandwiches which he made himself in the family kitchen after getting the servant, a woman, to leave. It was not correct to share the room. His speciality was tuna sandwiches."

Brabant, Holland

The thin blue camera that separates civilization from chaos, from a dispatch to *De Volkskrant*:

Police have set up security cameras to deter irate motorists from vandalizing the cameras it uses to catch speeders.

Tokyo

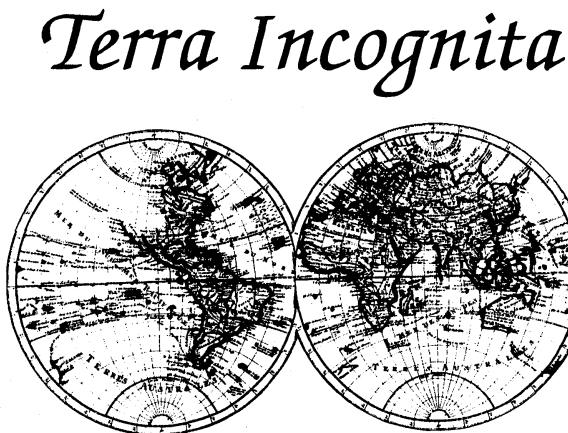
An advance in criminology, reported in the *Asahi Shimbun*:

Police caught 52 bicycle thieves last year by standing on the street greeting passersby while keeping an eye out for people who act suspiciously or try to flee. Reports a police official, "People without a guilty conscience find our greetings cheery. It's like killing two birds with one stone."

U.S.A.

Cultural note from the *Chicago Sun-Times*:

Michael Clarke Duncan, star of *The Green Mile* and *The Scorpion King*, revealed that he turned down Bill Clinton's invitation to visit the White House because it was on Monday night. "I told him I couldn't go because it fell on a Monday and that's *Monday Night Raw*. I don't go anywhere on Thursdays either because that's *Smackdown*."



Special thanks to Martin Solomon, Tim Slagle, Duncan Williams, and Owen Hatteras for contributions to *Terra Incognita*.

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

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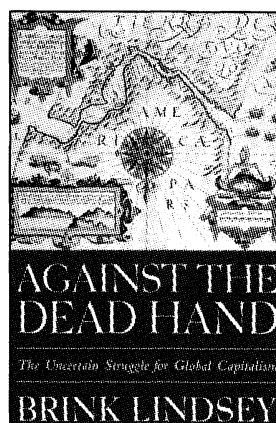
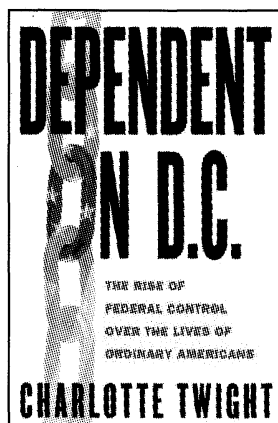
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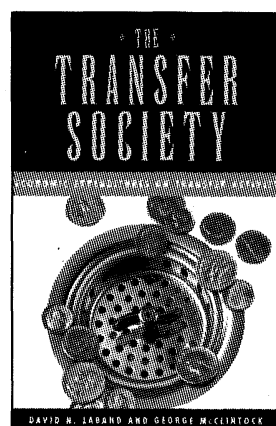
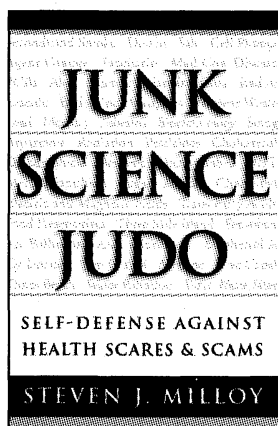
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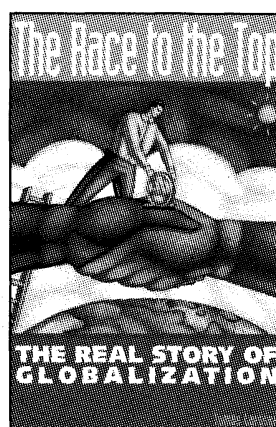
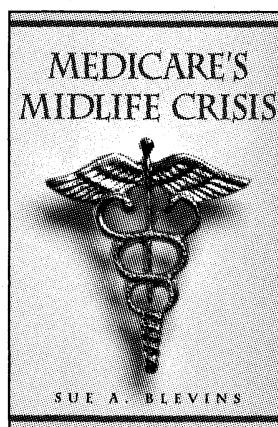
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