

# Liberty

O.J. Free  
*Guaranteed!*

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The publisher of this magazine guarantees that it does not contain a single word about O.J. Simpson.

## Revolution in Congress?

*by R. W. Bradford*

## Socializing Medicine, State by State

*by Mark Rembert*

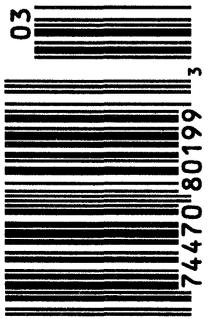
## What, Me Vote?

*by John Pugsley, Robert Prechter, and Douglas Casey*

## A Cypherpunk How-To

*by Gary McGath*

Also: *Bill Kauffman* on the globalization of culture, *Brian Doherty* pits William Buckley against Gore Vidal, *Roy Cordato* on sin and taxes, and a tribute to Murray Rothbard . . . plus other Articles, Reviews, and Humor



*"Discipline must come through liberty." —Maria Montessori*

# THE CONSTITUTION PARTY

## *The Party of Principles, Not Politicians*

We, the founders of the Constitution Party, hold that our federal government has consistently violated the Constitution of the United States. The Founding Fathers designed the U.S. government to serve us — the people. It was not designed so that we the people would serve government. We no longer wish to see Americans dependent upon or enslaved by government. Generations of Republican and Democratic administrations have made it abundantly clear that they are incapable of managing the nation's affairs competently, justly, or lawfully. The CP is dedicated to ensuring the unalienable right of every American to Life, Liberty, Property and the Pursuit of Happiness by defending the Constitution for the United States of America and making certain that it stays the law of the land.

The right to own one's life is a natural right. It requires the rights to freedom and property ownership in order to sustain that life. Therefore, the CP holds that no one has the right to dictate to anyone else how to live. It further maintains that no one holds a higher moral authority to compel anyone else to behave in a particular way. The CP maintains that each individual has the right to behave according to his or her self-determined moral principles, provided the pursuit of these principles causes no physical harm to any other person or his property. The CP believes that if there is no victim there is no crime. The CP believes that no entity, including a majority of voters or citizens, may take away or violate the rights of an individual.

Accordingly, the CP calls for a reordering of national priorities. We aim to restore the right of every individual American to be a sovereign citizen, as well as the provision that all 50 States be free from unlawful federal interference so they can self-govern. Our goal is to create a truly free country where all people will learn to be responsible for their own welfare. Upon achieving this goal, enterprise will flower, thereby creating an atmosphere of prosperity, abundance, tolerance, and compassion.

Therefore, the CP offers the following platform to ensure our rights and those of our children:

1. Under no circumstance does the federal government have the power to violate the Constitutionally guaranteed rights of an individual.
2. Under no circumstance does the federal government have the power to violate the sovereignty of the States as defined in the 10th Amendment to the Constitution.
3. Each individual should be free to do whatever he chooses with his own person or property, provided he does not physically harm the person or property of another. People who harm others are to be forcibly segregated from the rest of society by government. It is society, not the criminal, that should be shown leniency.
4. The CP supports full private property rights. We reject the idea that federal government may dictate use of private property or confiscate property without full and just compensation pursuant to the limits of the Constitution.
5. Each individual adult has the right to keep and bear arms, providing the owner has never been convicted of a violent crime involving the use of a weapon.
6. The CP advocates the maintenance of the strongest national defense force in the world. The CP does not advocate military interference in the affairs of other nations.

The CP further believes that the US should protect its sovereignty by maintaining full control over its own defense systems and not turning them over to the United Nations.

7. The CP advocates full financial freedom. The CP believes that individuals have the right to keep all money or property they have lawfully earned, to provide for themselves and their families. The CP believes it is not government's business to know how much money you earn, where your money or property is kept, or to require you to keep records on its behalf. Accordingly, it believes that government has no right to use any of its agencies to intimidate people into revealing how much money they have or earn, with threats of jail terms and property seizures.

Government has no right to force an individual to report how much money he or she deposits or withdraws from a bank. It also has no right to force an individual to report how much money he or she takes into or out of the country. These laws force Americans to spy and report on each other.

This stance requires the elimination of the Internal Revenue Service and the income tax code, the elimination of all gift and estate taxes, as well as any other direct tax not authorized under the Constitution of the United States. To the extent revenue is needed to support the federal government, within the limits of the Constitution, excise taxes (i.e. a national sales tax) are authorized in Article I, Section 8 of the Constitution.

The elimination of these unlawful taxes would cause business to skyrocket, create millions of jobs, and significantly reduce unemployment and welfare lines. It would also reduce crime.

The CP calls for repeal of the 16th Amendment or formal recognition by the government that it was never ratified by the states and is therefore illegal.

8. The CP calls for the reinstatement of sound money, preferably a hard dollar backed by gold.
9. The CP insists upon the elimination of the budget deficit by a rigorous program of downsizing federal government and eliminating entitlement programs. The CP also calls for the elimination of burdensome interest payments on the national debt by ridding the American people of this debt once and for all.
10. The CP advocates the elimination of entitlement programs. Just as no individual has the right to steal from you, the government has no right to steal from you on behalf of other individuals, that is, to redistribute your wealth. The money you earn belongs to you and no one else. How can you properly support yourself and your family while you are constantly being robbed? The price of personal freedom is individual responsibility. Consequently, it is not government's job to "save" people from poor choices, calamities, or the vicissitudes of life. At the same time, The CP encourages everyone, individuals and private institutions alike, in the strongest possible terms, to give to the charities of their choice, to care for the homeless, the helpless, and the needy. Charity is traditionally the work of religious organizations, individuals, private institutions and foundations. In contrast, giveaway programs run by the federal government rob individuals of the ability and desire to be charitable.

The CP further believes that the elimination of giveaway programs will greatly alleviate the nation's immigration problem.

The CP believes in phasing out the Social Security program after current obligations to the elderly are met. We believe retirement programs are best handled by the private sector.

- The CP believes that federal government has no lawful or moral authority in health care. The CP believes that government involvement in health care will adversely affect the health of the majority of Americans.

The CP believes that federal government has no right to limit our choice of doctors, or medicines they prescribe, whether they be "alternative" or American Medical Association certified. Government also has no right to dictate what vitamins ought to be available.

The CP opposes the proposed national health card. This card will ultimately be used as nothing less than a national tracking device that will result in the further loss of personal freedom.

- The CP endorses full economic freedom. The CP believes that government should not set prices, set quotas, or create laws concerning hiring, firing, rents, wages, unionization, or any aspect of non-coercive private commercial behavior. Economic freedom would be a boon to both small and large business.
- Government does not have the right to legislate morality. Adult consensual behavior ("victimless crimes") such as that involving sexual activity, gambling, drug use, or assisted suicide are a matter of individual adult morality and not a matter of lawful statute. The traditional organizations for discussion and persuasion regarding such issues include churches, synagogues, youth clubs, chambers of commerce, and other local social organizations.
- The CP advocates a strong local police presence for violent crime. By eliminating laws against victimless crimes, police will be able to focus on violent crimes, making police more effective and public safety a reality. The prison system will then have ample space to house violent criminals for the full course of their prison terms. The streets will be safe, the country's legal and prison systems will unclog, and vast amounts of money that add to the budget deficit will be saved.

Nevertheless, a government that must break the law in



DON'T TREAD ON ME  
1995

order to enforce the law is not a government worth having. Therefore, law enforcement officers and agencies must be above reproach with regard to due process of law, personal privacy, freedom from unreasonable search and seizures, and all the other fundamental constitutional guarantees. The CP believes that any government agent or employee who does not abide by, or who violates, the Constitution should face mandatory criminal penalties.

- The CP believes that all judges must be directed to inform every jury of its lawful sovereignty under the Constitution in that it may find any defendant not guilty if it judges the law, even law upheld by the Supreme Court, to be defective, unwarranted, unconstitutional, or wrongly applied.

The CP believes that we are at the beginning of a movement, a movement toward individual freedoms, as our Forefathers planned. We believe that people have had enough of the taxes and the intimidating tactics of an out-of-control, unaccountable government which has lost sight of its role as our servant. We believe it is time again to make the government accountable to us

— the American people — and to restore our personal freedoms which have been *slowly but systematically taken from us*. We believe that if we as a people fail to act, the course on which the ship of state is currently set is clear: an accelerating bankrupt socialist police state.

To all Americans who want to keep their rights: whether it be the right to speak your mind, the right to keep the money you earn, the right to use your property as you wish, the right to bear arms for the defense of your family from any threat including government, the right to engage in noncoercive behavior, the right to not wear a seatbelt or a motorcycle helmet, the right to practice (or refrain from practicing) any religion; the right to choose a doctor or the medicine of your choice, the right to end your life, or the right to begin a life — these are your personal choices, not the government's.

To all Americans who feel alienated from the politics of our system and are tired of being treated like juveniles: we understand your frustration and your desire for change. Come join us! No matter who you are or what you do, come join us. It's not whether you are on the left or the right, liberal or conservative, it's your individual rights that matter.

"A wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits." — Thomas Jefferson

### Founder

Aaron Russo (Film Producer — *Trading Places* with Eddie Murphy, *The Rose* with Bette Midler; won an Emmy and had films nominated for various Academy Awards)

### Partial List of Founding Members

Dr. Robert Atkins	(Author)
Larry Becraft, esq.	(Attorney)
Bill Benson	(Author — <i>The Law That Never Was</i> )
Bob Bishop	(Editor, <i>Goldmining Stock Report</i> )
Bill Cooper	(Radio Talk-Show Host)
Vince DeNiro	(Historical Political Researcher, Radio Talk-Show Host of <i>America's Town Meeting</i> )
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Paul Hapenny	(Screenwriter)
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Dr. Julian Whitaker	(Author, Newsletter Writer)
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Dr. Jonathan Wright	(Author)

### JOIN THE NEW CONSTITUTION PARTY TODAY!

Join the people from all walks of life who already have become members of the Constitution Party. Spread the word! Make copies of this Draft — Mail it — Fax it — Hand one out to everyone you know.

WE WANT OUR COUNTRY "FIXED BY '96" . . .

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- I want to help with a donation of \$ \_\_\_\_\_ .  Check  Money order

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# Letters

## What Goes Around . . .

Last month, in preparation for a radio debate on the subject of pornography (I'm in favor), I was advised to pick up your November issue for Wendy McElroy's article on the subject ("Talking Sex, Not Gender"). Not only did it prepare me admirably for the debate, it convinced me that *Liberty* really was crucial reading, without which I could no longer exist. I sent in my subscription the next week.

Naturally, I was greatly amused to read, in the January issue, Mark Manthey's letter threatening to cancel his subscription over the same article.

Win some, lose some. You do a great deal to advance the cause of liberty by publishing such "depraved" material. Please, keep up the good — and controversial — work.

Scott O'Hara  
Cazenovia, Wis.

## How 'Bout the "Frito Party"?

I was intrigued by the interview with Aaron Russo ("Russo and Revolution," January 1995). My first reaction was somewhat negative; Russo's Constitution Party seemed to threaten "my" Libertarian Party. Why should a newcomer step in and take over all the good, hard work our people have done, and get the credit for it?

But the more I read, the more it seemed that Russo has some really good ideas. It doesn't matter who returns us to free markets and gets rids of the welfare state as long as the changes happen. There seems to be a number of groups pushing for these things but not working together. Why can't we have a merger? Russo sounds like the kind of new blood the movement could use. And while "Constitution" is also clumsy to pronounce, it at least has more appeal than "Libertarian." (If I were picking a name, my choice would be the "Freedom Party," with the members being called "Freeders." But no one's seeking my advice, and maybe it's just as well.)

## Letters Policy

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

Also — maybe I'm a bit prudish, but I'd like to see Russo and some of your writers clean up their language a bit. They sound at times like eight-year-olds who have just learned their first cuss words and want to show them off.

Bill Williford  
Houston, Tex.

## Blame Where Blame Is Due

While I appreciate Jesse Walker's kind words about *Angry Schools, Vacant Minds* ("Scandal for Schools," January 1995), he should know that the passage about John Holt he cites did not appear twice in my book as "a burst of bad editing." My publisher asked me to summarize the book in the preface, and in the summary I condensed arguments that I made elsewhere. That is why the passage Walker quotes is repeated.

Martin Morse Wooster  
Silver Spring, Md.

## Check Your FACs

Brian Taylor's article ("Free Speech, Blah, Blah," January 1995) probably left readers confused about the First Amendment Coalition (FAC), so let me explain it briefly. College campuses have in many cases become places where administrators, faculty, and fellow students single out certain ideas for proliferation and others for disparagement and ridicule. Too often, the disparaged ideas receive only nominal consideration (or none at all) in texts, classroom discussion, or discussion between peers in the lunch hall or dorm rooms. Also, overt acts of intimidation, such as radical groups preventing others from entering a public facility, have increased in frequency. FAC contends that such behavior is inimical to the function of the university.

FAC promotes the free discussion of all ideas, "Right" and "Left." FAC believes that the greatest learning takes place when individuals discuss ideas in an open forum. If a belief lacks merit, let that be demonstrated in earnest debate, not by individual censure.

I should remind Taylor that the FAC National Board subjected him to no political litmus test when working with him to start the FAC Binghamton chapter. I agree that the Columbia conference Taylor attended lacked widespread representation from the "Left." But FAC has worked with the ACLU, campus NOW chapters, and other traditionally left-wing organizations when our goals have

agreed. Moreover, FAC invites students of all political, social, and cultural backgrounds to join in our fight.

I was bothered by Taylor's labeling FAC members "opportunistic defenders of free speech." As with many campus activists, FAC members are unpaid, hard-working college students taking time from their academic and social schedules to back a cause they believe in.

The balance of Taylor's articles consisted of *ad hominem* attacks on FAC, its leadership, its membership — even its pizza. Such unreasonable attacks are exactly what FAC hopes will diminish in the academy, to be replaced with intelligent and thoughtful argument.

Michael Francis  
Cambridge, Mass.

## A Word for Bedlam

As an individual who has had extensive experience with the mental health system in America, I must respond to some of Seth Farber's comments in "The Bedlamming of America" (December 1994). Although admittedly there have been many abuses in the mental health industry, some of the things Farber says in his effort to smear the entire field are inaccurate.

For example, Farber states that "no inpatient program . . . has proven effective in . . . preventing suicidal behavior." This is clearly untrue, as there have been many cases of acutely and imminently suicidal people who have been prevented from attempting or committing suicide because of the safety and structure of an inpatient psychiatric unit. Many such patients admit themselves into psychiatric hospitals voluntarily.

Farber also states that "virtually everyone who enters a psychiatric facility is forced to take neuroleptic drugs." This is also false. In most psychiatric hospitals, a large percentage of patients are not taking any neuroleptic (a.k.a. "antipsychotic") drugs. Of those who do take drugs, most do so voluntarily with informed consent.

Jeffrey I. Schwartz, M.D.  
San Francisco, Calif.

## The Will to Intelligence

*The Bell Curve*, by Richard Herrnstein and Charles Murray, is riddled with flaws, all of which were missed by Jane Shaw and Leland Yeager ("Not to the Swift, But to the Smart" and "Politically Sensitive Science," January 1995). The most glaring and the one that defeats their very thesis is Herrnstein and

*continued on page 6*

# Liberty

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# Inside Liberty

March 1995  
Volume 8, Number 4

**4 Letters** *Liberty's* readers talk back.

**7 Reflections** *Liberty's* editors on masturbation, marijuana, adultery, sexual harassment, school prayer, and other taboo topics.

## Features

**17 Liberty Triumphant?** Will the new Congress create a libertarian revolution? R. W. Bradford explains why it is possible — and why it is not likely.

**20 Rothbard Remembered** Nineteen friends, colleagues, and admirers remember a giant — Murray Rothbard.

**29 Back in the States** The health-care juggernaut that sunk in Washington, D.C., has surfaced in America's hinterlands. Mark Rembert reports from Tennessee, Tom Loughran from Washington state, and David and Mary Lemke from Oregon.

**32 Stealth Health** If socialized medicine *does* come to America, don't expect to see Hillary Clinton or Ira Magaziner waiting in line. E.K. Gregory tells where they will get their medical care.

**34 A Globe of Villages** Bill Kauffman offers an old, local, and disorderly alternative to the New World Order.

**38 The Engraved Invitation Has Arrived** Durk Pearson and Sandy Shaw espy a millennium. Are you coming?

**43 Inside Kyrgyzstan** Douglas Casey looks for gold in Central Asia, where the government and the Mafia are the same thing.

**46 Harry, Don't Run!** John Pugsley implores his friend Harry Browne to quit his quest for the presidency.

**54 Run, Harry, Run!** Robert Prechter explains what's wrong with John Pugsley's criticism of politics.

**55 Go For It, Harry!** Douglas Casey confesses to the evil soul that makes him support Harry Browne.

**57 Sinful Taxes** Is there any good excuse for excises on vices? Roy Cordato says no.

## Reviews

**59 American Spleen** Brian Doherty contrasts the journalism of old rivals William Buckley and Gore Vidal.

**63 Out of the Asylum** R.W. Bradford searches for a spot for the madmen.

**64 Praise for the Packaging** Phil Leggiere discusses a young writer, a pretty good novel, and a case study in literary politics.

**66 Pretty Great Privacy** Gary McGath offers a few tips to cypherpunks in the making.

**67 Booknotes** on anarchism, Noam Chomsky, the *Whole Earth Catalog*, Michael Oakeshott, and other Tory favorites.

**68 Classified Advertisements** The market in miniature.

**69 Notes on Contributors** A glimpse at our souls — or at least our CV's.

**70 Terra Incognita** Weird, wild stuff.

Murray's inability to deal with human consciousness. The book divides the parameters of thinking into heredity versus environment while overlooking the human species' ability to choose to focus or not focus their mental capacities upon certain types of problems, at will.

William Voorhies  
Kansas City, Miss.

### Randian Psychobabble Corner

Jesse Walker's dirty little attack on Irwin Schiff ("The shaft to Schiff," January 1995) was a classic example of the psychopathology of the willing slave. As in most human activity, there is a bell curve among slaves, with those who will risk everything to get free on one end and those who not only willingly submit to slavery but actually help their masters suppress their fellow slaves on the other. Mr. Schiff is at one end, Walker the other.

Schiff knows that taxation is against the law in America, and I know it, too — not from him but from my own research. I simply go exempt at work and have since 1989. Of course, government is composed of anarchists who refuse to abide by the law, so there is always some risk.

The psychopathology of the willing slave is that he comes to loath himself for his own cowardice and turns that self-loathing outward — not toward his masters, where it should go, but toward those slaves on the other end of the curve. He not only ridicules them, as Walker does, but actually squeals on any attempt they make to get free. The classic identifying signature of the willing slave is, "A concerned citizen and a taxpayer."

The willing slave comes to love, instead of hate, his master. Walker says that he would vote for Clinton or even Gus Hall before he would vote for Schiff.

The psychopathology of the willing slave becomes a criminal psychopathology when he, for instance, sits on a jury in a political trial such as tax cases. His attitude becomes, for instance toward Mr. Schiff, "He thinks he is better than I am. By God, I'll show him."

What Jesse Walker is guilty of is a simple case of the fright and flight syndrome. He is obviously impressed, as are millions of others, by guns and goons, but he chooses to vilify those of us who are not so impressed. To me, a person who must rely upon guns and goons to get what he wants from innocent people is contemptible, not respectable or even fearsome. Such a person is making a terrible confession of incompetence, immorality, and impotence.

But the fright and flight syndrome

does not come from fear of evil. It comes from the fear and hatred of the good. When a slave perceives that he cannot measure up to the good as exhibited by another human being, his reaction is to attack that other person. I've seen it happen countless times and know how to judge such persons. They are the world's Judases. I avoid them like the plague.

Westley Deitchler  
Miles City, Mont.

### The Great Conspiracy

That Irwin Schiff has spent time in prison for refusing to pay income taxes does not prove his legal arguments are faulty. Even in America, people can be railroaded into prison. And from what I've read, Schiff is correct in claiming that citizens residing in any of the 50 states are *not* required by law to pay federal income taxes.

How the federal terrorcrats perpetuate this hoax is a rather involved story. They have woven a very sticky web, involving disinformation and intimidation, which convinces citizens that they are required to pay a tax the terrorcrats themselves must lawfully refer to as *voluntary* (see the Note from the Commissioner, which prefaces the instructions for your form 1040).

Incredible? Where do you get *your* information? School? The media? Bill Clinton? The massacre at Waco should convince us that professional politicians of any stripe will stop at nothing to get what they want.

I subscribe to your magazine to balance the propaganda in the newspapers and television. Perhaps Jesse Walker should be writing for them.

Mitchell Stary  
New Richmond, Wisc.

### Vocab Quiz

In "To your health" (December 1994), R.W. Bradford uses the acronym TANSSTAFL.

At the risk of displaying my considerable ignorance, just what in the devil is he talking about?

Jack R. Kincade  
Mason, Ohio

R.W. Bradford responds: "There Ain't No Such Thing As A Free Lunch."

### Schumpeter Meets the Market

Jesse Walker adds a new and interesting criticism of my article "Deep Ecology Meets the Market" (November 1994) in "Creative destruction" (January 1995). He argues I depart from my liberal foundation by urging "preservationist prohi-

bitions" rather than procedural rules. Preserving ecological communities is supposedly analogous to preserving economic communities by protectionist means. Walker argues I should allow Schumpeterian "creative destruction" within the environment as well as in the market. Otherwise I violate the logic and spirit of Hayekian liberalism.

Ecosystems and markets alike need to adapt. But if changes come too quickly, in too unusual a way, adaptation is impossible in ecosystems and markets alike. This is especially true when the disturbance comes from outside the system, arising independently of the rules that maintain the system as a whole.

The rules of the market generate the conditions within which economic communities rise, flourish, and decline. But if a sudden plague wiped out an economic community, this would not be evidence it failed economically. The threat was extraneous, big, and rapid.

An economic community undermined by government subsidies to others (say, to Minnesota wild rice growers by California's irrigated farms) is also hurt by factors extraneous to its purely economic viability. Again, the challenge is extraneous, big, and rapid. But this is not "creative destruction." Creative destruction refers to changes arising from following the rules generating and maintaining a spontaneous order.

Ecological principles generate conditions wherein biological communities arise, flourish, and decline. But the asteroid impact that apparently killed the dinosaurs does not mean they failed to adapt. The principles which generate adaptation never had a chance to operate. Again, no "creative destruction."

Similarly, an ecological community undermined by factory fishing is not injured by its "failure to adapt." Adaptation is probably impossible. Modern fishing is too rapid and too great. In addition, factory fishing is independent of purely natural processes. Again, destruction, but nothing creative about it.

By helping distinguish between changes internal to spontaneous order and those external to it, Schumpeter's point supports my argument.

Gus diZerega  
Sebastopol, Calif.

### Useful Feedback

This is bullshit. I despise your rhetoric and *meanness*. You are scumbags. The American people are fed up — with *you*.

Matthew D. Smith, Jr.  
Brownsville, Tex.

# Reflections

**Oh, them big numbers** — Commenting on the four-million-dollar book advance offer made to Rep. Newt Gingrich, President Clinton said that he'd earned \$38,000 per year for twelve years and couldn't even think in terms as big as four million. Great, just what we need from a guy in charge of a \$1.5 trillion budget! —JSR

**A modest proposal** — The Balanced Budget Amendment, after years of lonely support by a few conservatives and libertarians, is now making its way through the House of Representatives. But this plank of the Republicans' "Contract with America" has inspired quite a few attacks and objections. Here is a better idea. Simply deny a pension to any congressperson who served during a year in which the federal budget was in deficit. I bet we would see Congress "work together" in a remarkably efficient fashion to bring our country's debt under control. And if not, it would solve the idiotic pension problem in one fell swoop. —TWV

**Slapping the flunky** — Less than a month after Bill Clinton publicly mused about returning organized prayer to the schools, Surgeon General Joycelyn Elders raised a storm by remarking that, since masturbation is an important part of human sexuality, it too should have a place in the academy. She later explained that she did not mean students should be instructed in *how* to jack (or jane) off — even Elders realizes that kids are capable of figuring that out for themselves — but that they should be taught *about* it. This distinction was lost on the president (who's never been one for partnerless sex) and Elders was fired.

This decision was generally applauded by the political Right, for reasons I still don't understand. After all, Newt Gingrich and his cohorts have spent years demanding that the schools "teach abstinence." Just what do they expect these abstinence instructors to teach if masturbation is kept off the curriculum? Cold showers? —JW

**Congress, rule thyself** — Democrat-controlled Congresses traditionally exempted themselves from the laws they passed. So while the rest of the country sweats under the burden of the minimum wage, affirmative action, OSHA, etc., the progressive Democrats have maintained their personal fiefs as virtual plantations.

In fulfillment of its "Contract with America," the GOP Congress quickly passed a law ending these exemptions. I suppose that this was a great step forward in the corrupt world of politics. But it didn't really go far enough.

The problem with Congress' exempting itself from the laws and regulations it passes is that congresspersons never get a chance to know just how onerous those laws and regulations are. Rather than simply ending their exemption, Congress should have replaced it with a law mandating that new

regulations apply *only* to Congress for a probationary period of, say, ten years. That way, Congress would have a chance to work out the kinks in laws before imposing them on the entire country.

If Congress had mandated Clinton's health care proposal for their own staffs while leaving the rest of the country alone for ten years, we wouldn't be risking the health of the entire nation. If the last few tax increases had applied only to senators, representatives, and their staffs, we would have had ten years to verify that the increases were equitable. If Medicare had been tried out on Congress and its staff for ten years, we'd have learned just how expensive the program was going to be without its threatening the fiscal security of the entire nation. And if drug laws applied exclusively to Congress for ten years, and the whole army of federal drug agents focused its efforts on congresspersons and their staffs, maybe Congress wouldn't pass so many stupid laws in the first place. —RWB

**I'll take Haiti, and another slice** — Have you noticed that the conservative Republican congressional leadership consists of deracinated college professors (Phil Gramm, Newt Gingrich, Dick Armey)? In twentieth-century American politics, our engaged professors have been at best innocuous statist (Paul Douglas, Paul Simon), more typically smug apologists for mayhem and militarism (Arthur Schlesinger, Jr., Henry Kissinger), and at worst . . . well, Woodrow Wilson. Not a one of this new trio had the pleasure of serving, as they say, in Vietnam, but when we drop the big one on Pyongyang all those grad-school nights of pizza, beer, and Risk will reach their logical and utterly depressing culmination. As we go marching, they grade the papers. —BK

**The straight Newt** — When Newt Gingrich charged that as much as 25% of the White House staff had used illegal drugs within a few years of entering government service, I believed him. Although he produced no real evidence to support his charge, it seemed plausible that many of the young Stephanopoulites, so soon out of college and grad school, had occasionally smoked a joint between student union *putsches*.

But I was appalled when Gingrich offered this as proof that there is a preponderance of "counterculture" types in the Clinton administration. For one thing, the Clinton administration is populated by the kind of people who were concerned in college with getting on the right committees, making the right friends, and getting ahead. It is hard to imagine any of this crew of class presidents, dean's listers, and fanny-smoochers lighting a scented candle, much less trying to burn Amerika to the ground.

For another, Gingrich is off his cookies if he thinks drugs are the exclusive preserve of the counterculture. I have

smoked pot with a few dozen different people in my lifetime, almost none of whom have a countercultural bone in their body. Most of them have been blue-collar, middle-class white males (including two U.S. marines!), the core constituency that Gingrich is supposed to represent.

It looks like Gingrich, who has taken up their banner, would not recognize a "normal American" if he were hit over the head with one — and is probably filled with same fear and hatred for them that animates most of our ruling class. —CS

**Pretty girls, and gridlock too!** — I teach a course in democratic political theory, and every semester a student will decry the state of democracy in Italy, which since 1945 has had a new government every ten months on average. "They can't get anything done," the student will say.

But what's wrong with that? By turning over governments so rapidly, the Italians have discovered a practical form of peaceful, parliamentary anarchy. It doesn't seem to be hurting the Italian standard of living, which is as high as the U.K.'s.

Imagine if the American system allowed governments to fall with such breathtaking regularity. Clinton would have been gone early last year. We might have had two governments since. Washington would be in turmoil. But everybody else would go on with life as though the politicians weren't even there. *Salute!* —JSR

**Twice burned** — Slowly, Marty Douma is recovering from severe burns over more than a third of his body. His accident can be traced to government regulation.

Last summer, Douma, the 49-year-old manager of a school bus company in Manhattan, Montana, was helping out at a landfill. He drove a Caterpillar bulldozer, burying garbage.

One August day a flatbed truck containing a lot of boxes drove up. A U.S. Customs inspector from Great Falls, Montana also arrived. He told Douma to spread the boxes out, crush them, and bury them. Douma started to back up the bulldozer when suddenly fire engulfed it.

Trapped in the bulldozer, Douma searched for an opening in the flames and leaped through. He survived, but his burns were so severe that he had to be rushed to the hospital, and then to the burn trauma center in Salt Lake City to begin a long and painful healing process.

The boxes, it turned out, contained nearly two tons of defective fireworks. But they hadn't been placed there haphazardly or surreptitiously. The Consumer Product Safety Commission had told the owner to dispose of them, but just burying them was not enough; they had to be destroyed. The Customs inspector was representing the Commission to make sure it was done properly.

Crushing the fireworks caused the accident. Had the owners used their own judgment and merely buried them, Marty Douma would not be spending his days in physical therapy, learning again to move his arms and fingers. (The rationale for crushing the fireworks, not just burying them, is that workers might take home the fireworks or children might find them if they were intact.)

The Consumer Product Safety Commission has responded to the accident by saying that the company owner should have done the job safely. It has also sent out memos indicating that anyone who destroys fireworks should consult with local fire officials and follow local fire ordinances. A spokesman for the CPSC said that the accident "has led us to be more precise about how to destroy fireworks." —JSS

**Them wacky Democrats** — In power, the Democrats were a fearful force. Out of power, they are simply silly. After the GOP won the November elections by promising middle-class tax cuts, President Clinton proposed his own middle-class tax cuts — a program almost identical to the Republican proposal he had ridiculed during the campaign. But House Democrat leader Dick Gephardt didn't want his president to hog the spotlight, so he called a press conference just prior to Clinton's so he could propose his own middle-class tax cut. A month later, after Republicans had floated the idea of a flat tax, Gephardt announced that he also favored a flat tax — although his version was heavily graduated.

As if he wanted to demonstrate how far he has strayed from reality, Clinton decided to announce his candidacy for re-election, apparently in hopes that his early announcement might prevent some other Democrat from wresting the nomination away from him. Hmm. What other Democrat would want the nomination?

Meanwhile, Hillary Clinton held an informal tea with reporters, confessing that she had botched things for her husband and asking them for help. The journalists responded to the flattering shared confidence by offering the troubled first lady their political advice and support. Unfortunately, one remembered something about reporters' responsibility to tell the truth to their readers, and that it might not be appropriate to offer public relations advice to their adversaries. The next thing Hillary knew, the story was embarrassing her in the *New York Times*. Oops.

Desperate for help, Bill turned to Tony Robbins, the toothy infomercial star who helps people lose weight, make money, and "awaken the giant within you." Tony has been amusing late night audiences for years with his hilarious half-hour spiel; my favorite part is where former football star Fran Tarkenton claims that Tony cured him of his preference for chewing tobacco over sex, though I have to admit that Casey Kasem's countdown on behalf of Tony is pretty funny too.

Bill didn't reveal what Robbins told him. Perhaps he gave Clinton the reverse of his Tarkenton therapy.

The Clintons aren't the only Democrats losing touch with reality. David Kessler, head of the Food and Drug Administration, has announced that he plans to move his agency to a new complex, to be built in bucolic Clarksburg, Maryland at a cost of \$675 million ("one of the largest federal construction projects ever," Kessler said). One problem with the plan: it will have to be paid for by Congress, now headed by Newt Gingrich, who has proposed abolishing the FDA. Perhaps Mr. Kessler should give a call to Donna

**Liberty's Editors  
Reflect**

- CAA Chester Alan Arthur
- RWB R.W. Bradford
- SC Stephen Cox
- BK Bill Kauffman
- JSR James S. Robbins
- JSS Jane S. Shaw
- SS Sandy Shaw
- CS Clark Stooksbury
- TWV Timothy Virkkala
- JW Jesse Walker
- LBV Leland Yeager

Shalala, secretary of health and human services, to see whether Dr. Shalala can find a spot for him in one of her classier loony bins. —CAA

**The Gospel According to Hillary** — Hillary Clinton has advised Newt Gingrich to consult the Old and New Testaments to “see how we should treat each other.” Do you suppose Hillary really supports stoning homosexuals, forbidding women from wearing men’s clothes, engaging in racial imperialism, and imposing a mere .2% wealth tax?

Then again, maybe she was talking about Deuteronomy 22:22 — capital punishment for adulterers. —JSR

**Professional courtesy** — A few years ago, while attending a conference in Aspen, Colorado, some electronic equipment was stolen from my hotel room. Since there was no sign of forced entry and the room was generally undisturbed, I concluded that the perpetrator must have been a member of the hotel staff. I reported this to the hotel’s general manager, who told me there was nothing he could do.

The following year, I returned to the same conference and the same hotel, this time leaving my electronic toys at home. The young man driving the hotel van from the airport asked me whether I had stayed there before, and how I had liked it. I said the hotel seemed quite nice, but someone on the housekeeping staff had stolen from my room. “I sympathize with you, sir,” he replied. “I was staying in a complimentary room earlier this year, and I forgot to leave a note to the housekeeping staff telling them I was an employee here. They stole \$300 in cash from my room.”

Thus I learned that hotel employees extend professional courtesy to one another, just like police officers or physicians. I have just learned about another type of professional courtesy, extended among politicians.

It seemed like an open and shut case. Sriyani Fernando and Josephine Alicog were locked in their employer’s suite at the Ritz Carlton, where they were beaten and forced to act as servants against their will, forced to eat table scraps and to sleep on the floor. Ms. Alicog escaped with the assistance of an American security guard, who had told her, “Josephine, this is a free country. If you don’t like your employer you can leave.” Later, hotel staff and another security guard helped Ms. Fernando escape.

After their escape, Ms. Fernando and Ms. Alicog sued their former “employer” in federal court. They had numerous witnesses among the hotel staff and security guards, plus the testimony of the Houston Fire Department that their employer had locked the hotel’s fire doors to prevent their escape.

What seemed like an open and shut case turned out not even to be an open case. U.S. District Judge Lynn N. Hughes ruled that the two women could not sue in the United States, even though their en-

slavement took place here, because their employer was a relative of the king of Saudi Arabia, and therefore immune from prosecution under the “Foreign Sovereign Immunities Act.”

And so it is that 218 years after the United States declared its independence from class-ridden Britain, 205 years after the U.S. enacted its Constitution and Bill of Rights, 129 years after slavery was abolished, and 126 years after equality before the law was explicitly acknowledged in the Fourteenth Amendment, a federal judge dismisses a charge of slavery in one of America’s great cities, on grounds that the accused is immune from the legal process because he is a relative of a foreign king.

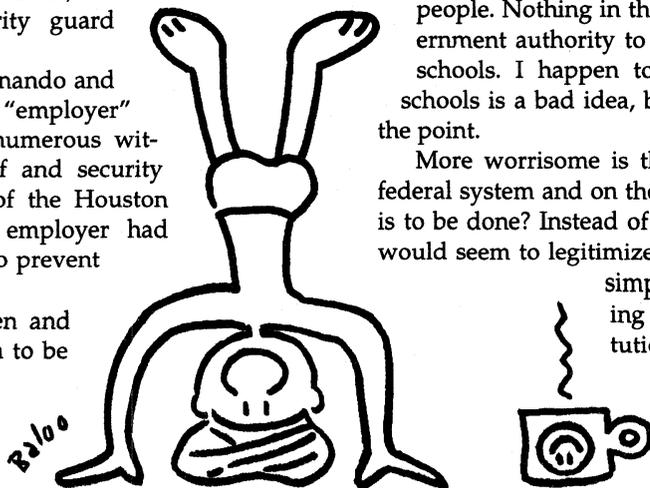
But all is not lost. Although the judge ruled that slavery is not sufficiently serious to override the immunity granted to foreign potentates and their relatives — not if the “confinement” takes place, in the judge’s words, “in one of Houston’s ritziest hotels” — he did add that murder would be serious enough to override that immunity. —RWB

**Ill-constituted** — I oppose prayer in the public schools because it might embarrass the non-praying minority, and for other reasons. This, however, is not why I also oppose a school-prayer amendment to the U.S. Constitution. Such an amendment would seem to concede that school prayer is unconstitutional and that only an amendment can change the situation. Actually, school prayer is *not* unconstitutional. The Constitution does not forbid everything I consider unwise.

What concerns me more than school prayer or its absence is the Supreme Court’s twisting and flouting of the Constitution on this and other topics. The Court has reached its present erroneous position by incrementally reading the First Amendment into the Fourteenth Amendment and by misreading the First Amendment itself. But how can an interpretation at loggerheads with the actual text of the Constitution be justified by its having emerged in a series of small steps?

Actually, the Constitution says nothing whatever about a supposed “wall between church and state.” It does not even bar individual states from establishing religions. What the First Amendment does say is that “Congress shall make no law *respecting* an establishment of religion, or prohibiting the free exercise thereof” (emphasis added). Our federal system leaves many matters to the individual states and to the people. Nothing in the Constitution gives the central government authority to suppress or regulate religion in the schools. I happen to think that religion in the public schools is a bad idea, but this personal judgment is beside the point.

More worrisome is the Supreme Court’s assault on our federal system and on the integrity of legal documents. What is to be done? Instead of a school prayer amendment, which would seem to legitimize the Court’s abuses, I recommend a simple congressional resolution reminding the Court of Article VI: “This Constitution, and the laws of the United States which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby.”



The Constitution is binding on all concerned, especially including legislators and judges. No amount of misinterpretation, however incremental, can make it say anything other than what it says. The Supreme Court should be reminded of that truth. —LBY

**Uncle Tom's Cabinet** — Hurrah for those Republicans who are talking up the abolition of supernumerary federal departments — though let it be said that Democrats Jerry Brown and Bob Kerrey suggested such excisions in 1992. The problem: those backwater Cabinet posts on the chopping block have been filled for almost 20 years by the Uncle Toms and Aunt Margaritas of the Diversity Brigade. Who can forget the lustrous reigns of Transportation Secretary William "Jerry Ford's Homeboy" Coleman, HUD Secretary Sam "Mr. Mayor" Pierce, Education Secretary Lauro "At Least He Wasn't Bill Bennett" Cavazos, and the current twosome of Energy Secretary Hazel "How'd She Get That Last Name?" O'Leary and Commerce Secretary Ron "That's More Like It" Brown? Attention, bootlicking lawyers of color: if these agencies are killed, you'd better all change your names to Colin Powell. —BK

**Drop that baby, or we'll shoot!** — There have been new developments in the sad case of Randy Weaver, the mountain man who was entrapped by the Bureau of Alcohol, Tobacco and Firearms on a minor violation of gun regulations, in hopes of forcing him to become an undercover agent among people who shared his political beliefs. Weaver didn't want to betray his compatriots. So instead of appearing for his trial, he protested by moving with his family to a cabin in the mountains, where they lived openly and peacefully.

Federal authorities didn't much care for his protest. So they invested several million dollars of taxpayer money in an elaborate system of surveillance, and planned to arrest him. They put their plan into effect on August 21, 1992. Six agents wearing body armor and carrying high-power rifles sneaked onto Weaver's property. Three of the agents threw rocks at one of Weaver's dogs. When Weaver's son came out to see why the dog was barking, the agents shot the dog. Weaver's 14-year-old son took a wild shot in the direction the shot that killed his dog had come from, and took off running for the cabin. As he ran toward the cabin, one of the agents shot him in the back, killing him.

Randy Weaver, his family, and a houseguest were inside the cabin when the shooting took place. Under the impression (correct, as it turned out) that they were under military attack, they shot back. Kevin Harris, the houseguest, shot one of the attackers, killing him. The authorities retreated, sealed off the area, and called for reinforcements. The FBI arrived and took charge.

But this was not the FBI that we saw on television or read about in juvenile fiction, or even the FBI of adult fiction (headed by wacky transvestite J. Edgar Hoover). This was an FBI that decided the proper course of action was to set a policy of assuming anyone from the cabin, armed or not, was a deadly threat. The orders were given: Shoot on sight.

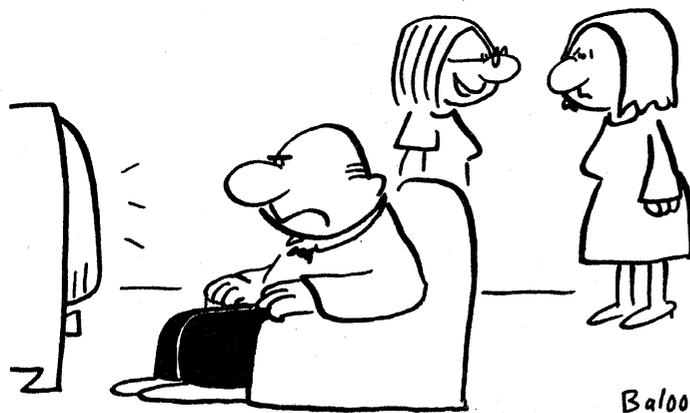
The next day, Weaver went to the shack near his cabin where his son lay dead. As he opened the door, he was shot from behind by an FBI sniper. He struggled back to the cabin, where his wife Vicki stood in the doorway, holding their ten-month-old daughter. The FBI sniper saw an opportunity to get a clean shot at Mrs. Weaver. Mindful of his deadly orders, he fired a bullet into her brain. It was an easy shot. The FBI sniper, Lon Horiuchi, later testified in court that he could hit a target smaller than a dime at 200 yards. Vicky Weaver crumpled to the floor, dead; what had been her head was now a bloody pulp. Horiuchi fired another shot, but his target was moving; he wounded Kevin Harris, but not mortally.

Weaver made it back into the cabin. The FBI continued its siege. Ten days later, Weaver surrendered to Bo Gritz, Weaver's commanding officer in Vietnam, who had agreed to act as an intermediary. Weaver and Harris were charged with murder and put on trial. During the trial, it became evident that the FBI had manufactured evidence, told lies, and tried to cover up its deadly assault. Weaver and Harris were both found innocent.

Not surprisingly, the Justice Department ordered an investigation by its Office of Professional Responsibility. On December 12, the OPR released its 542-page report. It found that the FBI's deadly assault on Weaver, his wife, his children, and Harris violated not only FBI internal procedures, but also the Constitution of the United States.

FBI Director Louis J. Freeh reviewed the evidence and concluded that Larry A. Potts, the agent in charge at the siege, should be punished. After all, he had violated the supreme law of the United States, murdering an innocent woman in the process. So a suitable punishment was found: an official "letter of censure" would become part of Larry Potts' permanent file. This was tough punishment indeed — Freeh himself had suffered the same fate when he lost a cellular phone. At the same time, Freeh promoted Potts to the position of chief deputy of the FBI, perhaps to lessen some of the sting of punishment.

The FBI agent who murdered Vicki Weaver was not disciplined. An internal FBI investigator ruled that Lon Horiuchi's sharpshooting was justified, since he had "reason to believe his life was in danger." After all, Mrs. Weaver was holding a baby in her arms. For all Horiuchi knew, the baby was armed. —RWB

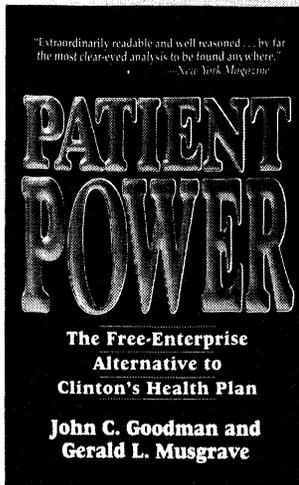


"Leonard just loves to watch the news."

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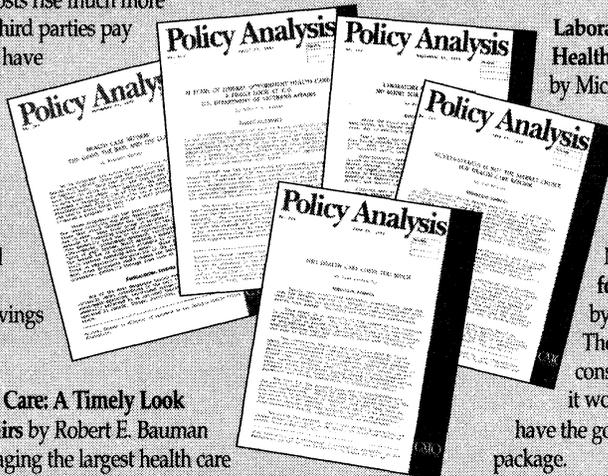
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light, or when seen from such and such a perspective. They are simply and literally true.

But just before our last issue was scheduled to be sent to the printer, I woke from a deep dream of peace and realized that my article on the November elections contained . . . an inaccuracy! Horrified, I lurched for the phone, dialed the publisher, and confessed my error — only to be told that the issue had gone to press two hours early. (*Liberty* is not just literally true but punctually true.) My error could not be expunged. I awaited an avalanche of mail from indignant readers.

Imagine my surprise when no one — not one single person — wrote in to complain that when I compared the Democratic Party to an old mud turtle, I referred to turtles as *amphibians*, when all the world knows they are *reptiles*.

Why this chilling lack of response?

Many readers were probably so shocked by my error as to be rendered incapable of action. When trust is gone, the spirit dies. If this is what happened to you, I want you to know that I feel your pain.

Other readers, I'm sorry to say, may not have appreciated the gravity of the situation. Some of you (forgive my suspicions) may take a sloppy, slovenly approach toward zoological distinctions. "Cox," you may have thought, "seems to believe that turtles are amphibians. They're not, of course, but what the hell! Why shouldn't they be? They live on both land and water, don't they? At least some of them do. So Cox is close enough. When he calls a cow an amphibian, then I'll write in to complain."

By the use of such logic, all will be lost. I, too, am hard pressed to think of any reason why turtles should not be classified as amphibians, but that doesn't mean that that's what they are. If writers can get away with calling turtles anything they want to call them, the next thing you know someone will be spelling Hillary Clinton's name with one "I" or referring to her husband as a giant ground sloth. (There are certain resemblances.)

Temptations surround the authors of *Liberty*, and it's up to our readers to help us retain a proper discipline. We can't do everything all by ourselves — not unless we raise subscription rates enough to hire some writers who can actually read a dictionary.

But let me be more candid still. My worst suspicion about you, the reader, is that you fail to identify mistakes in *Liberty* because you fail to read it in the first place. If that is true (and I hope, for your sake, that it is not), please ask yourself: How much will *Liberty* have to raise your subscription rate if we have to start hiring readers? —SC

**The gated playscape** — The January 1 *New York Times* reported a new trend: commercial playgrounds. These are indoor playgrounds where children can crawl and swing and jump into piles of plastic balls. (They resemble the play areas you can find at McDonald's, and McDonald's is, in fact, part owner of one chain of these playgrounds, Discovery Zone.) According to the *Times*, these "playscapes" have mushroomed over the past five years.

Is the advent of commercial playgrounds ("the privatization of child's play," says the *Times*) a good or bad thing? In

*continued on page 14*

# Liberty . . .

Intellectual sparks flew in Tacoma at the 1994 *Liberty* Editors' Conference. There, the best individualist minds met to discuss the future of liberty and society — and have a ton of fun in the process.

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**Searching for Liberty in Small Town America: R.W. Bradford, Bill Kauffman, Durk Pearson & Sandy Shaw** (Video: V102; Audio: A102) Can freedom be found in the rural U.S.A.?

**Searching for Liberty Around the World: Doug Casey, Bruce Ramsey, Jim Rogers, Scott Reid & Ron Lipp** (Video: V103; Audio: A103) How freedom is faring in other corners of the globe . . .

**Searching for Liberty in a Virtual Country: David Friedman, Doug Casey, R.W. Bradford, Pierre Lemieux & Scott Reid** (Video: V104; Audio: A104) If we can't find a free country, we may have to invent one . . .

**The Economy of the Twenty-First Century: Jim Rogers, Victor Niederhoffer, David Friedman, Doug Casey, Harry Browne, R.W. Bradford, & Leland Yeager** (Video: V105; Audio: A105) How will the economy fare over the next 100 years, and how can investors protect themselves?

**The Assault on Private Property: Wayne Hage, Jane Shaw, Karl Hess, Jr., Richard Stroup, R.W. Bradford, John Baden, Jane Shaw & Fred Smith** (Video: V106; Audio: A106) News from the frontlines of the latest government assault on human liberty . . .

**Does Libertarianism Need Foundations? David Friedman, Wendy McElroy, Bart Kosko, R.W. Bradford, James Taggart, Leland Yeager & John Hospers** (Video: V107; Audio: A107) What are the philosophical bases — if any — of libertarianism?

**Pop Goes the Culture: Jesse Walker, Brian Doherty, Gary Alexander & Timothy Virkkala** (Audio only: A108) Is there room for individualism in contemporary pop culture?  
**Global Trade or Globalony? Fred Smith, Brian Doherty & John Baden** (Video: V109; Audio: A109) Do trade agreements like GATT promote free trade or statism?

# Share the Excitement!

*How Long Can We Bear Arms?* **Pierre Lemieux, Clark Stooksbury, R.W. Bradford, John Bergstrom & Jesse Walker** (Video: V110; Audio: A110) How to protect our right to guns — and a few other weapons . . .

*Looking to 1996 — and Beyond:* **Robert Higgs, Doug Casey, Gary Alexander & R.W. Bradford** (Video: V111; Audio: A111) What happens next in American politics . . .

## Talks

*Chaos and Anarchy*, by **J. Orlin Grabbe & Pierre Lemieux** (Video: V112; Audio A112) The religion and science of unpredictability . . .

*Will the Death of Liberalism Bring a New Birth of Liberty?* by **R.W. Bradford** (Video: V113; Audio: A113) Liberalism is on its last legs. Is statism?

*How Hillary Got Rich*, by **Victor Niederhoffer** (Video: V114; Audio: A114) The ins and outs of the commodities market . . .

*The Next Hundred Years*, by **Doug Casey** (Video: V115; Audio: A115) The world according to Doug Casey, iconoclast extraordinaire . . .

*Anarchy via Encryption*, by **David Friedman** (Video: V116; Audio: A116) How new encryption technologies will erode the power of the state . . .

*Investment Biker*, by **Jim Rogers** (Video: V117; Audio: A117) A libertarian investor motorcycles around the world . . .

*The Forest Service's War Against Me*, by **Wayne Hage** (Video: V118; Audio: A118) A property rights activist's battles with the feds . . .

*Pretense of Protection: The FDA and Medical Devices*, by **Robert Higgs** (Video: V119; Audio: A119) Government "protection" that kills . . .

*The Property Rights Movement: Where Do Libertarians Fit In?* by **Jane Shaw** (Video: V120; Audio: A120) Is there room for libertarians in the property rights movement?

*Speakeasies in a New Age of Prohibition*, by **Durk Pearson & Sandy Shaw** (Video: V121; Audio: A121) The other war on drugs . . .

*How Property Rights Promote Peace*, by **Richard Stroup** (Video: V122; Audio: A122) The new wars of religion . . .

*A Globe of Villages: Toward a Localist Culture and Politics*, by **Bill Kauffman** (Video: V123; Audio: A123) The case against gigantism, and for human scale communities . . .

*Why Vote?* by **Loren Lomasky** (Video: V124; Audio: A124) Why do people vote, when they're almost certain not to affect the outcome?

*Building the Cause*, by **Harry Browne** (Video: V125; Audio: A125) How to bring freedom back to America . . .

*Why Libertarians Hate*, by **R.W. Bradford** (Video: V126; Audio: A126) The roots of internecine libertarian strife . . .

*The Welfare State as Universal Solvent*, by **John Baden** (Video: V127; Audio: A127) The ill effects of government-imposed "harmony" . . .

*For a Fuzzy Libertarianism*, by **Bart Kosko** (Video: V128; Au-

dio: A128) "Fuzzy logic" meets liberty: a scientist's case for pragmatism . . .

*Jazz: The Music of Liberty*, by **Gary Alexander** (Video: V129; Audio: A129) A musical history tour of the most individualistic brand of American music . . .

*Canada's Reform Party: Libertarianism in Sheep's Clothing?* by **Scott Reid** (Video: V130; Audio: A130) A Canadian activist's report on rumblings from the north . . .

*Ayn Rand As I Knew Her*, by **John Hospers** (Video: V131; Audio: A131) A personal memoir . . .

*The Nazification of the Money Supply*, by **J. Orlin Grabbe** (Video: V132; Audio: A132) Another front in the government's battle for surveillance and control . . .

*Unlocking the Human Genome*, by **Ross Overbeek** (Video: V133; Audio: A133) The latest in genetic science . . .

*Women and Pornography*, by **Wendy McElroy** (Video: V134; Audio: A134) The feminist case for porn . . .

*A Crash Course in Political Economy*, by **Leland Yeager** (Video: V135; Audio: A135) A fun, easy explanation of economics for a lay audience . . .

## Workshops

*How to Write Op-Eds*, by **Jane Shaw** (Video: V136; Audio: A136) How to get published on the opinion pages . . .

*How to Get Published in Liberty*, by **R.W. Bradford, Jesse Walker & Timothy Virkkala** (Video: V137; Audio: A137) What *Liberty* looks for . . .

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my view, the answer is mixed.

It's good because it is another example of how the market responds to consumer demand. For a modest price (about \$6 a day), the private sector can provide supervised, healthy activity. Furthermore, the playgrounds vividly illustrate the fact that private property is better managed and protected than public property — public playgrounds are, essentially, commons.

The unfortunate part is the fact that such playgrounds are needed. While one reason for them is the growing demand by busy parents for more day care, the most important factor is fear of crime, according to *Times* reporter Iver Peterson. Parents want to make sure that their children are playing in a safe place.

Indeed, the new private playgrounds remind me of the chief prediction of *The Bell Curve*: that the U.S. is heading toward a condition in which elites use all the power at their command, public and private, to protect themselves against the underclass. The present symbol of this protection is "the gated community, secure behind its walls and guard posts." Sadly, private playgrounds fit right in.

A libertarian can argue that we shouldn't have public playgrounds to begin with, but that doesn't make it acceptable for children to have to worry about being molested or mugged. The best lesson I can draw from this trend is that as civil society deteriorates, whatever help is found will come from the private sector. —JSS

**Sic Transit Gloria Steinem** — You have to expect radical feminists to protest vigorously when a woman in the public eye is exploited by an estranged lover who

publishes pornographic photos of her. It stands to reason that activists would raise hell when the man asserts that the woman, who is embroiled in a sexual harassment suit, "enjoyed sex," thereby sanctifying anything her harasser did. This frustrated, spurned boyfriend is making money off private photographs, thereby objectifying, commodifying, dehumanizing the woman. The feminist protests should be deafening.

So where are the marches, where are the full-page ads, where are the screams of indignation over the treatment of Paula Jones? —JSR

**Dirt Nazis** — When the U.S. Department of Agriculture achieved cabinet status in 1889, it consisted of 3,000 employees. At that point, America had contained about five million farms. Now the department has accumulated approximately 125,000 bureaucrats, while the country has about two

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*By the year 2060, there will be no farms left in the United States, but every man, woman, and child will be required to wear overalls and a straw hat.*

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million farms. By the year 2060, there will be no farms left in the United States, but every man, woman, and child will be required to wear overalls and a straw hat.

Perhaps the Founding Fathers were investing too much faith in their posterity when they didn't feel the need to create a federal agency to determine how we use our dirt. Today, the USDA doesn't just tell us how to use our dirt: it's willing to back up its opinions with guns. Or at least one of its agencies — the Forest Service — is. Apparently bored with extinguishing fires and picking up old Doritos bags, the Forest Service has somehow acquired police power.

I discovered this on a motorcycle excursion into one of our national forests. Popular wisdom has it that motorcycles are an affront to nature, and that someone like me would be better off riding through the forest on a horse. So far as I can tell, though, there's only two significant differences between a motorcycle and a horse: (1) it's nearly impossible to locate replacement parts for horses, and (2) I seldom step in motorcycle excrement.

The kind of motorcycle I ride, commonly called a "dirt bike," used to function under the same legislative barriers as horses: none. But on this trip, a Forest Service official went out of his way to inform me that my bike needed a license plate and that I needed to be carrying proof of insurance. If I didn't comply, he could issue me a ticket for \$1,200. He even showed me his stack of tickets, with immense pride.

Please note: I wasn't cruising down Broadway on a YZ-250. I was in the middle of a forest, isolated from human society. The only roads around were five feet wide and paved with pine cones and bugs.

People say, "Ignorance of the law is no excuse." But this time, it sounded like a pretty good excuse to me. I mean, Roy Rogers never had to get a license plate for Trigger. Would a jury of my peers convict me? Not if I could get the trial

## The 1995 Mencken Awards

*Best News Story or Investigative Report*  
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Established in 1981, the Mencken Awards offer peer recognition of outstanding civil libertarian writing and cartooning. Past winners include Nat Hentoff, Thomas Szasz, Michael Kinsley, Jane Jacobs, William Tucker, P.J. O'Rourke, Chip Bok, and Berke Breathed.

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For contest rules and an entry form, send a self-addressed stamped envelope to the Free Press Association, P.O. Box 63, Port Hadlock, Washington 98339.

*"No award I've received means more to me than the Mencken Award, because of my admiration for Mencken and the award's special focus on freedom." —Jane Jacobs, 1985 Best Book winner*

moved to Los Angeles, where all the fun jurors are.

This whole problem could be avoided if we didn't have a Department of Agriculture. And we *wouldn't* have one, if our Supreme Court justices would read the Constitution they're supposed to be interpreting. It's right there in the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." I've perused the document, and can find no reference to federal supervision of farms, let alone dirt-bike trails.

But as long as the feds are more concerned with incinerating religious groups and molesting Senate staffers than abiding by their constitutional constraints, I may have to trade my Yamaha in for a horse. If the Forest Service tries to make me get a license plate for *that*, they can take it up with People for the Ethical Treatment of Animals.

—Guest reflection by Damon M. Hunzeker

**Slick's willy** — It's official: Paula Jones can sue Bill Clinton for sexual harassment, but the trial will have to wait until after the president leaves office. I suppose that this is the most reasonable solution anyone could have come up with, and that U.S. District Judge Susan Webber Wright deserves our applause. But I still feel let down. Remember, this case may turn on Ms. Jones' ability to describe correctly Mr. Clinton's genitalia — which means that sooner or later, the president may have to drop his drawers and enter his John Thomas as evidence.

In her decision, Judge Wright cited English Common Law. I'd have preferred she went a little further afield, and cited Bob Dylan: "Even the president of the United States sometimes must have to stand naked." —JW

**Sitting bullshit** — I take second place to no one in my disdain for the tendency known as political correctness, but some commentators spot it where it doesn't exist. In the January 23 edition of *National Review*, a commentary about attempts to bring "diversity" to the national parks contains a casual comment making fun of the recent decision to change the name of "Custer National Monument" to "Little Bighorn Battlefield."

Sorry, *National Review* — this strikes me as a fair and sensible change, in light of the fact that the site is within the confines of a Crow reservation and that Custer's forces were soundly defeated by the Indians. Removing the name "Custer" is no more P.C. than the fact that most southern states — defeated in war, if not massacred to the extent that the Indians were — contain more commemorations of Stonewall Jackson than of William T. Sherman. —CS

**Genes, schmenes** — For a long time now, many criminals have claimed that their behavior wasn't their fault, that their bad environments "made" them commit crimes. Now that the genetic bases for some kinds of behavior are becoming widely accepted among biological scientists (though not necessarily among social scientists), you will see more of the novel argument made by Georgia murderer Stephen Mobley's lawyers: that his genes "made" him kill. (See the November 15, 1994 *Wall Street Journal*.)

Mobley's family is loaded with people who have committed rape, burglary, murder, suicide, etc. His lawyers argued that "genes help regulate the body's production of neurotrans-

mitters, or brain chemicals, that affect behavior." That is true, as far as it goes. One's biochemistry could predispose one to become violent. You could get a similar effect by being severely deficient in vitamin C or vitamin B-6 or copper or folic acid, which are required for the brain's manufacture of such neurotransmitters as noradrenaline, dopamine, and serotonin. Or you could have pellagra (a severe deficiency of vitamin B-3), which would make you irritable and easily provoked. *Hey, it's not my fault. I have a vitamin deficiency.*

But behavior does not come from nothing. Genes and biochemistry provide the working machinery that permits behavior to take place. Because of the limitations of this machinery, people have particular behavioral biases or pre-

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*To believe that genes and brain chemistry actually make the decisions is to imagine that people are hard-wired like insects.*

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dispositions. But to believe that genes and brain chemistry actually make the decisions is to imagine that people are hard-wired like insects and, like insects, cannot vary from fixed behavioral decisions.

You don't even need to argue over "free will" to deal with the problem. If somebody is "determined" by their genes and biochemistry so that they can't help going about killing people, then they should be locked up or killed (preferably by citizens defending themselves). Most people with predispositions to commit violence usually do so at a very young age and either learn to control themselves or end up dead or jailed. —SS

**From Russia, with blood** — In 1991, in these pages, I called for rescinding Mikhail Gorbachev's Nobel Peace Prize. But Gorby was a veritable peacenik compared to his successor, Boris Yeltsin. When the tide turned against Gorbachev in Party Congresses or the Supreme Soviet, he found ways to outmaneuver his opponents politically. When the Russian parliamentarians challenged Yeltsin, he called out the troops and pumped tank shells into their offices. As the Soviet republics began to split off from the U.S.S.R., taking land, resources, and even nuclear weapons with them, Gorbachev grumbled but didn't resist. When Chechnya, a minuscule "autonomous region" in the Caucasus with a fraction of the national wealth of Kazakhstan tried to do the same thing, Yeltsin sent in the army. When ground commanders took umbrage at being ordered to attack civilians who had taken no offensive action, Yeltsin sacked them and sent in the air force.

In hindsight, one misses Gorbachev and his bloodless political gambits. If you seek an image to symbolize Boris Yeltsin's presidency, go no further than a blood-spattered child crying over the shattered body of his mother, killed in a daylight raid on a Grozny vegetable market. —JSR

**Pulp faction** — As I write, the 1995 Oscar nominations aren't in yet, but three movies are considered frontrunners: *Pulp Fiction*, *Quiz Show*, and *Forrest Gump*. I

hope *Pulp Fiction* takes the honors, not just because it's the best movie, but for political reasons.

The message of *Quiz Show* is that television substitutes a false, manipulative spectacle for reality. In order to make this point, it tells a false, manipulative history of the 1950s quiz show scandals, featuring as its hero a government bureaucrat who in real life went on to be a presidential speechwriter — that is, an inventor of false, manipulative political spectacles. *Quiz Show* symbolizes corporate liberalism in all its gory glory: sanctimonious, hypocritical, strangely popular, and reasonably well-acted.

The message of *Forrest Gump*, on the other hand, is that it's better to be retarded than to be a hippie. No wonder so many conservatives (Pat Buchanan, Richard Grenier, *National Review*) have claimed this movie as their own. If *Quiz Show* is quintessentially liberal, then *Forrest Gump* sums up Beltway conservatism: inoffensive, predictable, trite, and kind of dumb.

Defeating these two pictures means defeating the two-headed monster of mainstream liberalism and conservatism. Whatever you may think of *Pulp Fiction*, you have to admit it's . . . different. Which is just what this country needs. —JW

**Redistributing intelligence** — I haven't finished reading Charles Murray and Richard Herrnstein's *The Bell Curve*, but I have read enough of it to know that most of the criticism of the book is bizarrely wrongheaded.

Murray and Herrnstein argue that there is such a thing as intelligence, that it is an important element in what makes an individual successful in this world, that intelligence is measurable, and that it is partly genetic. These are all empirical propositions, and the authors spend most of their book marshalling empirical evidence in support of them.

Yet most of the criticism does not substantially challenge their science. Most criticism consists of attacks on the persons of Murray and Herrnstein, along with handwringing along the lines of "Isn't this awful racist stuff that will undermine democracy?" Typical is the criticism of former *Wall Street Journal* editor Jude Wanniski:

In fact, the only reason there is controversy about the Murray

thesis is his assertion that intelligence is partly inherited . . . this leads to the logical conclusion that the clear disparity in IQ between white and black Americans . . . can be offset only through many generations of miscegenation.

It also condemns all black Americans, as a class, to several generations of inferiority while they try to find superior white spouses with whom to mate if they want to catch up with whites, as a class. . . .

It has not been 20 years since every white adult male I knew was certain we would never see a black quarterback in the NFL. They could jump and run, block, and tackle, but did not have it between the ears. How quickly black quarterbacks and black NFL coaches seem to evolve. (*Wall Street Journal*, Dec. 30, 1994, italics in original.)

My first response is to wonder what sort of friends Wanniski had 20 years ago. My adult male friends in 1975 didn't believe that that blacks were incapable of quarterbacking. (They also would have added passing to the list of skills needed by quarterbacks.)

But Wanniski is wrong at a much more fundamental level. It makes sense only if the fundamental units of society are racial classes, engaged in competition as races. This racism is explicitly eschewed by Charles Murray, who is careful to note that he believes that at both the personal and

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*Intelligent people of all races would tend to rise in the professions to levels above stupid people of all races. Tom Sowell would have no trouble competing against Dan Quayle.*

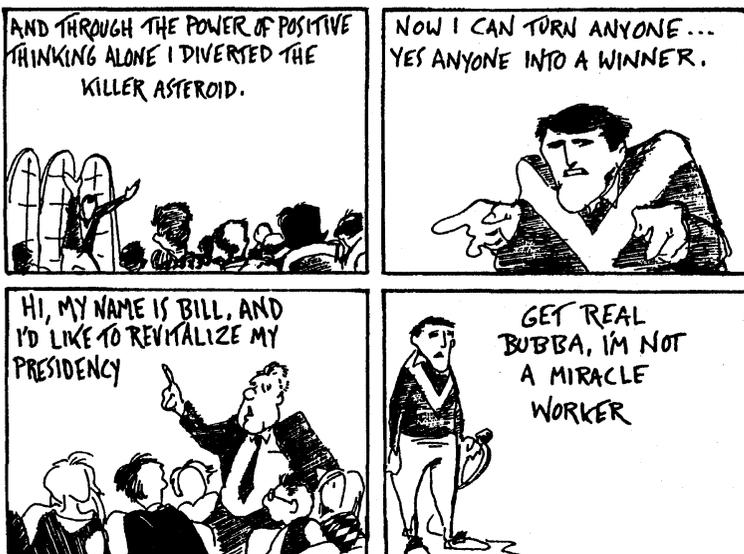
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institutional level, all people ought to be treated as individuals and judged by their individual merit.

The Murray-Herrnstein thesis would be purely "academic," without implications for public policy, if the United States had a uniform public policy of non-discrimination on account of race. Each individual might be concerned about where he fits in along the bell curve, but the issue would have nothing to do with race. Intelligent people of *all* races would tend to rise in the professions to levels above stupid people of all races. Tom Sowell would have no trouble competing against Dan Quayle. If American public policy were non-discriminatory (i.e. individualist), the thesis that African-Americans are on average less intelligent than Euro-Americans would be of no more interest than the thesis that African-Americans on average have a greater aptitude for basketball than do Euro-Americans.

But America does not have a public policy of non-discrimination. A whole panoply of laws require discrimination in favor of African-Americans, based on the dubious theory that whenever white people are more prosperous at a trade or endeavor, part if not all of the explanation is that they are the beneficiaries of historic discrimination against African-Americans. Such "affirmative action" laws require businesses and governmental bodies take specific action to bring up the success

*continued on page 33*



*Dan Bergstrom*

## Interpretation

# Liberty Triumphant?

by R. W. Bradford

It was the worst of times for Libertarians — and, perhaps, the best of times for libertarians.

In the run-down row house in a Washington, D.C. slum that serves as the Libertarian Party's national headquarters, the mood was grim. The November election had passed, and the American people had passed the Libertarians by.

The voters had been fed up with big government, higher taxes, and increasing regulation. They were in the precise mood that LP leaders had hoped for, had dreamed of. Finally, the voters seemed to agree with libertarian attitudes on just about every issue. State after state had passed term limits. Tax increases had gotten nowhere, and several states had passed measures restricting future tax increases.

The LP had managed to find an unprecedented number of especially attractive candidates. Party functionaries had worked hard. Party members had dug deep into their pockets. Finally, objective conditions had seemed perfect for the LP. 1994 would be the LP's "breakthrough" year.

But when the voters went into the voting booth, they ignored the LP lever, as usual. Instead, they voted for Republicans. When the networks reported the returns election night, the LP was as invisible as ever.

In the days after the election, party functionaries were almost immobilized, sitting around their offices muttering darkly about giving up on the LP. It was days before they could return to work churning out optimistic press releases, sending fundraisers

to the faithful, putting on a brave face to the world.

Across town, in the bright modern offices of the nation's press corps, news reporters and analysts looked at the same election results and saw a great victory for libertarianism. Karen Hosler of the *Baltimore Sun* observed that the libertarian idea of "minimalist government . . . was once on the fringe but now seems closer to the mainstream of congressional thought." *The Wall Street Journal* reported that "the libertarian vision of limited government is the dominant ideological strain within the House majority." This appeared in a front-page news article — not on the *Journal's* editorial page, which often expresses sympathy with libertarian ideas.

E.J. Dionne of the *Washington Post* looked at the same election results and saw a great victory for libertarianism:

The emergence of the libertarian Republicans is the story of one of those quiet intellectual revolutions that can have enormous political impact. Libertarianism is attractive, especially to intellectuals, because of its rigor and consistency. [Repre-

sentative Dick] Arney, for example, dislikes almost all government programs equally, which is why he allied himself with northeastern liberals to fight farm subsidies. In electoral terms, it is attractive to those well-off professionals who have nothing in common with the religious right but would just like to be left alone. And its moral code — that everyone should be responsible for himself or herself and expect no help from the state — has a certain clarity and finality. Tearing down the state, they insist, will work wonders.

Libertarian Republicans may thus pose a far greater political and intellectual challenge to Democrats than either traditional conservatives or the religious right.

Of course, this is not the first time that libertarian ideas seemed to be on the ascendancy. Two decades ago, when an out-of-office Ronald Reagan called his political philosophy "libertarian" in an interview on *60 Minutes*, Mike Wallace responded cynically that libertarianism was "in" at the time. A few years later, Reagan was elected president, with such libertarians as Martin Anderson and Dana

Rohrabacher among his personal staff and libertarian academics in powerful positions in his administration.

But somehow the promise of a renewal of liberty was never fulfilled. The Reagan (and Bush) years saw tremendous growth in the size and power of government. In the name of the war on crime and the war on drugs, individual rights were destroyed. In the name of a stronger America, military intervention became the order of the

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*Libertarian Party functionaries were almost immobilized, sitting around their offices muttering darkly about giving up on the LP.*

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day. Government spending rose even faster than taxes, more than quadrupling.

The election of Ronald Reagan hurt the libertarian movement in two ways, both arising out of his widespread identification as a libertarian. Among those who had sympathized with libertarian ideas, his election touched off a certain euphoria that made them less inclined toward activism or philanthropy. Among the general public, libertarianism was identified with Reagan's program, including elements that were not libertarian; the perceived failure of Reagan's programs was often blamed on libertarianism.

Will history repeat itself? Will the Republican triumph in the 1994 elections have the same short-term impact as the Reagan election? Will the Republicans fail to cut taxes, reduce spending, and stem the erosion of liberty — thereby discrediting libertarian ideas? Will marginal libertarians again abandon activism?

Before jumping to these easy conclusions, let's consider how different things are in 1994 from 1980.

### **The Fin de Siècle Difference**

There are at least three major differences between the Republican victory in 1994 and the Reagan election in 1980. The Reagan election brought the office of the presidency back into

Republican hands, where it had resided 16 of the previous 28 years. It brought the Republicans a small majority in the Senate, but left Democrats with a supermajority in the House, and with most governors and state legislatures. The Republican victory in 1994 was much broader. In its wake, Republicans had solid majorities in the House, the Senate, the nation's governorships, and even most state legislatures. The only major institution under the control of the Democrats is a much-weakened presidency. Obviously, the Republicans are in a much better position to implement their program.

Ronald Reagan ran for office on a conservative platform. But presidential candidates traditionally run on platforms with considerable ideological content. Platforms are drafted by the national convention of the nominating party, usually reflecting the ideological and financial interests of most constituents of the party. After the nominating convention they are traditionally ignored. Furthermore, in 1980, Reagan was immensely popular at a personal level, while his opponent was personally unpopular. As a result, Reagan's victory was widely perceived as only marginally ideological.

In contrast, the stunning GOP victory in 1994 was based on Newt Gingrich's brilliant idea of nationalizing the elections by getting Republican candidates to agree on a "Contract with America," a specific agenda of programs for reducing the power of government. Clinton and the Democrats played into Gingrich's hands by campaigning against the Contract, leaving no doubt in anyone's mind that it was the subject of the election.

Furthermore, no one could suggest that the popularity of the Republican leader was a factor. Most Americans had never heard of Newt Gingrich, and of the few who were familiar with him, most had vaguely negative feelings. The 1994 election was the most issue-oriented in recent history, and it was also the most decisive.

So the Republicans of today have two major advantages over the Reaganites in 1980. They have greater control of the institutions of power, and they have a much greater popular mandate. And they enjoy one additional advantage:

in 1980, the United States was involved in a Cold War with the Soviet Union, a war to which Republicans were committed and Democrats were not. To get money to fight the Cold War, Republicans were willing to pay the price demanded by the Democrats who controlled Congress: capitulation to the Democrats on many domestic programs.

Today, there is no Cold War. The United States is virtually the only great military power in the world. The Soviet Union no longer exists. Its successor, Russia, is having difficulty putting down an armed rebellion by a defiant province containing only 1.2 million people — less than 1% of Russia's total population. Chechnya has about the same proportion of Russia's population as Wayne County, Michigan has of America's. Can you imagine how long it would take the U.S. Army and Air Force to recapture Wayne County?

The Republicans of 1994 are much more ideologically committed than the Reaganites of 1980. Many of the old-line Republicans used to picking up scraps as members of a minority party accustomed to defeat have retired. Their places (and the places of ousted

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*My own attitude toward Cato can be summed up in a cliché: It's dirty work, but somebody has got to do it.*

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Democrats) have been taken by hard-line conservatives, unwilling to make compromises of the sort Bush and Reagan made on taxes, spending, environmental regulation, and a host of other issues.

There's one more reason to be optimistic about the next two years: the emergence of the Cato Institute as one of the most influential think tanks in the United States. It is almost impossible to pick up a newspaper these days without reading about the Cato Institute:

- "Cato Institute's Influence Grows in Washington As Republican-Dominated Congress Sets Up

Shop" (Headline, *The Wall Street Journal*)

- "One measure of libertarianism's rise is the growing role of the Washington-based Cato Institute as a generator of ideas that find themselves into Republican legislative proposals and rhetoric." (Analysis, the *Washington Post*)
- "Cato is well-connected. . . Its influence is on the rise because its fundamentalism offers Republicans a reminder of the true faith." (Editorial, *The Economist*)
- "Maybe the word 'conservative' does not apply to these new Republicans at all, said Edward Crane III, head of the Cato Institute, a libertarian think tank advocating minimalist government, which was once on the fringe but now seems closer to the mainstream of congressional thought." (Analysis, the *Seattle Times*)

It took a lot of hard work and vision for Cato to attain this status. Cato was founded in San Francisco in 1977 as a sort of omnibus libertarian think tank. For years after it moved to Washington, D.C. and began to reposition itself as a policy institute, it was a fringe player on the American political stage. Only in the past few years has it managed to capture the limelight.

Libertarians have a curious attitude toward Cato. Most are pleased that Cato is hard at work, day-in, day-out, criticizing just about all government intervention, whether into the economy, the intellectual marketplace, or foreign nations, and offering libertarian policy alternatives to those interventions. But many libertarians' feelings about Cato are more complex.

"There have always been some Indians who like to hang around the fort," was Russell Means' answer when I asked him his opinion of Cato. Means' colorful metaphor illustrates many libertarians' attitudes. By hanging around Washington and dealing mainly with news media, elected officials, and their staffs, Cato seems like it has been corrupted by its dealings with politicians and the media.

I personally don't worry much about Cato's mortal soul. In its 15 years in Washington, Cato has remained true to its libertarian principles in virtually every situation. Sure,

it has sometimes advocated policies that merely roll back the power of government when I prefer a more radical approach. But Cato is operating within a different milieu, and while Monday-morning quarterbacking is fun and sometimes enlightening, it is pretty plain that Cato has been consistently, persistently libertarian in a situation where the temptations to abandon principle have been omnipresent.

My own attitude toward Cato can be summed up in a cliché: It's dirty

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*"There have always been Indians who like to hang around the fort," said Russell Means.*

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work, but somebody has got to do it. Concocting criticisms of every deprecation thought up by nitwit politicians, developing programs to roll back the state, and sucking up to the media and politicians doesn't sound like fun to me. But I am glad that someone is doing it. And gladder that they are doing it so well.

In sum, the 1994 GOP has greater power, fewer distractions, a greater mandate, and greater ideological commitment than the Reaganites of 1980. And it looks to the Cato Institute for ideas on policy. Sounds like paradise, right?

Not exactly. Even with all these advantages over 1980, the 1994 model Republican still faces serious obstacles. And the problems don't come from the Democrats, who seem to have imploded into a sort of bankruptcy, intellectual, moral and political.

### **The Seductive Poverty of Welfare Statism**

I refer, of course, to the problem of the ballooning national debt, which can be solved only by reducing (or eliminating) middle-class entitlements, which currently consume approximately \$750 billion each year. Many politicians realize that the debt is a problem that can be dealt with only by reducing entitlements. But they are painfully aware of the fate of politicians who actually propose reducing middle-class entitlements.

In mid-December, the Bipartisan Commission on Entitlement and Tax Reform finished its investigations. The 32-member commission quickly identified the problem, and developed 52 different proposals to bring entitlement spending under control. The result was an orgy of complaints from the recipients. And there are a lot of recipients: the *average* American family receives more than \$10,000 per year in entitlements.

In a show of courage typical of American politicians, the Commission never even voted on whether to endorse any of the proposed cuts. In the end, the Commission decided not even to issue a report. Instead it sent a letter to President Clinton, ominously warning that "tough action is needed sooner rather than later."

The problem is epitomized by a *Wall Street Journal*/NBC poll conducted just as the Bipartisan Commission threw in the towel. The survey reported that 59% of respondents favor cutting entitlement spending, with only 32% opposed. But when asked whether they favor cutting specific programs (Social Security, Medicare, Medicaid, and farm subsidies), only 23% favored cuts, with a whopping 70% opposed.

So while the Republicans might manage to cut back around the periphery of the state, the problem of our burgeoning national debt will almost certainly remain unaddressed. Unfortunately, it is a problem that will eventually make the other problems seem very small. When entitlements and interest on the debt take up 75% of all tax revenues, the pressure for even higher taxes and the consequent decline in productivity will likely lead to an economic crisis. And like past economic crises, the ultimate result will probably be a tremendous increase in state power.

If entitlements aren't reduced, that crisis will occur less than 20 years from now. And the outlook isn't very good. The GOP has controlled Congress for barely one week, and already GOP leaders have backed down on cutting the pork from the Small Business Administration, reducing farm subsidies, and even their promise to sell off a surplus House of Representatives office building. □

## Encomia

# Murray N. Rothbard 1926 – 1995

Murray Newton Rothbard was born in New York on March 2, 1926. As a child, he rejected the socialism that dominated his environment. At Columbia University in 1948, he helped organize Students for Thurmond. (Strom Thurmond ran that year in protest against the racial integrationist policies of Harry Truman.) Rothbard became a libertarian shortly thereafter, largely through contact with the Foundation for Economic Education.

During the 1950s, while pursuing his doctorate at Columbia University, he attended Ludwig von Mises' famous seminars on Austrian economics at New York University, where Rothbard organized like-minded students into an informal group he called the Circle Bastiat. In 1957, he joined Ayn Rand's circle, along with other members of the Circle Bastiat. Within a year he broke with Rand, along with some other members of his group.

Rothbard's libertarian thinking was grounded in a theory of absolute individual rights virtually identical to Ayn Rand's. But unlike Rand, Rothbard was convinced that this rights theory led to anarchism. He also differed from Rand — and from most libertarians — in his radical and principled anti-interventionism in international affairs, and his belief that the United States was the aggressor in the Cold War.

As a result of these beliefs, Rothbard and his circle were isolated from the nascent libertarian movement of the early 1960s, which generally sympathized with America's anti-Communist foreign policy. In 1964, in a famous letter to *Liberal Innovator*, the major libertarian publication of that period, Rothbard denounced both Barry Goldwater (whose candidacy was generally supported by libertarians) and the conservative movement as "the pre-eminent enemies of liberty of our time," concluding that "those libertarians who believe in taking part in the political process should bend their every effort to defeat Barry Goldwater and all Goldwaterite candidates in November."

During the late 1960s, as the Vietnam War escalated, most libertarians moved toward Rothbard's opposition to foreign intervention, though Rothbard's views on the U.S. as universal aggressor remained unpopular. During this period, Rothbard and his friend Leonard Liggio refined their position in their magazine *Left and Right*. In 1968, former Goldwater speechwriter Karl Hess embraced Rothbard's views, and the two led many libertarians toward alliance with the political Left and toward an

increasingly revolutionary position. In 1969, he and Hess launched *The Libertarian* (later *The Libertarian Forum*), a biweekly newsletter, and organized the Radical Libertarian Alliance. Rothbard's circle now numbered in the hundreds. At the 1969 convention of Young Americans for Freedom, a conservative student group, RLA members precipitated a walkout of libertarians, an event that some consider to be the birth of the modern libertarian movement.

But Rothbard and Hess differed over strategy, and in 1970 they ended their alliance. When the Libertarian Party was organized in 1971, Rothbard was at first hostile. But in 1973 he changed his mind, joined the party, and quickly became its ideological leader and most celebrated member. He wrote for its newspaper, was a member of its National Committee, and attended its conventions. He remained the single greatest influence on the Libertarian Party for the next 16 years, always taking pains to see that it adopted his strategy, that its platform reflected Rothbardian views.

It was at this time that his influence on the libertarian movement peaked. In addition to his role in the LP, he wrote a regular column, "The Plumb Line," for *Libertarian Review*; he also wrote a column for *Reason*. He helped organize the first libertarian think tank, the Center for Libertarian Studies, in 1976, and edited its lively scholarly *Journal of Libertarian Studies*. When the better-funded Cato Institute eclipsed CLS in 1977, he took a position there as resident scholar, and CLS became relatively inactive.

Late in 1980, he split with Ed Crane, Cato's founder and the architect of the LP's growth during the late 1970s. Crane moved Cato from San Francisco to Washington, where it repositioned itself from academic think tank to public policy institute. During the following three years, Rothbard and Crane feuded within the LP; Rothbard triumphed at the particularly fractious LP convention in 1983, and Crane left the party, never to return. During the next few years, Rothbard resumed his role as the party's leading celebrity and guru. (Rothbard gave his account of his feud with Crane in great detail in the pages of *Libertarian Vanguard* and *Libertarian Forum*.)

By 1987, Rothbard was telling friends that he planned to resign from the LP, but his interest was temporarily rekindled when former Congressman Ron Paul decided to seek the LP's presidential

nomination. In 1989, he did resign from the Libertarian Party and moved to the Right, to a position he dubbed "paleolibertarianism." He ended his relationship with all libertarian organizations and publications except for the Ludwig von Mises Institute and the CLS, both of which he controlled, and began to write occasionally for conservative publications.

Throughout his career Rothbard maintained a steady flow of scholarly writing. He also was an active journalist, editing and writing extensively for libertarian magazines and newsletters and occasionally in the popular press. He continued editing The Libertarian Forum until 1985, though in its later years it appeared only irregularly. Between 1979 and 1982 he wrote frequently for Libertarian Vanguard; in the late '80s he wrote movement material for the American Libertarian. He was an editor of Liberty from its launch in 1987 until he disengaged himself from the libertarian movement. Since 1990, he and his friend Llewellyn Rockwell (of the Mises Institute) published The Rothbard-Rockwell Report, a paleolibertarian newsletter.

On January 7, Murray Rothbard died of a cardiac arrest in the city of his birth. He was 68.

It is a mark of Murray's greatness that he has left us with so many good memories of his personality and intellect. At Cornell University in 1973 he and Forrest McDonald lectured at an IHS seminar on American economic history. In addition to his late night singing of Cole Porter and hymns, Murray and Joey joined some of us going swimming at Buttermilk Falls Park. One of the students was in the water pestering Murray about bond rate forecasts. In frustration at this thick-headedness, Murray sank into the water over his head even though he hated to be underwater. Murray was subjected to much more than his fair share of pesterers.

Murray's distinctive quality was his openness to people with clear thinking and good ideas. Many scholars benefited from Murray's thoughtful discussions regarding economics, philosophy, history, legal theory, etc. Although there has been a harvest of his economic and philosophical writings, his contributions in history have only partly made themselves felt. We are lucky that his history of economic thought — *Economic Thought Before Adam Smith* and *Classical Economics* — now has been published. It is a long-awaited magnum opus.

Murray's intellectual life has been a preparation to write this multi-volume history of economic thought. Murray's contact with Ludwig von Mises was a major intellectual and personal milestone. Mises not only had a major impact on Murray's understanding of economic science, but Mises' interest in history and philosophy had an influence on Murray. Murray trained himself to be a great historian and a great philosopher.

Murray studied contemporary rational philosophy, and then studied the history of rational philosophy, leading to his expertise on Scholastic philosophers. This permitted him to understand and describe their contributions to economics. In this he had the model of Raymond de Roover. A similar historian friend was Howard Adelson of City College of New York,

a fellow member with Murray of the Columbia University faculty seminar on the History of Legal and Political Thought. Among Murray's historian friends were Ralph Raico, Joseph R. Peden, Leonard Leib, Justus Doenecke, and myself. An important role in Murray's interest in history, philosophy, and theology was played by his wife, Joey. —Leonard P. Liggio

I am a scribbler by profession and preference, and I have cranked out more than my fair share of forgettable words. But compared to Murray Rothbard's output, I am a piker. Murray's throw-away essays in obscure ideological journals with a life expectancy of three years or less were of greater intellectual value than most articles published in prestigious scholarly journals. This may be why he never bothered to publish much in scholarly journals — "incompetence by association" — and why his essays would have been returned promptly if he had tried. The visibly less competent do not want to be shown up by comparison.

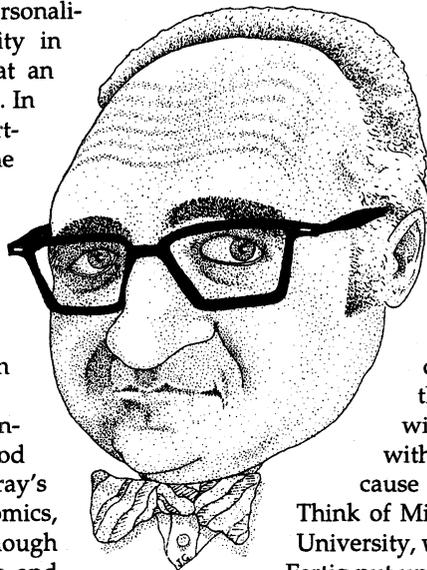
As a stylist, he was a master. The gray sludge rhetoric of academic discourse never intruded into his pages except when he was quoting some scholar verbatim, which he rarely did. Rare is the occasion when a reader with an IQ above Forrest Gump's says to himself, "This just isn't clear" when reading something by Rothbard. He wrote to be understood, and he was understood, which is why he was academically unemployable for most of his career.

With the exception of Isaac Newton, those who have reshaped Western culture's thinking have been recognized only posthumously by the academic guild. Marx never got a university teaching position. Neither did Darwin. Neither did Freud. If you are recognized as a giant by the academic guild when you are alive, you will probably be superseded and forgotten within a generation: a defender of one more lost cause in a profession dedicated to lost causes.

Think of Mises. His main academic post, at New York University, was as an untenured visiting professor: Larry Fertig put up the money to pay his salary. He got this job when he was about 63 years old. Rothbard's posts at Brooklyn Polytechnic and at the University of Nevada, Las Vegas were not granted for the magnitude of his academic accomplishments. His ideas will penetrate the academic community only when college professors are no longer on the public payroll. This will take a while.

He achieved more lasting scholarly output in approximately one year of publishing than most scholars achieve in a lifetime: *The Panic of 1819* (1962), *Man, Economy, and State* (1962), and *America's Great Depression* (1963). He threw in four volumes of colonial American history, *Conceived in Liberty* (1975–79), almost as an afterthought. He never got around to writing the fifth. It was a spare time project. Astounding.

In response, the academic community shrugged its collective shoulders. (My apologies to his memory: I have invoked a collective.) It took two decades for any historian to pick up the trail of *America's Great Depression*: Paul Johnson, in *Modern Times*. Johnson is also a near-outcast among academic



historians, but he is one of the great historians of this century, which is why he is not employed by any university and why he was smart enough and professionally immune enough to give Rothbard his due. So those of us who recognized Rothbard's greatness during his lifetime, and who shamelessly tapped into his fertile mind in our quest to make sense of the world, have been fringe people. But it is better to be an academically unemployable fringe scholar footnoting Rothbard as a reliable source than to be a tenured professor footnoting Paul Samuelson or Arthur Schlesinger, Jr. —Gary North

I used to identify Murray Rothbard with his ideas. Murray challenged everyone to think the unthinkable about all the things that we can do for ourselves, without depending on government. He pushed that idea to the edge; on occasion, perhaps, he pushed it over the edge. But he was no wild-eyed eccentric. He was a scholar who expounded Mises' economics more clearly than the master, and whose own economics and politics derived their persuasive force from his remarkable knowledge of history. Murray's intellectual systems — anarcho-capitalism, paleolibertarianism — developed a substance and precision that few modern isms can boast.

At some point, however, I stopped associating Murray primarily with those isms or worrying about the extent to which I agreed or disagreed with them. I saw that Murray was much more than the protagonist in a certain kind of intellectual debate. I began to see him in his broader and more important role, as an American.

I'm not talking about where he was born, of course; I'm talking about who he was. Murray was not the kind of libertarian who just *expresses* the classic American belief in freedom and the open society. He *was* a free and open person. I know that this is an astonishing thing to say about a college professor, but I am a college professor myself, and I know what I'm talking about.

Our academic traditions and systems of authority are derived from European models of subservience to a supposedly elite intellectual leadership. This subservience is rendered even drearier by a supposedly scientific reluctance to discuss any issues outside one's narrowest specialization. But Murray had another way of being. He was subservient to nothing, and he was interested in everything. Anyone could become part of the endlessly expanding conversation that Murray carried on in person and in writing. If you had something to say, Murray would respond. You might not like his response, but what he handed you would never be the pompous oracles of an academic priest. It would be fresh, forthright, and often hilariously entertaining.

Like every other great conversationalist, Murray knew that no topic has any inherent interest. He always knew that it was up to him to *make* his topics interesting, and he always did. Libertarianism, like every other political movement, is ordinarily a mighty dull topic, and doubly dull when it is treated, as political topics are normally treated by their partisans, with canting solemnity. That wasn't Murray's style. He was a libertarian, but he was never a pious libertarian. Although he occupied an important place in the movement, he wasn't pious about himself, either.

Murray joined the libertarian movement when it was

microscopically small, he helped to shape its development, and he continued to be politically active at a time when the movement had grown astonishingly large. He knew everything about libertarianism, and he provided a vital link between its future and its past. But his most personal contribution was his special gift for ensuring that the movement to preserve American freedom would preserve America's own free style and spirit. —Stephen Cox

There probably never will be alternative "schools" interpreting what Murray Rothbard "meant" when he advocated free markets and extremely limited government. This despite the fact that Rothbard's preferred means for limiting government was the controversial "anarchic" one of prohibiting compulsory citizenship — that is, of forcing the institutions of police, courts, militias, etc. to acquire clients only by contract, thereby placing government in the (invisible) hands of market competition.

There will always be disagreement, of course, on the *merits* of his ideas. And I suppose that as long as people care about what he wrote there will be disagreement about *why* he believed as he did. But as we mark his passing, let us remember that he was always very clear about what he was saying. He was no obscurantist. Unlike Marx, Nietzsche, Heidegger, Dewey, Hayek, or many another eminent writer or thinker, Rothbard did not leave himself open to the kind of predatory scholarship that plagues our intellectual and academic life. On this level, at least, Rothbard was not only honest, but dedicated to clarity as a way of life.

I knew him chiefly as a reader, and most often think of him as a consummate stylist, a great explainer, and a marvelous entertainer. How will future generations judge him? Probably as a synthesizer of several diverse, but surprisingly complementary, intellectual traditions. Two are worth mentioning: the Austrian school of economics and the earlier French liberal (or "harmony") school of Bastiat and Molinari. This can be seen best in his classic 1956 essay "Toward a Reconstruction of Utility and Welfare Economics," wherein he brilliantly explicated the version of the marginal utility concept developed by his mentor, Ludwig von Mises, defending it against trendier alternatives, and took on modern welfare economics by expanding the characteristically *laissez-faire* notions of the French classical liberal economists. It may be that he mostly echoed others' ideas, but somehow these ideas seem louder and clearer in the echo.

Rothbard was the kind of teacher that the world needs more of. If, on his death, we feel that social utility has somehow taken a nosedive, we can be confident that things will improve — in part, no doubt, because of the enduring influence of his best work. —Timothy Virkkala

Although I knew Murray Rothbard for over 40 years, our contacts, mostly at occasional conferences, were fewer than I would have liked. I first met him in New York around 1950 on some occasion unconnected with our both being graduate students at Columbia University. (We did not fully overlap in time; and anyway, students numbered in the hundreds in some graduate economics courses in those early postwar years.)

Murray and Joey invited me to dinner once or twice, prob-

ably in the summer of 1981, at the house they were then renting in Palo Alto, California. There, as on other occasions, he was a delightful host, full of humor and exuberance. He told a riotously funny story about himself, Joey, and Ayn Rand, a story repeated in Jerome Tuccille's *It Usually Begins With Ayn Rand*.

Once when he and Joey were spending a night at my house in Charlottesville, I asked him to autograph the several of his books that I had at hand. Only afterwards did I discover, to my horror, that I had written candid assessments in the fronts of the books. Yet, so far as I could tell, Murray never held these rather mixed judgments against me.

Nor did he bristle at knowing that I found his position on particular issues, notably the Cold War, highly idiosyncratic. He showed similar kindness when I wrote him about his purported derivations (as in *The Ethics of Liberty*) of all sorts of specific policy positions from a couple of axioms about natural rights. Several times he went to the trouble of composing multi-page letters to answer my concerns.

Unlike some libertarian professors, Murray was no mere ideologue or propagandist. He was a dedicated scholar. The self-importantly scientific types in academic economics gave him less recognition than he deserved, however; and if he were starting his career nowadays, he would fare even less well among these methodologically arrogant workers on the supposed frontiers of the discipline. What Ayn Rand called second-handism has infected these circles: the quest for prestige — the anxiety to look good by the standards of persons who are aping still other persons — has gained ground over the goal of learning and teaching how the real world actually works and might even be improved.

Murray Rothbard was different, thank God. He has given the rest of us a sorely needed example of intellectual independence.

—Leland B. Yeager

**P**riests in training are not prepared to deal with an internationally renowned libertarian theoretician who says, "You know, Father, I can't quite bring myself to believe in God, but I do believe Mary was His mother."

The remark was made at the conclusion to what had been a fine meal coupled with scintillating conversation. My response was to turn the water glass that remained on the table into an impromptu baptismal font and, holding it aloft his head, entreating, "Murray, just give the word."

Murray never gave that word.

Yet here was a traditional iconoclast; an unbeliever who knew more about natural law and Thomist thought (and held to quite a bit of it) than many theologians I know; an individual who, while not subscribing to a religious faith, nevertheless energetically defended the positive role that religion played in formulating classical liberal ideas. So strong were these defenses that Murray actually had to refute the rumors that he had become a Catholic.

If the southern writer Flannery O'Connor could be called the Hill Billy Thomist, then Murray Rothbard has earned the title of the Agnostic Thomist.

This priest feels a spiritual loss on Murray's passing, which is eased only by the hope that the God whom Murray couldn't quite grasp may now embrace Murray with His tender understanding, and introduce him, at last, to His mother.

*Requiescant in pace.*

—Robert Sirico

**I**t is impossible to communicate how exciting Murray made ideas seem to those of us who crowded into his book-laden New York apartment. Everyone who walked out his door rushed home to look up references, to write up an idea, or to phone a friend to share a fresh insight. His many kindnesses were often unseen. They consisted of a word in the correct ear on someone's behalf, a letter of encouragement to an impoverished scholar who was "on the right track," or just a phone call in which he bubbled over about the importance of "our struggle." One such phone call reached me when I was particularly discouraged about an index of Tucker's *Liberty* I was compiling. "It's key! It's key!" Murray assured me. And when Murray stated something, you tended to believe . . .

. . . partly because of the gusto with which he stated it. Murray was crazy about being alive. He sometimes despaired over those of the younger generation who were stiff-backed, stiff-minded Randians. I remember one conversation in which he exhorted me to eat red meat, drink gin, and make love as often as possible. On discovering I was on a diet, he waved a piece of pastry under my nose and exclaimed, "Every calorie says *yes!!* to life!"

Two generations of the best libertarians became Rothbardians. Many of us came from the black-and-white world of Rand. As in the movie *The Wizard of Oz*, when we left Kansas and walked through Murray's front door, life and ideas became technicolor.

—Wendy McElroy

**M**urray Rothbard really was what intellectuals are supposed to be, but hardly ever are in fact: open-minded, curious about a thousand things, only too happy to encounter dissent, always a model of sweet reason, and steadfast in his support of liberty.

I suppose I am biased because the first time I met him he mentioned a book I had written about New Orleans jazz — one of those odd subjects he unexpectedly knew a lot about. Not only had he read the book, but he quoted a couple of things I had said that I had completely forget about myself.

I met him only a few times but he was always the same; cheerful, original, filled with optimism and youthful enthusiasm for new ideas. All who knew him must now be thinking with regret about the things they meant to say to him, the conversations they meant to hold. I meant to go to Las Vegas and spend a couple of days with him — we even discussed it. I relished the incongruity of Murray Rothbard in such garish surroundings.

He lived through an age that tried to abolish economic reasoning, and substitute socialism for it. He resolutely opposed that *Zeitgeist*. I imagine that some time in the next century, when our reigning dogmas are long forgotten, he will be recognized as one of the most original economists of his day. People will surely marvel that it was only in the last few years of his life that he was allowed to teach at a major university.

—Tom Bethell

**I** met Murray Rothbard 40 years ago, at Ludwig von Mises' New York University seminar. We became friends and I joined the "Circle Bastiat," a group of his young admirers, most of whom later became academics.

In October 1957, when Ayn Rand's novel *Atlas Shrugged* was published, Murray arranged for our group to meet with

her. We started at 8 p.m. and left at 8 a.m., everyone exhausted except Ayn and Murray. He repeatedly defended *Atlas* against hostile critics, including Whittaker Chambers' hateful tirade in *National Review*. (I recall a reply he wrote to a reviewer who charged that Dagny Taggart was sexually promiscuous. Wrong, he explained, Dagny had practiced "serial monogamy.")

Murray soured on Ayn and dismissed Objectivism as "derivative" after he and Nathaniel Branden clashed over a charge that Murray was guilty of plagiarism. He had not cited *Atlas Shrugged* in a scholarly article he had written, though he did footnote unpublished master's theses by two young Objectivists. When George Reisman and I found Murray's explanation — that one does not cite novels in an academic essay — lame, he ordered us to leave his apartment and sent us each a tattered dollar-bill, signifying our expulsion from the "Circle Bastiat."

I did not see or speak to him for almost 30 years, yet I remained a faithful reader of his books and articles, especially enjoying his movie reviews under the byline "Mr. First Nighter" in his monthly, *The Libertarian Forum*. He preferred older movies to newer ones. His favorites included Groucho Marx and Cary Grant comedies, sentimental romances, and the Fred Astaire-Ginger Rogers musicals, reflecting the warm, bourgeois side of his personality, which was seldom seen in his hot-tempered polemical writings.

Six or seven years ago, when he was lecturing at Stanford University, I approached him to ask about the status of his book about the Progressives, whom he detested. We chatted amiably and he told me that he had switched to writing a history of economic thought, in which he would demolish Adam Smith's reputation as a champion of liberty. (The first two volumes have just been published.)

Murray's personality was dominated by his need to be waging battle. If his viewpoint ever became widely accepted, I suspect he would have defected and expounded a new minority position. I never will accept his views on the Cold War, or understand his admiration for Pat Buchanan or his alliance with the "paleoconservatives." Nonetheless, I will miss his lucid writings and his incredible erudition. It is impossible to imagine anyone filling the intellectual void created by his untimely death. —Robert Hessen

America has lost one of her greatest men, and the freedom movement one of its greatest heroes: Murray N. Rothbard. In his 25 books and thousands of articles — not to speak of his personal example — Murray was an inspiration. With his death, all who cherish individual rights and oppose the welfare-warfare state are the poorer.

Murray was a world-class Austrian economist, and he influenced thousands of students. I was one of them, for he taught me about economics and liberty, and encouraged my political work against war, inflation, and big government.

Although I had read Murray for years, I didn't meet him until 1979. I wrote him, he wrote back, and I invited him to the "belly of the beast" — the U.S. Congress. I knew he had a great mind, but instead of a pompous professor, I discovered a joyous libertarian, and one of the most fascinating human beings I've ever met.

I loved talking to this down-to-earth genius. And he told

me he enjoyed meeting a congressman who not only read his books but used them as a guide in his votes and legislation. A close and lasting friendship was the result, which wasn't hard. Murray was the sweetest, funniest, most generous of men.

He was also a great help with the Minority Report of the U.S. Gold Commission, published as *The Case for Gold*. But who could be surprised? He was our greatest academic expert on the history and economics of the gold standard.

When I last talked to Murray, a few days before his untimely death, he urged me to run for office again. Recent elections or not, he said, our side needs an uncompromising anti-statist voice in Washington, D.C.

The founder of modern libertarianism and an economist, historian, and political philosopher of extravagant accomplishments, Murray also loved — and was an expert in — Dixieland jazz, the religious paintings of the Renaissance, basketball, baroque church architecture, and the nitty-gritty of politics. With tremendous zest for life and for the battle, he defended our freedom and our property, and built the ideas that are their foundation.

Murray N. Rothbard is now for the ages. My heart goes out to Joey, his wife of 41 years, and to all who knew him. We have lost a matchless champion of freedom. —Ron Paul

What can be said, in so short a space, about Murray Rothbard the libertarian? Only that without Murray Rothbard, there may well have never been a libertarian movement — certainly not the movement we know. No *Liberty*. No *Reason*. No Cato Institute. No *Laissez Faire Books*. Virtually every libertarian from the 1960s onwards was influenced directly and profoundly by the work of Murray Rothbard. Among the rest, most were influenced by some Rothbardian.

Before Murray Rothbard's influence was felt, there were isolated pockets of liberals, individualist anarchists, and Objectivists. There were a few organizations doing important work. There were thousands of people inspired by the novels of Ayn Rand. But there was no Libertarian Movement. Before a movement could be born, there had to be a systematizer, a radicalizer, a popularizer; for only by first systematizing, radicalizing, and popularizing the inchoate body of thought called liberal could enough people, particularly young people, be galvanized into what could be called a movement.

Luckily, a man came along with the intelligence, the breadth of knowledge, the originality, the inexhaustible energy, and, not least of all, the charisma to do the herculean job: Murray Rothbard. That's why we called him Mr. Libertarian. That's why that honorific has never been, and could never be, conferred on anyone else. —Sheldon Richman

Murray was one of the twentieth century's greatest intellectual champions of liberty, so it is hardly surprising that many members of the academic mainstream viewed him, if they viewed him at all, as a fanatic preaching a dogma. But how could a mere zealot have acquired such immense erudition?

When Murray wrote me early in 1987 inviting me to join the editorial board of the *Review of Austrian Economics*, I responded that I would be honored but, to allay possible misun-

derstanding, I explained why I did not consider myself a "card-carrying" Austrian economist.

Murray replied, "No 'loyalty oath' is required or desired. More broadly, I think that the discipline, particularly in philosophy and the social sciences, advances by the development of different schools of thought, who almost always consist of 'card-carriers,' sympathizers, etc., and who interact with each other and various degrees of eclectics. Not only is there nothing wrong with this, but this is precisely how these sciences or disciplines develop, and, one hopes, advance more than they retreat. I think all sciences would be the poorer if there were no schools of thought, or if there were no moderates or eclectics. As in every other walk of life, there is a division of labor here as well."

In the years that followed, Murray never failed to support me and my scholarship. I was honored to work with him in a number of programs and conferences, and I relished the long, warm, wise, and witty letters he sent me. He went far beyond just tolerating me, and I shall miss him terribly.

—Robert Higgs

For me, Murray Rothbard was the Newton of economic thinking. I was first introduced to his cogent, convincing prose in reading his little eight-page article, "The Great Society: A Libertarian Critique." Out of small things come great things, and I soon discovered Austrian economics and the grand traditions of Carl Menger, Eugen von Böhm-Bawerk, Ludwig von Mises, and F.A. Hayek. But it was Rothbard's Americanization of Austrian economics that excited me. Rothbard's pamphlet, *What Has Government Done to Our Money?* (1964), hit me like a bolt of lightning, revealing the mysteries of money and banking. His account of the origin and evolution of the dollar was like a revelation from on high. (This is especially ironic, given what I learned about economics at Brigham Young University from Paul Samuelson's statist textbook). Many leaders in the hard-money movement (Gary North, Jack Pugsley, Jerome Smith, James U. Blanchard III, and Harry Browne, among others) felt the same way. In fact, Murray Rothbard is the intellectual founder of the hard-money movement. As Larry Abraham has stated, "Murray Rothbard is the best popularizer of the 'Austrian' school of economics who has ever lived."

My enlightenment continued with Rothbard's *America's Great Depression*, which offered the one of the first scholarly proofs that the 1930s debacle was caused by government, not free-market capitalism. (The other was Friedman and Schwartz's *Monetary History of the United States*). Then, as a graduate student, I read his magnum opus, *Man, Economy, and State*. In fact, as my wife will attest, I read this thousand-page tome on our honeymoon — well, some of it, anyway! Reading it reminded me of the words of Wordsworth: "Bliss was it in that dawn to be alive, but to be young was very heaven."

I went on to obtain a Ph.D. in economics, doing my dissertation in 1977 at George Washington University on the Rothbard-inspired topic, "The 100% Gold Standard." I could even say that my job as a financial writer was due to Murray Rothbard. A few months before applying to become managing editor of *The Inflation Survival Letter*, I met with Rothbard at his apartment in New York City. I was working for the

CIA at the time (1974). When I was interviewed by Robert Kephart, the publisher of the newsletter, I mentioned my contact with Rothbard. Kephart called Rothbard, who apparently gave me a positive recommendation. The rest is history.

Since my first meeting with Murray, our relationship flourished, and I became a major financial supporter of Austrian free-market think tanks (the Mises Institute, the Cato Institute, and the Foundation for Economic Education, among others) and was a contributor to *The Review of Austrian Economics*, which was edited by Murray. I spoke at many conferences along with Rothbard and other Austrian economists, sponsoring a conference in Vienna in 1988 and an anti-Keynes conference at Harvard in 1989.

The tragedy of Murray Rothbard's premature death is that he was a scholar with unfinished work — in particular, his gigantic multi-volume history of economic thought. I commissioned him to write it back in 1981; it was supposed to be a 300-page, one-volume review of the major economists, a vastly improved alternative to Heilbroner's popular yet misguided *The Worldly Philosophers*. True to Murray's burgeoning style, the book soon developed into a Schumpeterian tome, going from 300 pages to 3,000. There were far too many interruptions in writing the history, and so only two volumes were published — just this month.

I don't know how far along Murray was in the third volume, but his analysis of twentieth-century economics will be sorely missed.

—Mark Skousen

The only time Murray Rothbard became visibly upset with me — I could tell by a slight gritting of the teeth that contrasted with his usual joyous demeanor — was when I was pushing pessimism in the form of Public Choice economics at a summer conference of the Mises Institute. Liberty has no chance in a democracy, I told one and all, because the game is permanently fixed against us.

Dr. Rothbard balked. He explained that we should be "short-term pessimists" because events necessitate it, and "long-term optimists," because truth will out in the end. Moreover, he thought it would constitute a performative contradiction to be gloomy about the long run. Why devote oneself to the scholarship and cause of liberty if we are destined to live under state tyranny forever? Thus pessimism becomes a self-fulfilling prophecy, just as optimism, if you believe in the power of ideas, increases the likelihood of a quicker victory.

I can't remember if I was convinced at the time, but looking back, he was clearly correct, not only logically but empirically. He told me that in 1989, long before the public groundswell against the central state was obvious to one and all. He was nearly always correct — about theory, events, and people — and always ahead of his time. If he enjoyed saying "I told you so," he could have done it, and rightly, *ad infinitum*. He didn't have time and he didn't really care; he was on to the next project and the next battle.

—Jeffrey Tucker

Murray struck people who didn't know him as a wild, eccentric thinker. That is how I thought of him for many years. When I finally got to know him, I found him exhilaratingly reasonable in even his most unconventional views. This is such a rare quality that I have

tried to analyze it.

Murray's earliest memory of a political conversation was of a family gathering in the '30s at which his relatives, most of them Communists, were denouncing Franco. The prepubescent Murray Rothbard shocked them by asking, "What's so bad about Franco, anyway?" In that setting, the question was heretical. Murray started young.

That incident was typical of Murray. He wasn't perverse; just the opposite. Most people are herd thinkers; he wasn't. He distrusted herd thinking, which causes whole societies to err without knowing it, and he instinctively sought to restore equilibrium by questioning and, if necessary, correcting what the mass of people were repeating like parrots.

He was a spokesman for the underrepresented truth — not a heretic, but a seeker of lost orthodoxy. Against the huge forces of modern propaganda that try to drown out dissidence (making suppression superfluous), he had supreme confidence not only in his own reasoning power but in the power of truth itself. Unlike most denizens of mass society, he refused to accept the fashionable as *virtually* true. As Milton put it: "How few may sometimes know when thousands err!"

Murray had one of the most original minds of his generation, but he didn't highlight this. He delighted in *rediscovery*, in vindicating the discredited and forgotten — for example, the "isolationist" Old Right, who were really the last champions of constitutional government. Murray honored them and tried to redeem them from obscurity and scorn. God bless his gallant soul. —Joseph Sobran

In 1949, just as Mises' *Human Action* was coming out, Murray Rothbard began attending the Mises seminar. It was there that I met him. He was then a young graduate student at Columbia University working on his doctorate. As a result of his study, he introduced Mises' explanation of business cycles into his thesis on *The Panic of 1819*, thus delaying its acceptance by his board of advisors at Columbia. It was only after Columbia professor Arthur F. Burns went to Washington to become chairman of the Council of Economic Advisors that Rothbard was able to get his thesis past the remaining advisors.

Murray had a tremendous amount of energy and enthusiasm for the pursuit of ideas. He was a night owl, working, reading, and studying all night long when most of New York was sleeping. Night after night, his Manhattan apartment became a meeting place for young people with whom he shared his enthusiasm, debating and discussing with them until dawn. Murray would then go to bed, while his loyal wife Joey stood guard over the telephone and protected his sleep from disturbances.

Murray had a tremendous amount of energy and *joie de vivre*, which judging from his lifelong output never lagged. He refused to be sheltered in the ivory tower of academia, but entered the realm of political debate, taking delight at attacking statist and statist programs. I can hear him now, cackling with delight as he "smashed" some politico or interventionist program.

Rothbard differed from Mises on several points — notably government (Rothbard was an outspoken anarchist), praxeology (Rothbard believed in natural law), the possibili-

ty of scientific *Wertfreiheit*, and banking policy (Rothbard would require 100% gold backing for banknotes). Yet Mises respected Rothbard, and Rothbard's many profound theoretical works, books, papers, and articles reflect sincere and profound respect for Mises and his teachings, and make real contributions to economic understanding.

With his restless mind and his intellectual curiosity, Murray must have led his parents a merry chase as he was growing up. Always an independent thinker, he was a loyal spokesman for his beliefs and a relentless critic of ideas with which he disagreed. Through his many writings, the world will long reap the benefit of his great mind. The intellectual world is richer for his having lived. —Bettina Bien Greaves

People can argue over whether Murray Rothbard was the greatest libertarian thinker of his generation or whether he merited the title "Mr. Libertarian." But no one can argue that anyone had a greater impact on the libertarian movement between 1970 and 1990. His influence was the product of the power of his ideas and his ability to express them, and his tremendous capacity to befriend and assist those whom he perceived as sharing his strategic vision.

As a thinker, he sought to establish a radical, anarchist libertarian political theory and to apply it everywhere in the social sciences. His writing was witty, bombastic, brilliant, and — above all — extraordinarily clear. As a human being, he was consumed with a passion to create and expand a movement around his ideas.

Reared in the dreary years of the Great Depression and World War II, the period in which libertarian ideas were held in their lowest esteem by both intellectuals and ordinary people, he never wavered in his love of liberty. He hoisted the flag of freedom — pardon my cliché, but in this case it is as literally true as a metaphor can be — in the face of hostile fire, in the popular press, among students and intellectuals, even among politicians.

Along with Ayn Rand, he was the most influential figure in the rebirth of the libertarian movement that occurred in the 1960s and 1970s. He adopted the core of Rand's political theory, applied it vigorously, and defended it brilliantly. Like Rand, he attracted many fervent acolytes; unlike Rand, he was a man of great wit and personal charm, warm and outgoing to his friends. He was the most delightful person with whom I ever spent an evening in a bar.

In the end, his influence on libertarians waned, partly because of his apparent retreat toward his old nemesis, the political Right; partly because of his increasing relish for ideological infighting; and partly because a new generation of libertarian intellectuals found his brand of libertarianism too simplistic.

He was a founding editor of this magazine, contributing generously his enthusiasm, advice, and writing. He left *Liberty* in 1990, as a part of his turn toward the Right. During the last few years of his life, when he devoted his intellectual energy to the support of such conservatives as Patrick Buchanan, Oliver North, and George Bush, his conservative friends embraced him as much as his libertarian friends missed him.

Murray Rothbard was a great man, and a very engaging one. His passing leaves the world much poorer.

—R.W. Bradford

# State of Ill Health

by Mark Rembert

The nation was spared the nightmare of the Clintons' health care scheme. The Volunteer State was not so lucky.

And so it was that the Clintons' grand vision of a brand new entitlement for all Americans evaporated. There would be no Health Security Act of 1994. The polls consistently showed that the voters were queasy about the proposed program, and Congress got the message. The subsequent elections merely confirmed that the "obstructionists" had been right to obstruct.

Freed from the Great Society model, the people could now concentrate on much-needed market-based reforms. But a funny thing happened on the way to the repudiation of government-dominated health care: not everyone listened. The state of Tennessee chose its own less-traveled road toward health reform. Clintonism's critics and supporters alike would be advised to take note.

The story of socialized medicine, Tennessee-style, began in April of 1993, when then-Governor Ned Ray McWherter addressed the Tennessee General Assembly and introduced his "radical new program for the delivery of health care." McWherter, a longtime beer distributor and West Tennessee pol whose most ambitious legislative initiative to date had been a failed effort to enact a state income tax, had come up with a way (he said) to control the state's out-of-control Medicaid spending. He would withdraw Tennessee from Medicaid and use the money saved to enroll that program's former clients and the half-million or so uninsured (the "working poor") in a new statewide program dubbed TennCare.

The outline of TennCare could have come right out of *Putting People First*. It was all there: a basic benefits package, a state-mandated emphasis on preventative care, a global budget to cap government expenditures, a board for "monitoring and oversight," and so on, all catalyzed by that North Star of efficiency — "managed care."

Ned Ray McWherter had one huge advantage that the Clintons did not: whereas the president was faced with the task of steering his reforms through a recalcitrant Congress, McWherter could enact his plan by executive order, with legislative action necessary only for clearing a path through the state Medicaid laws. The program thus insulated from legislative tinkering, the Volunteer State's brand of ClintonCare was implemented without adulteration.

Early reaction was overwhelmingly positive, with public and punditry alike agog over McWherter's health care speech. *Of course* Medicaid was a disaster: its cost was growing at double-digit rates. *Something* had to be done to fix this broken system before it bankrupted the state. The same day Democrat McWherter spoke, Republican House Minority Leader H.E. Bittle

virtually endorsed the plan: "I'd have to say after first seeing the plan that I think it can work. . . . We need to try this, and if we do have problems, we can work them out." Newspapers immediately checked in with their support, and even conservative Nashville columnist Crom Carmichael, heretofore a consistent opponent of big-government liberalism, called the plan "a logical first step."

There were, however, a few voices of dissent. Hospitals found much in TennCare that displeased them, most importantly the loss of subsidy to institutions with a large volume of Medicaid patients. State Medicaid Director Manny Martins flippantly referred to these subsidies as "grave payments," which did little to increase TennCare's support among hospital administrators. And doctors scoffed at the claim that a Medicaid system notorious for low (usually below-cost) reimbursement rates could somehow be amended to accommodate a half-million more people for the same dollars. But with the president and his henchmen eagerly adding heft to the public perception of doctors as profiteers, the objections of physicians did not carry much politi-

cal weight. That would come later.

With little room for the legislature to maneuver, McWherter aimed to rush his plan through as quickly as possible, so that a necessary federal waiver could be obtained and the program be ready to roll by his self-imposed January 1 deadline. Just one week after his introductory speech, the governor was "challenging" the few

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*The legislation cleared both houses of the legislature in a month — a remarkable performance for a "radical" reform, but hardly enough time for substantive debate.*

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doubting Thomases "to make an alternative proposal." Only a week after that, he was chastising the state GOP for its delaying tactics.

The only significant bloc of opposition that emerged to challenge the McWherter steamroller was the hospitals' lobby, but the governor had a silver bullet ready for them. The hospitals were arguing for a go-slow approach, phasing in benefits to the uninsured and working poor rather than covering all eligibles at once. Ned Ray launched a flanking attack by proposing that the hospitals be taxed \$100 million to help fund the transition to the new program. Faced with this immediate threat to the bottom line, the hospitals dropped their opposition in exchange for having this proposal rescinded. Ironically, this agreement to maintain the status quo was widely reported as a "tax break" for hospitals.

The legislation cleared both houses of the legislature in a month — a remarkable performance for a "radical" reform, but hardly enough time for substantive debate. With the legislature assenting by lopsided votes and the necessary waiver from Washington all but certain, the question could now be asked — what had Ned Ray wrought?

A glance at TennCare's five-year blueprint reveals the dimensions of the gap over which the governor's faith had leapt. The premise that managed

care could save the state enough money to make such a large program viable becomes doubly dubious when the numbers are seen on paper. In TennCare's first year (fiscal '93/'94), the Medicaid budget allowed funds for the care of 1.1 million people. So efficient would be the new managed care system, asserted an administration-generated cost comparison, that as many as 640,000 more Tennesseans could be provided either free or subsidized care — for the same total cost. Just like that. Three and a half billion dollars in savings over five years, trumpeted McWherter.

Where could such savings come from? Doctors had little hope that Medicaid's paltry payment schedules would be beefed up, and sure enough, TennCare wound up paying providers even less than before. Indeed, the promise of a 40% larger pool of patients in a Medicaid-type system only guaranteed that much of the cash saved by the state would simply be shifted to private insurers and to patients who paid for their medical care out of their own pockets.

McWherter had thrown in another savings wrinkle, though. His wise men had decided that since there was a substantial amount of free treatment being given to the poor and indigent, that care could be "captured" by TennCare and built into the program's costs. According to the governor's TennCare information packet, the charity care provision would "ensure against financial windfalls to providers which might otherwise result from covering patients previously treated on a charity basis." Leaving aside for a moment the governor's outlandish justification (typical office visit charge: \$40-50; Blue Cross TennCare reimbursement: about \$14 — some windfall), these numbers amount to a 20% surtax per TennCare patient per doctor. Or, put another way, Ned Ray had figured that every TennCare patient would require \$347 worth of charity care per year. Manny Martins praised the provision, saying, "Logic would tell you there would be a large reduction in the amount of uncompensated care." Perhaps, but only by spreading the burden, vastly increasing the amount of undercompensated care. Doctors were underwhelmed.

It is hard to overstate the importance of charity care to TennCare's fiscal plan, for \$3.1 billion of the \$3.5 billion of projected five-year savings come from this one provision. In spite of this immense burden of free care placed on the system, would the efficiency of managed care be enough to deliver the goods?

The essence of TennCare's managed care system is this: twelve Managed Care Organizations (MCO's, or "health alliances," in Clintonspeak) were established to accommodate eligible patients. Each MCO receives a per-patient fee to provide health care services for one year. The MCO's must then contract with doctors and hospitals to treat the patients who have chosen their plan. The logic goes that the MCO, which must be profitable, will negotiate with providers for the most favorable rates, thus allowing TennCare patients to receive treatment at the lowest cost.

In practice, the result is something along these lines: since the MCO is paid a flat fee per head, it becomes its mission to hang on to every bit of that fee that it can. The more the doctors are paid, the more treatments or tests the MCO approves, the lower the bottom line. Such is the inherent flaw in any system of third-party payment: the party paying for care is not the one whose life and health are at stake. If A is paid to save money on B's groceries, then B won't be eating as well. Tales of refused treatments, slow pay (or no pay) to providers, and outright coercion quickly became the norm.

As summer '93 faded into fall, the ball moved into the court of the twelve MCO's, whose job it became to sign up doctors and hospitals for their networks. When the mailed contracts began to hit offices, tiny but intense mushroom clouds could be seen over medical districts statewide.

The MCO agreements were loaded with onerous provisions, all presented to doctors on a take-it-or-leave-it basis. For starters, doctors were asked to sign their contracts without being informed what fees would be paid. They could only presume that the new payments for their services would be no higher than Medicaid's. But if treating TennCare patients was to be a money-loser

in the best of circumstances — and the Tennessee Medical Association now figures it's 40% of the cost of doing business — doctors would be saddled with much that would be far worse.

On top of that, physicians would be forbidden to refuse any TennCare patient in an agreed-upon MCO. This created a problem: consider the hypothetical small town with two doctors, only one of whom accepts TennCare. It doesn't take a CPA to see that the overload of unprofitable patients into one practice would likely force the TennCare doctor into another line of work.

Furthermore, as if to prevent doctors from applying even the most rudimentary business principles to their practices, TennCare physicians would be prohibited from refusing patients who had failed to pay their co-payments. (TennCare patients above the poverty line must pay some deductibles, co-payments, etc.). The state strenuously objected to any change in these provisions, arguing that the ability of doctors to limit their TennCare patient load invites discrimination.

There's more. Suppose an MCO refuses to authorize a test. Here's the

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*As if to prevent doctors from applying even the most rudimentary business principles to their practices, TennCare physicians would be prohibited from refusing patients who had failed to pay their co-payments.*

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disaster scenario: a patient complains of a symptom, the doctor recommends a test, the health bureaucrat at the MCO declines permission, and the patient subsequently drops dead of the condition the doctor wanted to test for. Sounds like the MCO has a liability problem, doesn't it? Not so. The MCO's contracts with providers specify that the liability for poor outcomes is exclusively that of the doctor or hospital. It's a hell of a note for a doctor to be sued because a test he recommended wasn't performed.

Still more odium: Blue Cross/Blue

Shield, the largest of the MCO's (48% of TennCare enrollees today have chosen their plan), also provides coverage for Tennessee's 130,000 state employees and their family members. Blue Cross's message to providers was succinct: if physicians didn't sign up for TennCare they would lose their patients who were state employees. This barely-veiled bit of extortion came to be known as the "cram-down" clause.

Here's the whopper, though: the contracts contained a provision ("Allocation of Deficits") that allowed an MCO to charge back to doctors and hospitals a portion of the amount they had been paid during the fiscal year if it became apparent that the MCO had lost money on the deal. This "take-back" clause spurred the most intense outrage. "It is absolutely unheard-of in a business transaction when there is satisfaction with the product being delivered to come back at the end of the year and say, 'We want some of our money back because we had a bad year,'" noted one physician.

By the time the program was implemented on January 1, 1994, doctors had pursued the only strategy left open to them. Having been entirely without input into the new system, and detesting the contractual requirements, they voted with their feet. Fewer than a third of the state's doctors agreed to accept TennCare, with a substantial number of non-participants costing themselves a sizable chunk of state business in the process (remember "cram-down"). Certain specialties with traditionally low reimbursement rates, such as pediatrics, were hit especially hard. In Murfreesboro, a town of 45,000 southeast of Nashville, only one of ten pediatricians signed on.

The doctors that did come aboard found rough sledding indeed. One Bradley County pediatrician, John Appling, tearfully characterized the governor as having "the intelligence of Quasimodo, the conscience of Adolf Hitler, and the ethics of Pontius Pilate." Appling went on to describe TennCare's potential to force him into bankruptcy: "The cost of doing business is just above the reimbursement."

McWherter quickly began to meet with groups of doctors, pleading with them to stick with the system while the

bugs were being ironed out. In a major concession, Blue Cross agreed to drop "take-back," relieving doctors from the threat of a year-end bill from the MCO. Dr. Richard Pearson of Memphis, clearly yet to be won over to the plan, said in response, "This is like a situation where somebody is holding your thumb down and hitting it with a hammer and when they quit, you're supposed to say, 'Thank you.'"

Despite the removal of "take-back," the global budget continues to threaten providers, as it is unclear what might happen if the spending cap is breached

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*By the time the program was implemented January 1, 1994, doctors had pursued the only strategy left open to them: they voted with their feet.*

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in a given year. Will doctors be forced to accept still lower payments? Or will they just have to finish the year treating TennCare patients at no charge? The state has not answered these questions.

Republican legislators tried to get into the game by proposing changes — most importantly, to amend "cram-down." All were summarily dismissed by Ned Ray's minions. In a bravura performance of buck-passing, the administration said, "Under TennCare, the state is in many ways out of the business of running a health-care system. . . . We believe it can be done better by private enterprise." In short: *We screwed it up, now you figure out how to fix it.* The governor's position was reminiscent of Clinton's rhetorical shift in spring of '94 to advocating "private insurance that can never be taken away."

So what are residents of Tennessee left with today? In the name of efficiency, their state government provides free or subsidized care to nearly 40% of its inhabitants. It tries to control the costs with the clumsiest form of price control — a total budget — leaving the participants to carve up the static pie. The carvers, much as the president proposed, are not government employees *per se*, but MCO bureaucrats whose sole

incentive is to part with as small a percentage of their per-head fees as possible. And though the rules were established and supervision conducted by the state, the existence of these private MCO's as its conduit allows the government to maintain the illusion that the system has somehow been privatized.

As the horror stories started spreading of patients being forced from their doctors, of MCO's reimbursing doctors slowly or not at all, of inadequate coverage in certain areas, and so on, the Tennessee Medical Association filed suit against the state to stop the program and either return to the old system or reform TennCare radically. The lawsuit argued that TennCare violates the federal Medicaid law, which mandates that the government build a network of physicians by paying them adequate compensation (two-fifths of break-even surely wouldn't qualify). Though the suit was thrown out of state court on a technicality, it is currently on appeal and is very much alive.

Until the suit is resolved, Tennesseans are left with a program that combines the worst of Medicaid and the Clinton plan. It guarantees that there will be a large population of patients whose insurance gives providers a huge disincentive to treat, and that these effects will be most felt in precisely those areas that TennCare aimed to serve: the poor, rural, and minority-dominated areas that contain the highest percentage of TennCare patients. Already, doctors are leaving TennCare networks in droves (a TMA survey projects a 15% decline in participating doctors in 1995); many physicians in rural areas are faced with the unappealing choice of remaining in the TennCare system and being bankrupted by below-cost payments or leaving the network and treating a private market that is too small to support a practice. In terms of restricting access to care, it is difficult to conceive of a system that would do the poor more harm.

In a compromise aimed at halting the flow of doctors out of the system,

Blue Cross has informally agreed to allow physicians to limit their TennCare patient load to the same percentage as their previous year's Medicaid practice. There are two problems here. First, few Tennessee doctors have much faith in Blue Cross to uphold this informal agreement. Second, doctors may not figure into their estimates those cash-paying patients who were treated on a charity or reduced-rate basis, leaving these people effectively frozen out or forced into TennCare.

With the minuscule fees (one estimate places the payment rate for surgeons at about 20–25% of the market price), TennCare further insures that the private insurance-holder and health care consumer will have to bear an even larger burden of shifted costs. This promises only to worsen, as fully half of all babies now born in the state are TennCare patients.

Despite its problems, TennCare enjoyed bipartisan support in the recent gubernatorial elections. Both candidates pledged minor changes, but neither was willing to address the system's fundamental flaws. The new governor, Don Sundquist, is a Republican — aren't all new governors Republicans? — and has spoken against "cram-down." He is also reported to dislike the fact that, officially, doctors still may not limit their TennCare patient load. However, the system has completed its first year at a surplus, simply because far fewer patients enrolled than had been expected. Though this has only the effect of disguising the coming catastrophe, it's good enough for the politicians, so TennCare appears to have achieved some institutional momentum. Indeed, in January the incoming administration announced that TennCare director Manny Martins would be retained, scuttling hope of any radical change.

So now Tennesseans are stuck with a system that, if unaltered, in a generation will have half the population subsidizing the medical care of the other half — assuming that there are any doctors left practicing medicine.

And what of McWherter? Triumphant from his two terms as governor, he's off to Washington to serve as one of the Clinton administration's newest advisors. □

## Moribund in Washington

The pamphlet looked wonderful. Entitled "A New Direction in Health Care," its cover featured a drawing of ten people, black and white, young and old, embracing each other and smiling. Inside, there were more drawings of happy people; a black doctor examining a pregnant white woman, an older man walking a dog, and a doctor giving a boy a treat. Beside the drawing were explanations of Washington state's health care reform, how everyone would "pay their fair share," employers would pay half the cost of whichever uniform benefits package their employees chose, everyone will have affordable health insurance and that by the year 2000, premium costs won't be allowed to rise faster than average growth in personal income.

If all this sounds a lot like the late, unlamented Clinton plan, it should. The plan was drafted with direction from the White House. Hillary called it a model for the nation. Actually, it was *her* model for the nation. Managed care, employer mandates, a standard

benefits package, taxes on cigarettes and alcohol — the works.

Nearly two years later, the vaunted Washington health plan is largely a dead letter. It's still there, in theory. Even as I write, the Health Services Commission is sending its recommendations for the plan's implementation. But Congress refused to grant Washington an exemption from the Employment Retirement Income Security Act, ruling out any mandates for employer-provided insurance. And then came November 8, 1994, wiping out the Democratic majority in Washington's government with one fell swoop.

As Brent Shirley, an insurance broker, put it, "In their infinite wisdom, government said, 'This is the package that will get me re-elected.' Well, they didn't get re-elected. They got fired. I think the reform is going down the tubes. There's a price associated with these mandates, and the price is not something we're willing to pay. I think the last election showed that."

—Tom Loughran

# Death in Oregon

Meet Catherine. Sweet, spry, loveable lady who always takes the time to care for her friends, family, and neighbors. She never forgets a birthday or anniversary. Always, despite her fixed retirement income, sends a card and a couple bucks to "the little ones" on their birthday. Clips coupons for her fellow seniors down at the Senior Center. Buys a few extra cans of food for those less fortunate, whether a neighbor or a homeless person at the Mission. Yes, she can fixate, get cranky, and occasionally make mountains out of molehills. But it is January 1994, and her seventieth birthday is only a few weeks away. And she is starting to get a painful, cramping feeling in her chest. So, we can forgive her for being cranky.

She calls 911, and paramedics are dispatched immediately. Yes, sometimes it's nothing, but this time it's congestive heart failure. "Boy, good thing I'm getting health care under Oregon's new system," she thinks as she ponders her expected bill. Yes, that's the system that Bill and Hillary held up as a "model for the nation," the very one they had hoped to set up nation-wide.

Catherine mends nicely after a couple days in the hospital. Blasted water pills, though. Gotta go to the bathroom all the time. Her son and future daughter-in-law come down on January 28, her seventieth birthday. She gets the biggest party she'd ever imagined . . . cake, ice cream, a little shot of Bailey's (just what a diabetic needs, but hey, it's not every day one turns 70, is it?), a new 27" TV, and a cordless phone, among other things. She is Queen for a Day. Nothing could wipe that smile from her face.

February, her caseworker drops by to get her settled with her new health care insurance. No, Medicare is no longer active in this state. You *must* sign up, or lose all coverage. Now, how much money do you have? Where are your bank accounts? Give me your purse . . . you old folks

always hide money. . . .

"Son," she blurts out through the tears, "that woman went through my purse, and the drawers in my dresser . . . even under the mattress looking for my money! I feel like I've been raped!" But there is nothing she can do. The state will now be taking care of her. All "excess" assets are to be confiscated. Just enough to pay her bills and "an appropriate" amount for food and miscellaneous. She must now mail-order her prescriptions, as it will save the state money and will only take an extra day or two.

She asks her son for a couple hundred dollars to get by; he sends her four hundred. More when you need it.

Catherine again feels that same pain and pressure in her chest in April. Tearfully and fearing for her life, she calls 911. This time, however, she's 70

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*There is nothing she can do.  
The state will now be taking  
care of her.*

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years old and on the Oregon health care plan — the same one the Clintons want for you and I — and is told by the dispatcher, "You get some rest, and we'll send a nurse out in the morning to check on you." Click.

"Son, if anything happens to me, you sue those bastards! I'll *never* call 911 again . . . they won't come anyway, so what's the use?"

Early in June, one of Catherine's closest friends, an 87-year-old woman, Mona, with Parkinson's disease, is told she is "no longer viable." "The state will no longer pay for your medication. It's too expensive, and you are over 70. You can either buy it yourself [after the state confiscated her money], live the life of a vegetable, or starve yourself. Besides, you don't want to outlive your children, do you?" Within a week she goes from a mobile woman who drives a car, runs errands for her

friends, and grocery-shops for other shut-in seniors like Catherine, to wheelchair-bound, ready to die. Catherine fights back the tears.

Sometime during the night, Catherine suffers another heart attack. The nurse is to be "sent out in the morning" and her apartment manager finds her dead at 9:00 Monday morning.

Officially, her death certificate reads "cause of death unknown," but she was really murdered. Murdered by the State of Oregon and its "model" health care plan. She dies because she was over 70, and the state considered her "no longer viable."

Well, I've got news for you, Oregon. The hundreds of people who packed the church didn't think she was "no longer viable." Many of them had never met her, yet she touched them with her gifts of food and clothing. Many others couldn't attend. And still more will never know she helped them.

Her daughter-in-law didn't consider her "no longer viable," considering her standing as an emergency room nurse at a major trauma center. And certainly her lone son didn't consider her "no longer viable" either. Sometimes a pain in the neck, yes. But always a strong, loving bond.

I should know. That wonderful woman was Catherine Theresa Lemke, my mother. And I miss her dearly. She was, in my humble opinion, very "viable."

Are you listening, Gov. Barbara Roberts? Bill Clinton? Hillary? You all had a hand in her death.

In life, she helped people. In death, let that continue. This is what "health care reform" is all about. What they don't want you to know about. The restrictions, rationing, and God-playing. Let Catherine be a Martyr to the System, but don't forget her.

I never will.

*Catherine Lemke, January 28, 1924 – June 13, 1994. Remember.*

—David and Mary Lemke

## Prognosis

# Stealth Health

by E. K. Gregory

Death may be the great leveler, but wealthy socialists will do almost anything to escape *that* egalitarianism.

When Hillary Rodham Clinton put together her health care task force, she was careful to exclude practicing physicians from the process, because of their "special interest" in the practice of medicine. We since have learned that she was not so careful to exclude other special interest groups.

Denying practicing physicians input into the reorganization of health care delivery is akin to NASA having to deflect an incoming comet but rejecting the expertise of rocket designers and manufacturers because they might have some "special interest" in the finished product. It's possible that someone who wasn't a rocket physicist might manage to construct a rocket that would transport a warhead to the approaching comet — but the smart money would be on the comet.

The various ClintonCare clones bubbling up in Congress all contain provisions for an increase in primary care providers, with a concomitant decrease in specialists. No one discusses what impact this will have on medical care delivery.

Physicians are not a non-renewable, finite resource. One does not have to decrease the number of specialists in order to increase the number of generalists or primary care providers. Even the Health Task Force attorneys and bureaucrats, who know little about medicine beyond how to file a malpractice brief or write a regulation, know that.

So why their unflinching determi-

nation to reduce the number of medical specialists?

### **The Road to Rationing**

Primary care providers are concerned principally with maintaining a healthy and working human body. They can and do diagnose problems, and they perform minor repairs when the human machine breaks down. But when things go really wrong — when a patient is beset by cancer, arteriosclerosis, major organ system failure, AIDS, brain tumor, serious trauma, joint deterioration, etc. — a specialist becomes necessary if the patient is to survive. It is only a slight oversimplification to say that generalists and primary care providers keep healthy people from getting sick if they can, but a specialist treats the illness if it occurs anyway — unfortunately, often at great expense.

Decreasing the number of available specialists results in a corresponding decrease in the number of seriously ill patients who receive treatment in time to do some good. Without treatment, they will expire. The cynic might posit that this is the point of government-controlled medicine: that

those who are very old, very weak, very sick, or in extremely poor shape are too expensive to keep alive, and thus should be allowed to go ahead and die before they bankrupt the system. On a purely intellectual level, this argument has some merit. After all, 90% of an individual's entire life-long medical expenditure is typically dispersed in the last six months of his or her life. Letting them die six months early would save the system some money. But simply making a policy decision to withhold medical treatment from people with six months to live does not resolve the problem, for it fails to answer the very real question that the physician always must face in real world situations: *How can I be sure when the patient is entering the last six months of life?*

One way around this very complicated problem is to ration access to specialists. Those who are in the last six months of life would simply die before their turn comes in the queue.

Studies of countries with government-controlled medical care reveal a common characteristic: long waiting lists for expensive procedures. Waits

of six months to two years are typical for such procedures as cardiac artery bypass, carotid endarterectomy, transplantation, and MRI imaging.

Of course, this restriction of access to specialists does not apply to the elite political class that is dismantling the existing system. In every government-controlled health care system currently in existence, alternatives exist to enable the super-rich and those in power to obtain first-rate care from specialists. The elite in Britain does not participate in that country's National Health Program. They receive treatment by private "Harley Street physicians" who practice on a fee-for-service basis in well-equipped private hospitals. There are no shortage of specialists on Harley Street. Unfortunately, ordinary people cannot afford these services, so they take their chances in the queue.

Canada does not have a separate, private health care system, but wealthy Canadians do not wait in a queue for potential life-saving operations, diagnosis, or treatment. They travel to the United States and pay out-of-pocket for private medical care. Australians have a system similar to Britain. The rich can buy private care; the non-rich take their chances.

The same holds true in Austria and

Germany, where hospitals have special wings with private rooms and private physicians for those who can afford such luxuries, while those participating in the government system are admitted to wards of 6–20 beds with rudimentary nursing attention. When actress-politician Melina Mercouri died

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*No one really expects Hillary Clinton, Edward Kennedy, Oprah Winfrey, or Jay Rockefeller to pack into a waiting room, or to queue up for life-saving surgery.*

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of cancer, she was a patient in a hospital in New York. Ms. Mercouri was an avowed socialist, but when it came to her own medical needs, she apparently preferred treatment in the U.S.

ClintonCare and its congressional clones appeared to address these inequities. Nearly all last year's bills established fines and/or imprisonment for patients who offer to pay out-of-pocket for treatment in order to avoid waiting and for physicians who accept such payments. No one knows how this

would have impacted the wealthy Canadians and citizens of other countries who currently seek treatment in the United States, but they probably wouldn't have been allowed to jump the line either. What then would the power elite do? Surely, no one really expects to encounter Hillary Clinton, Edward Kennedy, Oprah Winfrey, or Jay Rockefeller in a packed waiting room or to hear of them queuing up for life-saving surgery.

The best guess is that they would take the Concorde to Europe, where until recently a \$272.2 million high-tech U.S.-style hospital was being built outside Glasgow, Scotland by a group of international investors called Health Care International. This hospital was to offer top specialists backed up by cutting-edge technology, according to Stephen D. Moore's May 11, 1994 article in *The Wall Street Journal*. But recently — shortly after Clinton's health plan fizzled — HCI decided the hospital would be a bad investment, and pulled the plug on the project.

For those who can afford it, high-tech super-specialty medicine still would be available under a government-run system. Those who can't will have to cross their fingers, say a prayer, and get in line. □

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## Reflections, *continued from page 16*

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rate of African-Americans to the success rate of Euro-Americans. In education, for example, this means admitting certain African-Americans to graduate school despite their lesser qualifications than some Euro-Americans applying for the same position, then providing them greater aid, special tutoring, etc., to try to enhance their graduation rate.

Happily, this same logic has not been applied to basketball, despite the fact that the National Basketball Association is overwhelmingly African-American. Whether this is the result of heredity or environment we do not really know. There are those who say "white men can't jump" and claim that black men are quicker, faster, and stronger than whites. But the paucity of white Americans at the highest level of professional basketball could result from their environment:

perhaps they are subtly discouraged from playing the game as children, giving their African-American brothers a competitive advantage. This hypothesis is supported by the presence of many European white players in the NBA; no serious fan would doubt that a European white all-star team could take an American white all-star team.

Of course, affirmative action could be applied in basketball as it is applied in the professions. Each team could be mandated to give 80% of its positions and playing time to white boys. The public schools could provide special training programs and coaching to help white boys catch up, and mandate proportional playing time for whites on basketball teams beginning in elementary school and extending to college.

Were this to come to pass, it seems likely that black basketball players

would develop the same resentment toward whites that white professionals have toward blacks. "He's only here because of affirmative action," they'd say, dismissing a white player. "He had advantages that blacks never had!" And the quality of basketball would suffer, as teams were required to invest resources and give playing time to inferior players.

And all these efforts to equalize basketball opportunity for white boys will fail, if it turns out that the real reason that blacks dominate basketball is genetic — just as all the expense, the ruined careers, the ill feelings engendered by affirmative action will go for naught if it turns out that Murray and Herrnstein are correct. No matter how much Euro-Americans are discriminated against, the difference between their success rate and that of African-Americans will persist. —RWB

## Essay

# A Globe of Villages

by Bill Kauffman

Liberty will be reborn in Batavia, not Manhattan.

A friend of mine, a police officer in my hometown of Batavia, New York, told me a couple of years ago of an encounter with some boisterous — but by no means criminal — black kids.

"We the boyz in the hood," they bragged, and though their hood encompassed perhaps five contiguous houses this was a nice illustration of Chesterton's dictum that a patriot must always boast of the smallness, and never the largeness, of his country.

"White man tryin' to wipe us out," they said. My friend, the white cop, asked them to explain.

"There's a liquor store on every corner, and a gun store too. That ain't no accident. Whites want us to get drunk and shoot each other."

My friend was perplexed. Yes, there are a couple of liquor stores downtown; the clientele, like Batavia's population, is overwhelmingly white. The gun shops are on the city's outskirts, and they cater to collectors and sportsmen. Cheap handguns are rare, and besides, we seldom have more than one murder every two years — and that is usually committed by a boozed-up, jealous, poor (and very white) husband. I can only think of one black man within the last decade who was arrested for murder: he killed a white bum who had attacked his brother, and because public sympathy ran so strongly in his favor he was let off with a rap on the knuckles.

The picture these guys on the streetcorner had drawn for the police-

man bore almost no resemblance to life as it is actually lived in Batavia, New York in the 1990s. God knows that Batavia's blacks (at least those of long residence in town) have legitimate grievances, but a white plot hatched by the Rotary and Kiwanis clubs to lead them into intoxicated fratricide is not among them.

The kids had merely recited, almost verbatim, the hero's sermon in John Singleton's fine movie *Boyz N the Hood*. Singleton's violent South Central Los Angeles block had been transplanted to Batavia, which might be cute — like Vietnamese refugees in 1982 Iowa mimicking Sean Penn in *Fast Times at Ridgemont High* — had it not provided these young men with an entirely factitious set of sham complaints.

One of the stars of *Boyz N the Hood*, a Compton, Californian who goes by the name of Ice Cube, had some years earlier been lynched by the white-run pop music press after he admitted that he didn't give a damn about Nelson Mandela and South Africa. "I ain't gonna wear no 'Free South Africa' button if Mandela don't wear a 'Free Compton' button," was the gist of his remarks, and I suggest that our boys in their Batavia 'hood would've been better off following Mr. Cube's exam-

ple and tending their own gardens.

I think it's fantastic that in the late 1980s kids made music that came straight out of Compton, and the situation in my hometown would be much healthier if our boyz 'n the 'hood would turn off their stupid television sets and boom boxes for a few hours a day and start making music that comes straight outta Batavia.

There are, of course, drawbacks to provincialism — I believe it was Ice Cube who vilified what he called the "chop suey ass" store owners who anchor the poorer parts of our polyglot cities. There are few better cinematic treatments of such ethnic rivalry than Spike Lee's *Do the Right Thing*, in which an idealized, harmonious neighborhood block in Bedford-Stuyvesant is riven by the sore-thumb presence of a successful Italian-American pizza-maker. Nevertheless, it is within these somewhat homogeneous communities, wherein members know and understand each other — if not like each other — that the possibility of a return to local self-government is likeliest, and these local autonomies seem to me to be the best and most practical alternative to the ravenous and homicidal leviathan whose subjects we are.

One of my favorite socialists is

Eugene V. Debs of Terre Haute, Indiana. Debs was a courageous man who was jailed during the police-state administration of Woodrow Wilson, the dour henpecked Princeton moralist, who refused, with typically obdurate nastiness, to pardon this martyr to free speech, leaving it for the pride of Marion, Ohio, Warren G. Harding, to do the honorable thing. After a meeting between the two men, Debs and Harding professed mutual understanding, even respect. This is because they had shared a milieu, even though they lived on opposite sides of the tracks. Terre Haute and Marion, though differentiated in important ways, were small Midwestern cities still governed, in part, by civility, civic pride, and mutual respect — virtues a Princetonian cannot be expected to cherish, much less possess. (Pardon the digression, but my wife and I visited the Warren G. Harding home in Marion a couple of summers ago. It's a grand place, with a

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big wrap-around porch, and it's easy to imagine the handsome whoring rogue within its walls, sipping bootleg gin, playing poker, enduring the nagging of his demented wife, the Duchess, and pinching the Irish maid whenever the Duchess was out of sight. The docent had a charmingly defiant pride in Marion's native son; he told us more than once that Harding "was definitely not the worst president in our history." Given his success at cutting federal taxes, slashing the military budget, and returning war-altered America to normalcy, I think he was one of the best.)

In any event, Eugene V. Debs used to speak longingly of his "beloved little community of Terre Haute, where all were neighbors and friends." His Terre

Haute had multiple newspapers, locally owned for the most part; a strong class of independent artisans and merchants and skilled workers; and factories whose owners (and comely reformist daughters) lived on wide tree-lined Oak Streets. There *was* a Terre Haute then, with its own distinct personality and color. Indeed, across these United States in the late nineteenth and early twentieth centuries we had an explosion of regional novels on new inland subjects, from the Dakota of Hamlin Garland to the Indianas of Edward Eggleston and Booth Tarkington to the Upstate New York of Harold Frederic. Garland exhorted his compatriots to be true to your time, true to your place, and true to your locality, and the result was the second great flowering of American literature. The first, of the 1850s, had closed with the advent of the War Between the States; this second ended coincident with the Progressive dawn; the third would not survive the New Deal and the Second World War. It would be silly to say that swelling government kills regionalist art; I cheerfully concede that the Art and Theater projects of the 1930s WPA produced some fine work amid the dross, not least the plays about Upstate New York gathered by Alexander Drummond of Ithaca. But I do think that when you strip local people of the power to govern themselves, when you transfer that power to distant capitals, you set in motion a process of demoralization and devitalization that leads to a world in which men prefer music television to music clubs, and Madonna to the much more available tramp next door. You get a world in which ordinary people feel absolutely powerless to affect goings-on in Washington, and engagingly wacky ideas like Ross Perot's electronic town hall come to seem positively visionary. You get a world in which presidents and their handmaidens in the corporate media invade sovereign countries without declarations of war, and there's not a damn thing any of us can do about it except hit the off button on our remote controls.

Yet I am an optimist, because in my experience, people assume that much of what Newt Gingrich and the Heritage Foundation and Dan Rather and *USA Today* tell them is bullshit.

There is and will always be a population of serfs of the spirit who, after watching the ritual two-minute hate from their recliners, want to kill Saddam Hussein or David Koresh or Kim Il Sung or whoever the enemy of the month is; they'll sob with joy as the little girl in the well is pulled to safety down in Texas, all the while deaf to the cries of the hungry child down the

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*My lonely little recommendation is to support localist or individualistic artistic tendencies and idiosyncratic visions you find congenial, and permit others to do likewise.*

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street. But these helots are a minority. There are still millions of refractory, stubborn, bull-headed, screw you/show me men and women, the folks Robert Frost called insubordinate Americans, the people who built this country. Let me give an example — homely and prosaic, drawn from my own down-at-the-heels town, because I believe anecdotal evidence is always the best evidence. (Numbers lie; trust the eye.)

You may remember from his 15 minutes of fame — which stretched into six or so years — Terry Anderson, the AP reporter who was taken hostage by fanatical A-Rabs in Lebanon. He was identified as a native of Batavia, though not many people recalled him: he'd only lived in town for his high school years, which he spent castling in the chess club and being ignored by the olive dream Italian girls. He joined the service after high school, got an education, and never looked back. But the TV readers told us he was a Batavian, and our town was depicted as a place right out of Andy Hardy where Boy Scouts and busty virginal gals were waiting at the soda fountain, slurping chocolate malteds and waiting for Terry to come marching home again. Well, he did. He was released at the end of 1991 and the networks descended on Batavia, cameras on shoulders and microphones in hands, to capture the weeping, the shouts, the undiluted joy. At 6:00 p.m., the church

bells throughout town rang in unison for the first time since V-J Day. I walked downtown, through the blowing snows of an early December storm, to hear the peals from the adjacent Presbyterian and Baptist churches on Main Street. There were two or three other auditors, that's all. We listened for a while and went home. Later that night, a restaurant threw a heavily advertised open party which thousands of jubilant Batavians and assorted freeloaders were expected to attend. To the consternation of the Celebrity Nation, about 75 showed up.

Does this mean that we're unneighborly, or shut-ins, or that we refuse offers of free pizza and beer? No. The genuine excitement had occurred the weekend before, as thousands had made the trek to Rich Stadium, home of the Buffalo Bills, where the Batavia High football team beat Grand Island for the state's Class B championship. These people had chosen real life, the ties of blood and kith and kin and authentic community, over the unreal and insubstantial images and artificial emotions that TV had conveyed.

Anderson, by the way, handled his awkward homecoming with grace, though he immediately moved downstate. He is plotting a political career as a kind of Common Cause Democrat, and his evident dignity will stand him well, even in his Republican cradle.

The Kentucky poet-farmer Wendell Berry has identified placeless people who attain power within placeless and puissant organizations as the bane of modern America. Berry writes, "Everywhere, every day, local life is being discomforted, disrupted, endangered or destroyed by powerful people who live, or who are privileged to think that they live, beyond the bad effects of their bad work." They seize by eminent domain the ancestral land of the

rooted on which to site nuclear waste dumps. They order the children of Louisville and Roxbury to ride buses to distant schools, while the children of the decrees attend the poshest academies. They clamor to send the 19-year-old boys of Fargo and Tacoma and Duluth and the South Bronx off to die

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*The Batavia City Council has never drafted its sons and sent them to bleed to death in foreign sands, and the Genesee County Sheriff's Department has never massacred 86 members of a dissident religious group.*

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in blighted foreign lands in service of an abstract internationalism to which the soulless pledge allegiance.

I have no idea what the twenty-first century holds in store for us. My record for prognostication falls somewhere between Nostradamus and Jeanne Dixon: I bet on the Buffalo Bills to win four straight Super Bowls. Nor do I believe in comprehensive programs for the remedy of all ills. My political preference is to act on Henry Adams' maxim that power is poison. I do not want to fight the power or, God forbid, exercise the power. I want to abolish the power. My lonely little recommendation is to support localist or individualistic artistic tendencies and idiosyncratic visions you find congenial, and permit others to do likewise. Encouraging diversity has nothing to do with IBM promoting incompetents who have the right skin tone or sex organs; it does not mean forcing eight-year-olds to sit through dreary lectures on AIDS or racism. It means the absence of control or coercion; it means creating a climate in which free men and women can follow their own polestars, no matter how blinding or dim; it means the flourishing of local cultural awareness and the prospering of holy fools and outcasts and solid Main Street citizens, whether Gus Van Sant along the Pacific Northwest tenderloin or George Romero among the Pittsburgh zombies, whether in Fred

Chappell's North Carolina or Charles Portis' Arkansas or Chilton Williamson's Wyoming or Jim Harrison's Upper Peninsula of Michigan: places that are individuated, that are particular and real, that are different from every other place on earth.

I am certainly not saying that all writers or filmmakers or artists must be regionalist. If they were, I'd probably shout from the rooftops for cosmopolitanism. But I *am* saying that the precondition for a transfer of power from Washington back to New York — or better yet, Genesee County — or better yet, Batavia — or better yet, State Street — or better yet, the 'hood in which those black kids live — or better yet, to the kids and their parents themselves — is a nation of revived local cultures, in which people have the capacity to paint their own pictures and sing their own songs and make their own mistakes.

Yes, there are violations of liberty at the local level: property taxes can be sky-high; merchants may face dumb regulatory hurdles; the zoning board may be unreasonable. But these pale when compared with the acts of Moloch in Washington. I can tell you that the Batavia City Council has never drafted its sons and sent them to bleed to death in foreign sands; the Elba Town Board has never slaughtered a single Iraqi or Panamanian or Vietnamese; the Genesee County Sheriff's Department has never massacred 86 members of a dissident religious group.

Small towns are often caricatured as nests of busybodies prying into the affairs of others and tut-tutting their disapproval of even the mildest non-conformity. There is of course some of this, though those who know these places best — even such alleged debunkers as Sinclair Lewis, who in fact loved Gopher Prairie beyond measure — understand the value of subtle social pressures, not least of which is that they make a kind of community anarchism possible.

One is less likely in a small town to march into the grocery store and buy a bag of Doritos with food stamps because there is a very good chance that the cashier with the glare in her eye is an old classmate. Similarly, I will pull Jim's car out of the snow drift, not

### Erratum

In "Periphery Vision" (January 1995), Chester Alan Arthur reported that Scott Grainger's 6.75% in the 1994 Arizona senatorial race was the highest Libertarian Party showing ever in a statewide race against two major-party candidates. In fact, this record belongs to Dick Randolph, who got 14.9% for governor of Alaska in 1982.

Grainger's showing *was* the best ever for an LP candidate for U.S. Senate.

necessarily because I am a benevolent soul, but because next week I may need him to pull me out. A whole web of relationships is spun in a small town, with threads running from every person to every other person, and while some may find these have the texture of a noose, for most others they are lifelines. Mrs. Jones the blue-nose over on Elm Street may grumble over the promiscuity of this neighbor or the dissipation of that one, but rarely, if ever, does she call in the cops. It is no coincidence that the anti-smoking zealots have had their greatest successes in larger cities and in college towns, with their mobile and rootless populations. People who do not know each other are less inclined, in my view, to live and let live; they create governments of the busy, by the bossy, for the bully. There is no smoking ban in Batavia or Elba, but there is one at the community college — a large bureaucratic institution run by outsiders who do not know us.

As one who has spent the better part of his life in a rural county in New York, I can say that my own

crotchets and eccentricities are tolerated, as are the weirdnesses of native sons far loonier than I. This is not to say that small town living is for everyone, or that any goofball can move into Dogpatch, Kansas, dance naked at noontime, and fall into the welcoming embrace of the Rockwellian multitude. Aliens who barge into a town and demand that decades of custom and tradition and inherited wisdom be tossed into the garbage will be greeted with coldness or even hostility. Nor do I claim that citizens of small towns are better people than metropolitans; I have tasted enough of the fruits of urban living to understand completely why one might prefer Boston or even Los Angeles to life in the hinterlands. Nevertheless, in fixity begins responsibility, and we are way past due for a radical devolution of power to the most local level possible.

The brilliant director Frank Capra once said that he wanted his movies to utter "the rebellious cry of the individual against being trampled to an ort by massiveness — mass production, mass thought, mass education, mass politics,

mass wealth, mass conformity." Or, as a great band sang, "No man born with a living soul can be working for the clampdown."

The American renewal will not be achieved through the enactment of empowerment zones or the line-item veto or day care vouchers. It will not be planned in Washington or financed in New York or filmed in Hollywood. It does not depend upon the elevation to the presidency of Al Gore or Bob Dole or Pat Buchanan or Colin Powell. The one-party system of Washington, D.C. — with Newt and Bill as the Brothers Tweedle — will not herald its arrival with Olin-funded gabfests.

No, the American renewal will occur when Batavia produces a rich and varied art and literature and music; when Batavia speaks for itself; when Batavia has the confidence and self-knowledge to tell Washington, D.C. and Albany to go to hell, and to allow Batavians, individually and within families and neighborhoods, to chart their own versicolored lives and infinitely furcated courses. America awaits the flowering of Batavia. □

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## Invitation

# Welcome to the Revolution

by Durk Pearson and Sandy Shaw

Twenty-five years ago, Durk Pearson and Sandy Shaw made the case for eschewing political activism. Today, they argue for joining the fray.

Twenty-five years ago, we wrote an essay entitled "What If There Was a Millennium . . . and No One Came? Or, Don't Wait for the Engraved Invitation."<sup>1</sup> We wrote the article for freedom-lovers who, inundated with information, needed a set of heuristic principles to use that information in the search for greater personal freedom.

Our essay concluded that there is no single blueprint for self-liberation, only guiding principles that help you figure out where to look. You can't follow the general public because they aren't looking for the degree of freedom that you are — and even if they were, they probably wouldn't know where to find it. You'll do best by reading widely, reading between the lines, and using your resources wisely.

Today, because of technological advances in communications and information-processing, there are more opportunities than ever before to expand your personal freedom, despite the general increase in governmental power. Yet many freedom-lovers have not yet discovered these rapidly expanding micro-ecosystems of freedom. When we tell people that we think a second American Revolution has already begun and that the time is ripe for getting involved in selected activism, the suggestion is often met with cynicism and disbelief.

Here, then, is how we see the situation today. *The millennium has started.* The Wall may fall at any time within the next 15 years, and it's high time

freedom-lovers started planning for large-scale freedom in America instead of focusing exclusively on what can be done at a personal level. Getting involved as this process starts gives us a greater chance of affecting the outcome than waiting until things have become too advanced. According to chaos theory, there is an optimal time (a crisis point) when small inputs will produce the greatest effects later. We don't know how to calculate that point, but it's hard for us to believe that it will be more than a few years from now.

You always knew that a time would come when you would need to stand and fight. For us, that time is now.

During the past three years, we have watched with amazement (and participated, too) as several anti-federal political movements have grown to such an extent that the political bigwigs in Washington, D.C. have started to take alarmed notice. Here are a few examples:

1. A grassroots private property rights and Fifth Amendment "takings" clause movement has emerged into a politically powerful force. The

movement includes about 1,000,000 people in hundreds of different groups. During the past year, environmentalists were unable to get a single major bill through Congress, aside from the California Desert "Protection" Act, passed as a courtesy to California's senators. They couldn't get the Endangered Species Act reauthorized, and they couldn't get the National Biological Survey passed. Grassroots political lobbying by property rights groups succeeded in getting amendments to protect property rights attached to these and other environmental bills — requiring, for example, a cost/benefit analysis, written permission from landholders before government agents can go onto their land for "surveys," and compensation for regulations that reduce the value of private lands.

2. Another movement is demanding that the federal government comply with the Tenth Amendment by exercising only its enumerated constitutional powers, while respecting the constitutionally reserved rights of the states and the people over everything else. A resolution supporting the Tenth Amendment and asserting state

sovereignty over all except those powers specifically enumerated in the Constitution has passed several state legislatures, including Illinois, Colorado, California, Missouri, and Hawaii. The resolution has been introduced in Ohio, New Jersey, and Pennsylvania, and has passed one house in Oklahoma. Eight other states — Utah, Oregon, Idaho, Washington, New Mexico, Nevada, Michigan, and Wyoming — plan to introduce the resolution when their legislatures reconvene. Some counties have also passed the resolution, including ours in Central Nevada.

3. Educational efforts by the Fully Informed Jury Amendment movement have influenced the outcomes of several important trials involving abuse of power by agents of the federal government, including the Randy Weaver and Waco trials. England's Glorious Revolution of 1688 began with jury nullification of laws restricting freedom of speech and religion. Jury reform (greater power for juries) is now being debated seriously in several state legislatures, such as Arizona's. The Arizona bill would allow members of juries to take notes and ask questions, although the Arizona legislators

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*The millennium has started. The Wall may fall at any time within the next 15 years, and it's high time freedom-lovers started planning for large-scale freedom in America.*

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were afraid to include information on jury nullification (there would be "too many acquittals").

4. The "No Unfunded Mandates" movement is an unlikely political alliance of liberal and conservative state, county, city, and town government officials, along with citizens' groups opposing high taxation. These groups are taking action to scale back the federal government's growing takeover of the economic base of lower levels of government through unfunded mandates. The Mayors' Task Force — chaired by a liberal big-city mayor, Richard Daley of Chicago — has fund-

ed economic analyses of the costs of unfunded mandates to America's cities and is actively lobbying to eliminate these mandates, including the Endangered Species Act, the Americans with Disabilities Act, the Clean Air Act, and the Clean Water Act. In the latest meeting of the nation's governors, there was wide agreement that unfunded federal mandates were the states' greatest problem.

It has occurred to us that it might be possible to harness the tremendous political forces arrayed to eliminate federal unfunded mandates. This would cut off a major form of federal regulation and off-the-books spending. (For example, the Clintons' "health reform" and the Brady Bill are unfunded mandates on the states.) The best approach, we believe, is a constitutional amendment to be passed through state legislatures. After all, states have the biggest incentive to get rid of unfunded mandates. We asked our attorney, Jonathan Emord, to research the issue from historical and legal perspectives and to report on the potential benefits of getting rid of federal unfunded mandates, to advise how the constitutional amendment process works through state legislatures, to evaluate the risk of runaway conventions, and to write a proposed state assembly resolution and accompanying constitutional amendment for passage through the states to eliminate federal unfunded mandates. He concluded that the risk of a runaway convention was no greater than the risk in the congressional constitutional amending process, provided that the authorizing resolution is properly written to strictly limit the authority of the conventions. He has prepared a detailed report on the subject, which we are making available to the public at the cost of copying.<sup>2</sup>

5. The "Taking Back the West" movement is sweeping the western states. Over 50% of the land in the west is controlled by federal agencies (the Forest Service, the Bureau of Land Management, etc.). Many state, county, and city government officials, including district attorneys, are trying to kick the federal government off its huge tracts of land. This movement has developed a legal challenge to the

federal government's claims to these lands, basing their case on several doctrines:

A. *The Equal Footing Doctrine.* The Constitution has a provision whereby states joining the Union after the original 13 do so on an "equal footing" (on the same terms and conditions) as the original 13 — which had no federally owned lands.

B. *Prior appropriated lands.* In the west, much of the so-called unappropriated lands that the federal government now claims already had

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*More and more people are thinking, talking, and writing about the Constitution today. They are thinking about why this "limited government" has become so unlimited.*

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extensive private rights on them at the time the western states joined the Union. For example, large grazing areas that the federal government now holds were previously in private use, and these private rights were recognized by territorial and local court decisions; essentially all surface water rights and riparian areas had been appropriated by the time of statehood. These "unappropriated" lands were supposed to be transferred to the federal government with recognition of all prior rights.

C. *Rights-of-way in "public" lands in the west.* R.S.2477 is a congressional statute passed in 1866 that allowed people to establish public highways across "federal" lands. The statute was terminated in 1976 under the Federal Land Policy Management Act; however, all R.S.2477 rights-of-way established prior to 1976 were grandfathered. These state-controlled public highways criss-cross the west, threatening the federal government's attempts to close off "wilderness" areas that, by definition, must contain no roads. Until recently, the feds had simply been illegally closing R.S.2477 roads into areas they wished to seal off, but now some Nevada county commissioners are bulldozing them open again in deliberate defiance of the

fed. "Prove to us that you have jurisdiction over these roads," they are demanding, while citing some of the extensive legal case precedents that consistently supports state control of R.S.2477 rights-of-way.

D. *The Tenth Amendment.* As mentioned above, the Tenth Amendment specifies that all powers not specifically granted to the federal government in the Constitution are reserved to the states and the people. The implications of this for the west should be obvious.

E. *Exceeding delegated authority.* Many of the actions taken by federal land agency employees "under color of law" are illegal because they go beyond their specific delegated authority. They are now being legally challenged in many parts of the rural west. For example, Forest Service employees do not have the legal authority to enforce the law, to have police-type rotating lights and sirens on their vehicles, or to carry guns while on duty. Some Nevada, Utah, and New Mexico counties have declared that federal land management employees who violate the constitutional rights of the residents of their counties in the guise of law enforcement will be arrested, charged, and prosecuted. Some of the feds in those areas are quite upset about the possibility of being tried before a local judge and jury and thrown into jail for actions that, until now, they have committed with impunity. (It is interesting to note that, after the Border Patrol, the Forest Service has the highest incidence of employees bumped off on the job of all the government "services.")

F. *Violation of trusteeship.* When the federal government acquired the "unappropriated" lands from the western states as a condition for joining the Union, it was understood that the federal government would hold these lands in trust for eventual sale. There was nothing in these state-federal government agreements about perpetual federal occupation of these lands until the above-mentioned Federal Land Policy Management Act of 1976.

6. The self-medication movement is gaining ground. Today, the government is less likely to attempt outright prohibition to prevent the use of products in ways the government does not

approve, preferring to restrict marketers' freedom of speech. The FDA's policy is the most egregious example of the use of unconstitutional prior restraints on free speech.

We are happy to have played a major role in this particular revolt. Until last year, when we filed objections to the FDA's regulation of truth-

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*We believe that as long as these movements' goal remains the restoration of constitutional rights, it is worthwhile to get involved. The Constitution isn't perfect, but it's a hell of a lot better than what we have now.*

---

ful speech accompanying the sale of dietary supplements, the FDA had never been challenged on a First Amendment basis.

Now it seems as if everyone and his uncle in the dietary supplement industry — along with many of its customers, some physicians, and even a few research scientists — has discovered that there is such a thing as the First Amendment, that the FDA is wildly flouting it at great cost to the health of Americans, and that court precedent strongly supports our position in opposition to the FDA's prior restraints. Many people are now avidly following our FDA legal challenge before the Ninth Circuit Court of Appeals. The case has been reported extensively in *FDC Reports — The Tan Sheet*, a widely circulated source of information about FDA regulations. By the time you read this, oral arguments by Jonathan Emord and by the government's attorneys may have been heard before the Court.

The stakes are immense. The FDA is the greatest roadblock to improved biomedical technology in the United States. The FDA denies access to a huge and growing scientific literature on preventing disease and extending lifespan.<sup>3</sup> The FDA's restrictions on truthful speech apply to communication of truthful, non-misleading information on the effects of dietary

supplements and on FDA-unapproved uses, also called off-label uses, of drugs the FDA approved for another purpose.

The FDA's and Justice Department's attorneys are bewildered by our First Amendment challenge. Their briefs display an unfamiliarity with the legal jurisprudence of the First Amendment. (Emord put it this way: "Neither the FDA nor the Justice Department have been able to identify precedent sufficient to exempt the FDA's prior restraint from the Supreme Court's First Amendment case law, which stands foursquare against it.")

Court rulings are notoriously difficult to predict. We are encouraged by the fact that the First Amendment seems to be on a roll in the courts. In the most recent decision, the U.S. District Court for the Northern District of Illinois (Eastern Division) decided on October 27, 1994 (*Ameritech Corp. v. United States*) that Section 533(b) of the 1984 Cable Communications Policy Act (which prohibited telephone companies from providing cable TV services) is an unconstitutional infringement of the First Amendment because, as the Supreme Court has said, cable programmers and operators "engage in and transmit speech, and they are entitled to the protection of the speech and press provisions of the First Amendment."

In the area in which this court has jurisdiction, telephone companies may now compete with cable companies in the provision of video programming to the home. The basis for this decision — that the law provided for an unconstitutional "prior restraint" on speech — is the same issue involved in our case, and we have brought up many of the same arguments in our lawsuit against the FDA. This is not too surprising, since Emord was one of the attorneys who filed a brief advocating that the Court strike Section 533(b).

Emord was also one of the attorneys who filed a brief in support of Bell-Atlantic Corporation in *United States v. The Chesapeake and Potomac Telephone Co. of Virginia, Bell Atlantic Video Services, and Bell Atlantic Corp.* before the U.S. Court of Appeals for the

Fourth Circuit. In that case, Section 533(b) was struck down as an unconstitutional violation of the First Amendment rights of telephone companies wanting to provide video programming to their customers. (Jonathan is on a roll, too.)

In the meantime, Congress has passed the Hatch-Harkin bill intended to protect the dietary supplement industry from those FDA regulations that threaten the continued availability of many dietary supplements and prevent communication of truthful information about any supplement's health effects. Unfortunately, the bill (which started out pretty good) went through extensive modification in a last-minute "compromise" process to get Rep. Henry Waxman to permit the bill to reach the House floor for a vote. Although the compromise law has some good features, it perpetuates the FDA's speech restrictions. Our First Amendment court challenge assumes greater importance in the face of Congress' failure to do anything about the FDA's continuing violations of free speech.

7. Citizens' militias now exist in all 50 states. In mid-October, CNN reported a protest by members of the Michigan citizens' militia about the flying of the United Nations flag at a town hall. (They ought to have protested the flying of the federal flag, too; we fly the 13-star Bennington Revolutionary War banner.) The militia movement has also attracted the attention of the *New York Times*, *U.S. News & World Report*, and other major media. We hope that government awareness of the growing number of armed citizens training in militias may deter recurrences of such naked government aggression as the mass murder at Waco.

8. — and beyond. There are a number of technological opportunities for increasing freedom which we haven't the space to discuss here, including the talk radio marketplace of ideas, the explosive growth of desktop publishing, the Internet (where people select the non-geographical societies in which they wish to live and make their own rules), the increasing availability of informational databases, and encryption (with the potential of 100% privacy

and truly free information and banking markets).

### In the Beginning . . .

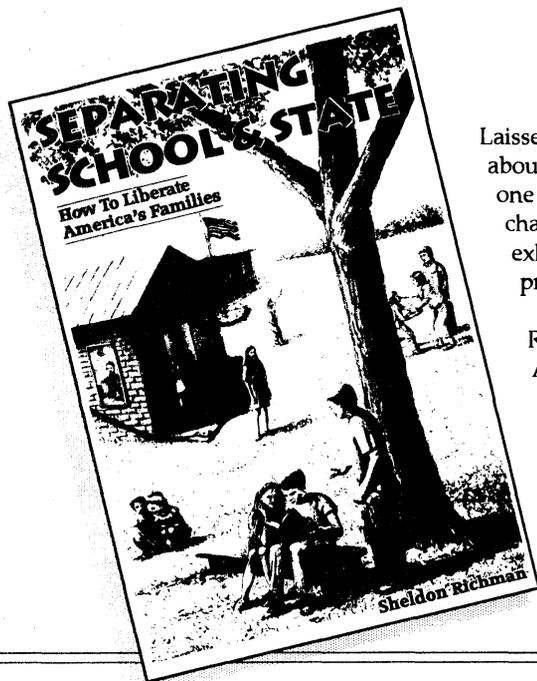
The United States began with 13 colonies. Now there are 50. Just as the colonists of old sat around in taverns and argued about the rights of man while developing the philosophical principles that led to the American Revolution, we are seeing more and more people thinking, talking, and writing about the Constitution today. They are thinking about why this "limited government" has become so unlimited and how constitutional rights can be restored and strengthened. In some parts of the country — such as central Nevada, where we live — the federal government has about as much moral authority in the eyes of the inhabitants as an occupying army. This view of Washington, D.C. is spreading rapidly and is starting to scare the hell out of the Beltway crowd.

Will D.C. be a ghost town in 2005? We don't know, but it certainly seems possible. Lech Walesa once said that the most important factor in Eastern

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Europe's break with the former Soviet Union was the availability of cheap information technology. The sudden influx of information about the "real" world caused a catastrophic decline in the Soviet government's moral legitimacy, followed by the breakup of the U.S.S.R.

To stay in power, any government, even a totalitarian one, has to have a significant degree of legitimacy in the eyes of its subjects. To a great extent, coercive laws (such as income taxes) depend upon voluntary compliance. Most people harbor some belief that the government represents them. Without this quasi-consent, enforcement costs would get totally out of hand. Washington, D.C. is losing legitimacy in the eyes of many Americans right now.

There could be many outcomes of this, some good, some bad. The U.S. might break up, possibly into 50 countries. If this happens, we hope the 50 are smart enough to have a strong free trade treaty among themselves. Alternately, the federal government might be chopped back to something more like the strictly limited federal system intended by the framers of the Constitution. If so, this time we need to put in stronger checks and balances, to avoid (or at least obstruct) the federal government's destruction of constitutional rights without increasing that risk at the state or local level.

We believe that as long as these movements' goal remains the restoration of constitutional rights, it is worthwhile to get involved. The Constitution isn't perfect, but it's a hell of a lot better than what we have now. These grassroots groups are trying to reduce federal power (we call this "a mid-course correction") in relation to the power of state and local governments and in relation to the power of individuals.

There is no guarantee, of course, that the ultimate outcome of all this will be large-scale personal freedom. It is clear, though, that growing numbers of Americans are demanding that the federal government return to constitutional limits, and that this is leading to a constitutional crisis in which, among other things, the courts will have to decide whether they are going to re-

store those limits. Even the Supreme Court realizes that its power stems from its moral legitimacy, and that it will lose that legitimacy if it fails to support the Constitution during this crisis.

If it does fail, we will have to rely on constitutional amendments passed through state legislatures to curtail unconstitutional federal actions. Intervention by the citizens' militias is the last resort. We do not want to see things get to this point, which is why we are expending so much of our time, money, and energy on the movements we've just described.

Please join us. The party has just begun! □

## Notes:

1. Originally published in *The Libertarian Connection* #13. Reprinted in *Liberty*, December 1987.
2. Available from The Invisible Hand Foundation, P.O. Box 1181, Port Townsend, WA 98368. \$5.50 per set of 43 pages.
3. At a 1994 scientific conference we attended, several scientists from large pharmaceutical companies took part in a panel discussion of industrial initiatives involving free-radical-induced disorders. In the question-and-answer period, one scientist asked them when they were going to develop a drug for the purpose of retarding aging itself, rather than simply treating diseases of aging. The panel members looked at one another and one of them answered slowly (requesting that he not be quoted on this, which is why we haven't identified him or even the conference itself) that he thought an anti-aging drug could be developed within five years with what we know now, but that this work will not be funded at their company because they would never be able to get FDA approval. The other panel members agreed and expressed considerable frustration about this situation. There will be a large increase in public dissatisfaction with the FDA as soon as the public discovers that the FDA is suppressing information about the ability of low-dose aspirin, moderate alcohol consumption, and antioxidant vitamin supplements to prevent 50-80% of heart attacks.

For a list of sources and addresses for the groups mentioned in this article, send a #10 SASE to Liberty Sources, P.O. Box

## Travelogue

# In Kyrgyzstan

by Douglas Casey

Through the ex-Soviet ex-Union with a gun and an investment portfolio.

Late last July, I flew across twelve time zones to Alma-Ata in Kazakhstan. From there I drove south to Bishkek, capital of Kyrgyzstan. Despite the hundreds of thousands of miles I've traveled in the Third World over the last 20 years, this was only my second trip to the old Soviet Empire. I went to check out some Kyrgyz gold mining properties that I was thinking of investing in, but I also wanted to see the country and the people. I can assure you: it's nothing like Kansas.

Just north of Afghanistan, nestled between China, Tajikistan, and Kazakhstan, Kyrgyzstan is about the size of South Dakota, with 4.7 million inhabitants. Even though the people speak a Turkic language, they're ethnic Mongols, tall and rangy. Almost all are Muslims, but few are fundamentalists. Ethnic Russians are unpopular and are rapidly vacating the premises. It's a pastoral society; once you're out of the city it becomes apparent that the people prefer yurts to the god-awful apartment blocks the Soviets tried to herd them into.

Upon arrival I was greeted by a surly but unarmed customs officer, who collected a form that asked how much currency I was carrying. A stupid nuisance, and always a tip-off that a country has problems. But he was a less intrusive than the armed, midnight-blue-jumpsuited little bedbug from U.S. Customs who asked me the same question as I boarded the plane in Dallas.

The official line pays lip service to free-marketization and liberalization. But talk is cheap, and anecdotal evi-

dence is omnipresent that the country is going nowhere fast. Gasoline is seldom available at filling stations, which mostly are stripped and abandoned because they're still state property; gas is peddled from tankers by entrepreneurs on the roadside. No construction cranes grace Kyrgyzstan's cities.

You see men squatting in courtyards, smoking cigarettes and palavering, for lack of anything better to do. No restaurants, no shops, no foreign newspapers or magazines. No foreigners either, for that matter. In Kyrgyz hotels, you make your own bed. Expect grim and unsmiling service, although "service" isn't quite the right word.

Meanwhile, the old government officials remain employed; that is, they hang around their offices, figuring out ways to bedevil and extort the citizens so as to justify their existence. If any improvements are to be made in the lot of the common man here, they're going to have to be imported from the West. But that's not the kind of help the West is delivering.

### **The Development Game**

What passes for development aid from the West is simply perverse.

Kyrgyzstan is awash with bureaucrats from the World Bank and International Monetary Fund, anxious to squander Western tax dollars on all manner of cockamamie schemes hatched by the *apparatchiki*. In recent years they've emphasized privatization, deregulation, and tax reduction, which seems sensible enough. But neither the IMFers nor the World Bankers believe in those values. They simply recognize it's the only way they stand to recover any of the uneconomic loans they've made to these countries, and thus hold onto their jobs. I doubt that a single employee of either boondoggle institution has any experience running a business, or would last five minutes in a real venture capital firm. They're just the type you always find running around in Third World countries, playing bigshot instead of working for the post office, where they belong.

I met a female lawyer employed by the SEC, on loan to the Kyrgyz government to assist in setting up a stock exchange. In a brief (and predictably unpleasant) conversation, I learned that she was a firm believer in regulation and had no practical investment experience, but did have an

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abiding distrust of markets. Your tax dollars at work.

Speaking of tax dollars, I was informed that the IRS is also on hand to instruct the natives on how to set up a proper tax system. I kid you not. That's not going to make business here any easier.

Notwithstanding all this, Kyrgyzstan is a place in which an enterprising fellow could do very well.

## Doing Business

I visited the mining properties in a helicopter. The properties checked out pretty good, the Western managers on site seemed competent, and the prices of their stocks were fairly cheap. Even so, I decided not to buy. I can't get very enthusiastic about properties in this part of the world. If they were almost anywhere else — South America, Africa, Southeast Asia — it would be a different story.

Even when the company and its management are clearly held in high regard by the locals, it's not going to be easy doing business here. For one thing, it's going to take at least a generation to overcome ingrained corruption. Everyone will have his hand out, awaiting the right amount of *baksheesh*, before signing papers or granting permits. American companies are constrained by American law to abstain from bowing to local traditions of that nature. I questioned them about it, and they feel that being known as straight shooters will inure to their long-term advantage. But this is Kyrgyzstan, not Kansas, and I suspect that ignoring this time-honored practice will generate non-cooperation from those in power.

Here's the real problem I have with mining in this part of the world. The deposits controlled by various companies are generally huge and rich. They have generally been drilled to a fare-thee-well by Soviet geologists. Environmental and official (as opposed to *baksheesh*-driven) regulatory problems are trivial. Labor is cheap and plentiful. Financing is usually subsidized by some government or international agency. It's all perfect except for one thing: this part of the world is a ticking bomb.

Strangely enough, that doesn't mean that companies here won't suc-

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ceed in making mines, and making them work. The various warring factions have more interest in plucking a golden goose than killing it. They know they can't run a high-tech mine — after all, they watched the Soviets try and fail for decades. And they know the foreigners will cut and run if it gets too unpleasant.

I don't mean to say that an American couldn't make money here. If I were a younger man, hot on the trail of adventure and fortune, I'd be tempted to open a restaurant in Bishkek. The success of McDonald's in Russia and China is instructive, and

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*In Kyrgyz hotels, you make your own bed. Expect grim and unsmiling service, although "service" isn't quite the right word.*

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several friends of mine who have financed a pizza chain in southern Poland are also doing well.

The first thing people do with disposable income — all people, everywhere — is eat out once in a while. And while there's nothing wrong with catering to the masses, the real money, and the fun, doesn't lie in slinging hash to the *hoi polloi*; it's in running an upmarket gin joint, perhaps in the style of *Rick's Café Americain*. The people who have big money here — at the moment, most of it appears to have a genesis in things like stolen cars from the West, sale of recently liberated government property, and plain old-fashioned corruption — simply don't have any place to spend it.

For the life of me, I can't see why anyone would put up with a low-return, highly competitive, aggravation-intensive business like a restaurant in the developed world when, in a place like this, there is no competition and infinitely higher returns. Admittedly, aggravation is an integral part of the restaurant business. But the real money in a place like Kyrgyzstan is in deals — real estate, construction, import/export, venture capital. A properly run bar in Bishkek, which is

the ideal entrée, would result in a hundred times more commerce than any Stock Exchange from Hell set up by some lawyer from the SEC.

This needn't be just interesting theory and cocktail-party chatter. If you were to send your son or grandson (female progeny have the odds loaded against them in this part of the world, unless they're already really tough and street smart) to check it out for a few weeks or months, I promise you he'll get far more value than from years in an MBA program, "learning" from professors who couldn't make it in the business world.

I picked up a few lessons, myself. There are six provinces in Kyrgyzstan, and my companions and I were hosted by the governors of two of them. One governor made no secret of the fact that he was at a stage of life when getting rich was important; we discussed the prospect of the restaurant with him, knowing he could make things a lot easier. I asked him if the various mafias that control Russia had moved down into Kyrgyzstan, and whether we were likely to have any trouble with them. He answered, "Don't worry. I am the Mafia."

### A Bit of Local Culture

Of course, an individual American entrepreneur could safely disregard the idiotic American law against *bak-sheesh*, so he could cough up a little now and then, enough to keep on the good side of the authorities. I personally didn't have to pay any on this trip, but I did partake of some other local customs.

Near the miners' housing at one mine site was a camp of nomads, living in yurts, dressed in traditional garb, riding skinny little ponies; things didn't look like they'd changed much since Ghengis Khan came through town. Just as they rode up to my house, I went out to greet them and offer them a Coke; they reciprocated with fermented horse milk. The stuff tastes somewhat like a watery alcoholic yogurt.

On the way back, the governor of another province hosted a traditional Kyrgyz feast alongside a stream in an aspen grove, in a valley overlooked by

snow-capped peaks. It could have been Colorado. Two large yurts were joined together, and all manner of bizarre food was served; it was something like combining a quaint picture from your fourth-grade geography book with the feast from *Indiana Jones and the Temple of Doom*. Every meal in

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*What's currently going on in Chechnya is simply a well-reported version of what's happening all over old U.S.S.R.*

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Kyrgyzstan is planned around mutton. The guest of honor was an executive of a mining company, a fact publicly acknowledged when he was presented with the sheep's head. By the time it got around to me, all the choice parts, such as the nose and eyeballs, had already been high-graded. I consoled myself with other dishes whose components defied recognition.

You may remember that song from the '60s whose refrain goes something like, "The French hate the Germans, the Germans hate the Dutch, and I don't like anybody very much." Well, multiplied by 100 nationalities, that could be the theme song for the entire old Soviet Empire for many years to come. What's currently going on in Chechnya is simply a well-reported version of what's happening all over old U.S.S.R. In the civil war in Tajikistan, there have been more than 100,000 casualties, including 20,000 deaths, in the last year alone.

For some reason — probably because they all get their copy from the same State Department press releases — the media think these places are "countries" in some real sense. It's more realistic to forget about the borders, which are meaningless lines some successful criminal in a capital city drew on a map after some war.

And forget about such inane concepts as "democracy," too. Even in the West it's just a polite variety of mob rule; here it's a laughingstock, useless except for pieties delivered to credulous reporters. □

## Open Letter

# Harry, Don't Run!

*by John Pugsley*

*For 25 years, Harry Browne argued against participating in electoral politics. Now he is running for the presidency. An old friend asks him to reconsider.*

Dear Harry:

Your decision to seek the Libertarian Party's nomination for president in the next election has electrified libertarians. It is, without doubt, the most exciting news that has hit the Party since its formation in 1971.

Many of us were stunned. Your writings over 30 years have consistently argued the futility of political action and maintained that people waste their freedom working to affect the government. However, on reviewing your writings, along with your explanation for the change, I'm satisfied that you haven't reversed course. You just believe that the public's perception of government has changed. Today, tens of millions of Americans — perhaps the majority — can see for themselves that government doesn't work. Where in the past you felt political action was futile, you now are convinced that the time is here to wage the battle for individual liberty through the ballot box. With heightened public recognition that government is the problem, you sense that the right candidate could be a lightning rod, collecting the disparate energies of a disenchanted populace and focusing them on disbanding the state.

As a long-time friend who has been one of your greatest admirers, I can testify that your considerable skills as a speaker, coupled with your brilliant mind and rapier wit, make you the most powerful candidate the Libertarian Party has ever put forward. The emotional appeal of a person of your intelligence, wisdom, and knowledge in the position of president makes the thought of joining your crusade compelling. Win or lose, such a campaign would bring the free-market argument to hundreds of thousands of disenchanted individuals, spreading the truth that big government is their enemy and the sole source of America's social decay. And yes, it would be an extreme long-shot, but with luck, the Libertarians might actually win. If you became president, it would appear that you'd be positioned to strike a potentially mortal blow to the state. And even if you didn't win, reaching voters with the truth might exert tremendous pressure on politicians in the other parties, leading them to change the direction of government.

I hear that support is pouring in from libertarians who have never before deigned to touch a ballot. Many of my close friends and colleagues, including such independent thinkers as Doug Casey, Mark Skousen, Bill Bradford, Rick Rule, and Bob Prechter, have told me that they are joining your campaign. The calls are coming in thick and fast entreating me to join the new libertarian army at the political barricades.

As I said, this is emotionally compelling. However, I ask you and all of our libertarian friends to re-examine the premises on which political action is founded before succumbing to its visceral appeal. Your charisma and persuasive power will attract the best and brightest minds of the libertarian world onto the political battlefield. If you are wrong, the

potential injury to the cause of freedom could take a century to heal.

The goal of all individuals of good will today and for most of history is and has been freedom. The brightest minds of every generation in recorded history have searched for the path to that goal. The discovery of how to achieve freedom has been and is mankind's most important quest. You and I are painfully aware of how completely mankind has failed. Nowhere on Earth does man live in freedom.

Why has our species failed to achieve this, its most important goal?

I think you would probably agree that it has failed because those searching for freedom have incorrectly assumed that freedom could only exist if we first designed *the perfect form of government*. Even those enlightened men whom we call our "founding fathers" started from the premise that a society can only function if individuals subordinate at least some of their personal freedom to a political authority. Outside of you, me, and a relative handful of libertarians around the world, this false belief that men cannot live in harmony without government is nearly universal.

Libertarians and anarchists have long recognized the wolf in grandmother's nightgown, and now conservatives and even many who consider themselves liberals at last are becoming aware that each time grandmother kisses them, they wind up with a nasty bite. As the victims of government multiply, the search intensifies for a way to contain it. The central issue facing all freedom-seeking individuals — conservatives, libertarians, and anarchists alike — is, *How can the cancerous growth of the state be stopped?* What can

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*Every person in the lynch mob is as guilty as the person who pulls the rope.*

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individuals do to effectively reverse the trend toward omnipotent government and ultimately achieve a stateless society, or at least the maximum degree of individual freedom?

There are two fundamentally different strategies from which to choose. The most popular strategy is to use the political process to take control of the state apparatus. Those who choose this strategy believe that through education, political campaigning, and the voting booth, political power can be wrested from special interests, spendthrift politicians can be excised from government, and the state can be subdued. The Libertarian Party was founded to pursue such an agenda. The other strategy, that of using individual action, is far less popular. Those who seek freedom through a strategy of individual action refuse to condone political action even as a means to an end. They reject *all* political action. They do not register. They do not vote. They do not campaign for or against candidates. They do not contribute to political parties or political action committees. They do not write letters to congressmen or presidents. This non-political road is one some libertarians and all pure anarchists have followed.

In the past you have rigorously argued that individual

action was the only rational strategy primarily because voting is futile — one vote doesn't matter. However, you now feel that masses of voters will choose a candidate who promises to bring down government, so that individual votes will matter. It's not clear why if one vote doesn't matter in one election, it does in another. If it's because now there is a chance of winning when before there wasn't, then that would presume that votes only matter if there's a chance of winning.

But you also argue that even if you don't win, a large voter turnout for a Libertarian candidate will send a message to the Democrat or Republican who does win in 1996. But again, I'm not clear as to why this wasn't true in past

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*I ask you and all of our libertarian friends to re-examine the premises on which political action is founded before succumbing to its visceral appeal.*

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elections. If influence on the winner is a reason to participate in politics, this should have been just as legitimate a reason for voting in the past, too.

You've talked with people all over the country and they universally distrust government. The polls themselves continually signal the public's disenchantment with the state. If asked, even many liberal Democrats will say that government is doing a bad job. But have the majority of people become anti-government? There is some evidence to support the idea that a great number have become fed up with big government. Perot's appeal in the last election stemmed partly from his government-bashing. But part of it also came from his Japan-bashing and his courting workers and business owners with protectionist arguments. We shouldn't forget that in spite of all, the election was won by the "big government" party.

It would be dangerous to assume that just because someone says he thinks government is too big, he is ready to eliminate those areas of government in which he is a beneficiary. If history is any guide, the next election will be won by the candidate who promises to bring big government under control, *without cutting off the flow of government benefits*.

Assuming there is a majority of voters who could be won over to a candidate that promises to bring down big government and repeal the income tax, what will happen to the attitude of these voters when the consequences of repealing the income tax and downsizing government become obvious? How many senior citizens will vote for repealing the income tax if they believe that the effect will be to curtail Social Security or Medicare? How many corporate executives will back away when they realize that their regulatory shield will be removed and they'll face open competition? How many managers of subsidized export industries will defect when they realize the foreign loans that pay for their products will be axed? How many public school employees will vote Libertarian when they learn that education will be privatized? How many union members will vote Libertarian

when they learn that minimum wages and other pro-labor laws they have worked years to get passed will all be trashed?

Yes, seven out of ten people will say they want less government — but I fear their desire will last only as long as it doesn't interrupt their own turn at the trough. The point is that the number of people who want smaller government is no indicator of how many will be willing to sacrifice immediate gratification to secure their longer-term well-being. Only an election will tell us.

Your arguments for political action basically revolve around a belief that political action really can ultimately

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*The voter implicitly agrees that whoever wins the election is entitled to regulate, tax, imprison, and kill.*

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result in freedom. But I ask you to reconsider each of the arguments against political action, one by one. Some, I grant you, are weak, as I will point out. But others require your response.

1. *One vote doesn't matter.* The front-line argument against voting, and the reason that most people don't vote, is simply the belief that one vote doesn't matter.

This is one of the weaker arguments against voting, since we all know that this is not quite true. It's more correct to say that one vote probably won't matter. But it could. Elections have been won or lost on small margins. Since voting could swing an election, the low probability of casting a useful vote should not be considered a valid reason for abstaining from political action . . . providing that political victory could eventually lead to a free society. I think you properly qualified this argument when you said in *How I Found Freedom in an Unfree World*, "the individual's efforts become almost irrelevant to the outcome." The operative word is "almost."

2. *Libertarians can't hope to win.* The futility-of-one-vote argument above is harmonic with the argument that the Libertarians can't hope to win. Because of the power of the two major parties, the great sums of campaign money they command, and the bias of the media, the odds against free-market advocates are overwhelming. Furthermore, even if free-market advocates gain media coverage, the majority of individual voters will probably prefer to vote themselves benefits in the short term because they fool themselves into believing that somehow they will personally be able to avoid paying the price in the long term.

Again, I think this is one of the weaker arguments against political action. There is no law of nature that says a Libertarian candidate couldn't win. Victory is not impossible, just unlikely. The low probability of winning an election is not an insurmountable reason for abstaining from political action . . . providing, that is, that political victory could eventually lead to a free society.

3. *Natural rights.* The central anarchist argument against political action, and the first one, it seems to me, that is impossible to refute, is that of "natural rights." As stated in

the Declaration of Independence, all men are created equal and are *endowed by their creator with certain unalienable rights*, including life, liberty, and the pursuit of happiness. If each person has a natural right to his body and property, then another individual cannot have a right to aggress against him. In a political democracy or republic, voting appoints a candidate to be your agent and implicitly sanctions him to aggress against others in the community. It is equivalent to saying that you have the right to give A permission to aggress against B. The anarchist argues that no individual, including you, has the right to give anyone else permission to aggress. According to the natural rights hypothesis, voting is an immoral act.

Before I go on, I should say that I don't harbor the illusion that nature granted any special rights to human beings. The most that nature granted each of us was life. Moral is a word we use to signify an action that is right or good, immoral an action that is wrong or bad. Aggression is not wrong for the reason that it violates some natural right; it is wrong because every act of aggression diminishes productivity, prosperity, peace, and progress, thus diminishing the well-being of mankind. Whether a person believes in the doctrine of natural rights or not, voting remains an immoral act.

The would-be voter, in a fall-back defense of voting, argues that he is not voting for just anyone, he is voting for Harry Browne. You're ready to swear that you'll never, never use the gun of political power against anyone, but are seeking that gun only in an attempt to destroy it once you hold it in your hands. If the other candidate wins, he may aggress, but you will not.

You and your voters know that the office carries with it — by law, by the Constitution, and by tradition — the power to aggress. Each voter admits he knows the authority exists and delegates it to the individual for whom he votes. The voter implicitly agrees that whoever wins the election is entitled to those powers — the power to regulate, the power to tax, the power to imprison, and the power to kill. If you are elected, you'll be required to swear an oath to carry out the duties of the presidency and uphold the law, as specified in the Constitution. You and the voter don't set the contract, but your participation is your agreement to abide by its rules. You condone the existence and authority of the office by the very act of entering the race and entering the voting booth, so you must therefore be responsible for acts of aggression performed by *whoever wins the election*. Where on the ballot is there a box that you can check saying you do not agree that the person elected should be given the powers of the office? Where on the ballot can you withhold the authorization for some or all of the powers that are attached to the office? Where on the ballot is there a box to check denying personal responsibility for the acts of any of the candidates once they are in office? *If an appointed agent acts within the boundaries of the office to which he is appointed, every individual participating in appointing an agent to that office is responsible for the acts of any agent appointed to that office.* The voter is not absolved of his responsibility simply because his candidate didn't win. In truth, what is missing from any ballot, and which should be printed on it, is the entire Constitution and body of laws setting down in detail the duty and powers of the office being voted on, as well as the place to check of the person you want to fill the office. It would then become crystal-clear that

every voter endorses the office, and is thereby responsible for the acts of whoever wins the election.

In response to the moral argument, your campaign manager, Michael Cloud, asked me: "If libertarian politics were an act of self-defense, would you consider it morally acceptable?"

In order to understand the implications of this position, burrow down to the basic principle on which the question rests. Political action is a synonym for aggression, and the term "libertarian politics," therefore, is an oxymoron. Substitute "aggression" for "politics" and he's really asking, "If aggression were an act of self-defense, would it be moral?" Well, something can't simultaneously be moral and not moral. The proper question is, "am I justified in aggressing against B in order to defend myself from aggression by A?" While aggression in the name of self-defense is widely accepted, I'm not certain Michael or you would be comfortable absolving yourself of guilt in this way. If you are threatened by a lion, are you justified in throwing me to the lion in order to save yourself? What if the lion is about to attack our group? Can individuals in the group vote to throw you to the lion and claim that it's an act of self-defense? If a mugger tells you he's stealing your money to defend himself against his neighbor, or hunger, or illness, does that make his aggression morally acceptable?

Of course, aggression in the name of self-defense is politically correct. In the Civil War, the North claimed that it was fighting to free the slaves, that the battle was in defense of the slaves' rights. In Sherman's famous march through Georgia, his soldiers left a swath of death and destruction, destroying crops, burning homes and killing civilians. Sherman himself acknowledged that only 20% of the destruction inflicted by his invasion was inflicted on military objectives. Civilian non-combatants, essentially innocents, suffered 80% of the losses. Was this self-defense? The Allies in World War II claimed to be acting in self-defense against Hitler. The saturation bombing of German cities, where there were no military bases, killed hundreds of thousands of innocent German civilians — men, women, and children. Would you or I have considered such actions morally justified?

By definition, any attack on the life, property, or freedom of an innocent third party is aggression. It does not become right or moral simply because it is carried out while acting in self-defense. Voting does not become moral simply because the voter declares that he is acting in self-defense.

In summary, according to my reading of morality, the voter can't deny responsibility for the acts of elected officials, nor can he deny being an aggressor because he appointed them in self-defense. Just as much as those who voted for Hitler share in the guilt of his atrocities, voters in

the Allied nations share the responsibility for the deaths of the innocent civilians who died in the bombing of Dresden. Those who voted in the Clinton/Bush election have permanently stained their hands with the blood of the families who died in Waco. Those who vote in the next presidential election will share responsibility for the theft, coercion, and destruction the next administration will wreak on all Americans as well as on innocent people around the world who fall victim to American intervention. Every person in the lynch mob is as guilty as the person who pulls the rope. Since a voter appoints an agent and empowers that agent to aggress against others, the act of voting is immoral. It is wrong.

Unfortunately, for the majority, including the majority of libertarians, the moral argument is often brushed aside. Just as the preacher's sermon fails to make all in his congregation honest, moral suasion consistently fails to deter some libertarians from endorsing coercion as a defense against coercion. It's far too easy to believe that the end justifies the means — in just this one case, of course.

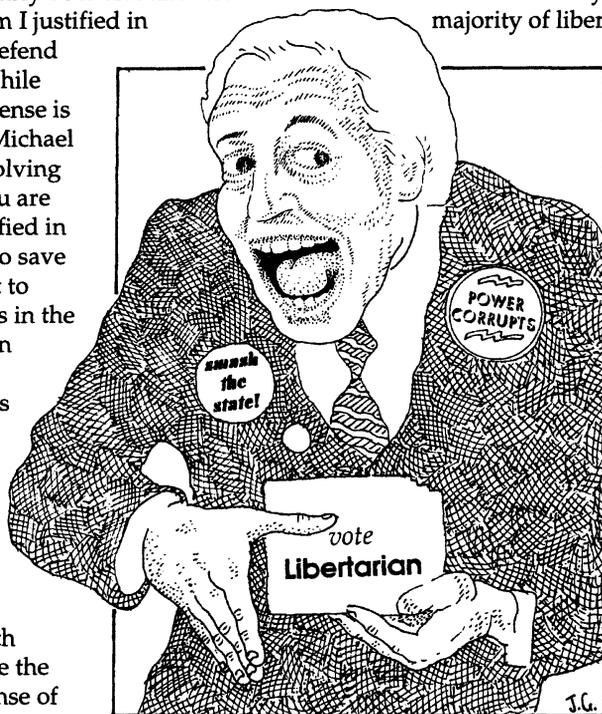
Political action to end political action is like drinking for temperance, being gluttonous to stop obesity, stealing to end theft, waging war to end wars.

4. *It doesn't work.* In spite of the moral arguments, your supporters may still argue that although it may be immoral to vote, if a minor violation of principle might result in a free world, it would be rational to vote. If it was possible to elect you to the presidency you would dramatically reduce the power of the state and the ends achieved

would justify the means. Even though it violates morality, even though political action may be wrong on some erudite, ideological, hoity-toity level, why don't we just give it a try? What do we have to lose? Maybe this time the country is ready to abandon government and all it needs is the right voice to lead it. Let's give it one more try.

The cry to give politics one more try reminds me of P.J. O'Rourke's book, *Give War A Chance*. Those who are swayed toward political action have forgotten that we have already given it a try. It has been tried for thousands of years in thousands of nations, in tens of thousands of elections and through hundreds of thousands of political parties and candidates. Even if political action only had one chance in 100,000 of resulting in a free nation, statistical probability alone would suggest that there would be at least one free nation today. Mankind has reached the brink of self-extinction giving politics a try.

Thus, the most obvious, and therefore most overlooked reason to eschew political action is that it simply doesn't work. All of political history can be summed up as a struggle to throw the bad guys out and put the good guys in. Just as Sisyphus was condemned to spend eternity in Hades rolling



a rock up a hill, only to have it roll down again, so the human race seems to be sentenced to spend forever trying to put the good guys in office only to find they turn bad once there. I'm sorry to say it, but when it comes to placing power in the hands of humans, there are no good guys. Which brings us to the next argument against political action.

5. *Human nature.* It hasn't yet occurred to most freedom-seekers that the reason political action hasn't succeeded is not a matter of bad luck, bad timing, or inarticulate candidates. The reason is that it *can't* work. No matter how many times you roll the dice, they will *never* come up thirteen. Let me explain exactly why political action must fail no matter how many times it is tried.

A principle is a fundamental truth derived from a natural law. As A.J. Galambos so clearly pointed out in his

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*You condone the existence and authority of the office by the very act of entering the race and entering the voting booth.*

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courses on volitional science, the proper means to reach any objective is to establish a set of first principles. Thus, scientists establish a set of principles that describe the basic mechanisms of physics and from this they design the devices to reach their objective. If an engineer wants to design an airplane, he first tries to understand the principles governing the nature of the materials involved. He then tries to design the plane according to those principles. If he violates one principle of physics, the plane will not fly.

Just as the principles of physics are determined by the nature of physical objects, the principles of human action are determined by the nature of man, a nature that has emerged over thousands of generations by natural selection. As sociobiologist Edward O. Wilson argues, "mankind viewed over many generations shares a single human nature. . . . Individual behavior, including seemingly altruistic acts bestowed on tribe and nation, are directed, sometimes very circuitously, toward the Darwinian advantage of the solitary human being and his closest relatives. The most elaborate forms of social organization, despite their outward appearance, serve ultimately as the vehicles of individual welfare" (*On Human Nature*, Harvard University Press, 1978, p. 50, 159). Simply put, individual man always acts in his own self-interest. At our core, we are programmed to be selfish, although we may not always be conscious of the fact.

The species exists because genes that impelled the individual toward personal survival were replicated more frequently, surviving more often than genes that impelled the individual toward unsuccessful behavior. Man's genetic programming requires that his actions be self-centered. Those species whose individual members cared more about others than about themselves are extinct. Man isn't bad or good because of his individual selfishness: he exists because of it. And this leads to a curious mistake made by most people.

When you talk to the average person about the advan-

tages of a stateless society, the quick retort is that such an idea is utopian; it would never work. Government is required to control man's selfish nature. But clearly, the truth is precisely the opposite.

Because of the selfish nature of man, it is utopian to give a human being authority over the lives and property of strangers and expect that person not to consider his or her own well-being first. Because he is genetically programmed to be self-interested, man cannot be given authority over another without taking advantage. The idea that a government composed of human beings would put the well-being of the population before its own well-being is utopian. Historians have completely rewritten history, making it appear that political leaders have acted in the interests of nations, rather than in their own, but you and I know that behind every law some politician or political supporter benefited. For individuals elected to positions of authority, acts of altruism are almost non-existent. Lord Acton's famous maxim, "Power tends to corrupt and absolute power corrupts absolutely," is merely an astute observation about the nature of man. We find the statement compelling because it so perfectly describes the history of state power.

The only way government *might* work would be if man were not selfish. If man suddenly changed and became completely altruistic, he would have to be forced to look out for his own self-interest. Then, perhaps, a coercive government would be essential to prevent the extinction of the species.

Political activists of all persuasions are uncomfortable when confronted with the corruptibility of anyone given political power. All candidates assure voters that they will never be corrupted by power. A few, such as yourself, Harry, have a reputation for adhering to principle. And perhaps, in this one case, you may be that exception among humans who

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*Political action is a synonym for aggression, and the term "libertarian politics," therefore, is an oxymoron. All political action ultimately enhances state power.*

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will not be corrupted in the slightest, no matter how many temptations are paraded before you, no matter how many "means-to-an-end" choices you are faced with. Even if you are not corrupted once in office, can you find hundreds more incorruptibles to populate the legislative and judicial branches? Can you find thousands of incorruptible appointees to staff the executive agencies? Even assuming you are incorruptible, and I believe you probably are, you must see that your candidacy will lend respectability and attract resources to the Libertarian Party, making it a more potent tool for your successors, who may not be so pure. Hasn't history proven that once a political mechanism is given life, it becomes a magnet for the corruptible?

6. *All political action ultimately enhances state power.* I have described the pragmatic arguments against political action. I have described the moral arguments against condoning the political process. I have touched on the scientific evidence

that indicates political action must fail because of the nature of man. Yet if you reject all of these arguments, there is still a compelling and over-riding reason to abandon political action.

On a practical and immediate level, political action is not only futile, it is not only immoral, it is not only bound to fail scientifically, *it is always destructive*. I once published "Pugsley's First Law of Government." It was: "All government programs accomplish the opposite of what they are designed to achieve." The same is true of political action. The libertarian's involvement in politics always will achieve

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*Those who voted in the Clinton/Bush election have permanently stained their hands with the blood of the families who died in Waco.*

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the opposite of the result intended. No matter who the candidate is, or what issues motivate him, political action will not reduce state power. It will enhance state power.

Consistently down through history, all efforts to put the "good guy" in power have resulted in more government, not less — even when the person elected was overwhelmingly elected to reduce the size of government. Let us not forget the mood in the United States when Ronald Reagan ran for president in 1980. Here was a popular hero, a man of the people, who rode into Washington on a white horse. His campaign was simple and directly to the point: government was too big, it was taxing too much, it was spending too much, it was strangling the economy with regulations, and it was no longer a servant of the people. His mandate from the American people was clear: balance the federal budget and reduce the size of the federal government.

Yet what was the result? In 1980 federal spending totaled \$613 billion. In 1988, at the end of his tenure, it totaled \$1,109 billion. In 1980 federal tax revenue was \$553 billion. In 1988 it was \$972 billion. Total government debt went from \$877 billion to \$2,661 billion. Then, to prove the ultimate futility of electing a white knight, the electorate decided that the government wasn't doing enough, so it put a liberal Democrat in office. All of the rhetoric of the Reagan campaign is forgotten. All of the public anger over the bureaucracy is forgotten.

Government is bigger than ever.

Political action will solve the problem? In some other universe, perhaps.

Harry, when you, who have earned respect and admiration in your own field, announce that you will seize the standard of liberty and lead us to freedom through the ballot box, you convince thousands of honest, desperate individuals that politics is respectable, that voting is the answer to

change, and that political action can be a mechanism to dismantle the state. Your brand name, earned through providing positive products to the free market, gives a patina of respect to the very system of coercion and force that has enslaved the people. Your participation in the political process does not convince people that the process is wrong; it makes people believe that the right leader could be the answer to a perfect society.

Meanwhile, I fear that your support of political action plays right into the hands of the constituencies that nurture and feed on state power. Businesses that gain market share through regulations, laws, and subsidies; trade unions that depend for survival on coercive labor laws; entitlement recipients who demand their subsidies; welfare recipients; government employees — all are absolutely dependent on the survival of the myth that "you must get out and vote." In the end there will always be more votes for subsidy than votes against taxes. There will always be more people struggling to get up to the feeding trough than there will be people determined to keep them away. That is simply human nature. Encouraging individuals to vote strengthens the institution of voting. It violates the principle of human nature. It violates the principle of morality. It violates the principle of justice. Encouraging people to vote encourages them to abandon, to moderate their principles. And as Thomas Paine said in *The Rights of Man*, "Moderation in principle is always a vice."

Nor does history support your hypothesis that electoral politics might lead to a freer society. There is no case on record that I am aware of where electoral politics has reduced the size and scope of government in a fundamental or lasting sense. However, fundamental shifts have come on heels of trauma. Wars, depressions, or the outright failure of the state have, on occasion, led to fundamental changes. The destruction caused by governments through economic policies has caused their collapse and a necessary turn toward

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freer markets, as has been the case with the Communist nations in recent years. But none of these changes can be traced to electoral politics. The best that can be claimed for political action are small retrenchments of government intrusion, such as happened under Margaret Thatcher in England or in recent years in New Zealand. But inevitably, the relief is brief and has never resulted in a continuing erosion of state power. Electoral politics has never succeeded in achieving a free society. So, to all of the other arguments against political action, you can add the evidence of history.

In the end, no matter how forceful, how principled, or how scientific the arguments presented, you and many of your

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*There may be places in the world where you can live in greater freedom than in the U.S. Find them. Vote with your feet.*

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followers may say, "Principle and reason be hanged, we have to do something!" You can argue that we can't just stand helplessly by and let the politicians have their way with us. Even if it is immoral, even if it is contrary to man's nature, even if in the long run it is counterproductive, and even if there is no evidence that political action has ever been productive, *we have to do something*. After all, "the only thing necessary for the triumph of evil is for good men to do nothing."

This idea that "something must be done" is a disaster. History is replete with instances in which well-meaning people who didn't understand the nature of the thing that was hurting them, but were intent on doing something, turned their discomfort into catastrophe. In past centuries, doctors, ignorant of causes of many ailments, but wanting to do something for their patients, commonly bled them, making a sick patient even sicker. Obstetricians in the mid-nineteenth century, not understanding the cause of "puerperal fever" but eager to do something to stop the fatal disease, gave unsanitary pelvic examinations that spread death from patient to patient. In order to avoid doing nothing they were doing something: they were bringing death. When the Black Plague swept Europe in the fourteenth century, people didn't understand the cause, but they wanted to do something. They killed cats. They burned witches. The flagellants beat themselves and each other with sticks and chains to atone for their sins. Was "doing something" to fight the plague better than nothing?

The first rule of medicine, as Hippocrates said, is "do no

harm." Unless you know that the action you are undertaking is *right* you're much better off doing absolutely nothing.

Fortunately, doing nothing is far from the only alternative to political action. What positive steps can we take? The energy that is now expended by well-intentioned, freedom-seeking individuals on the destructive course of politics can be turned into powerful steps that will have a positive effect on the future. All are moral, right, and just. None require aggressing against your neighbor. None require you to abandon principle. Consider the following.

1. *Improve yourself.* Perhaps the single most important thing a person can do before he sets out to improve others is to improve himself. Become a model citizen. Don't use government to attack your neighbor, even if you don't like his dog or the color of his house or the color of his skin. If you want to stop others from aggressing through the political process, start by excising from your own life all vestiges of comfort and support for political aggression.

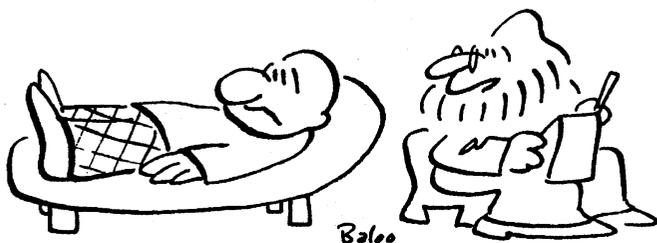
2. *Stop subsidizing your enemy.* Stop loaning the government money. Stop thinking you're profiting by getting a safer return. You wouldn't loan money to your local car thief to see him through a dry spell. Why would you loan it to the thugs in Washington or Sacramento? Moreover, point out to others that buying T-bills is supporting the muggers and mass murderers in Washington. Pull the drapes back and expose these criminals to the light of day.

3. *Stop doing business with your enemy.* Don't provide products to the government. Don't accept government contracts. Don't do business with government employees. Don't cash government checks — with the possible exception of tax refunds. If you're in business, don't cash them for your customers. Don't take government money. Don't take government subsidies. Don't be a willing, eager beneficiary of political theft.

4. *Stop doing business with people who support your enemy.* Boycott businesses that live on government contracts. Boycott those who lobby for protective legislation. Tell them you don't approve of them stealing from you through the state.

5. *Support private alternatives to government services.* Wherever you can use a private service instead of a government service, use it. Use faxes instead of the Post Office. Use private libraries instead of public ones. Use private schools instead of public schools.

6. *Create parallel mechanisms to replace government functions.* A positive step for society is to show that private enterprise is the correct alternative to government monopolies. By creating Federal Express, Fred Smith did more to reveal the insanity of a government mail monopoly than all of the free-market politicians who have ever argued for private mail service on the floors of Congress. Most individuals will never understand that all services are best provided by the free market. They do not need to understand the philosophical or intellectual basis for this truth. All they need to do is be given the opportunity to use one or the other. Most of the people who use Federal Express don't understand that it is superior to the government service because it is operated for a profit and not by coercion. They just know it works. Spend your creative energies developing products that compete with government. Put it out of business by offering consu-



"You trust politicians? — You're a very sick man!"

mers a better product. Think of all of the things we are told government must do. Develop better home, neighborhood, and personal defense services, better consumer protection ideas, safer money, more secure retirement plans, better educational opportunities. With the government absorbing more and more of the private sector, the opportunities for successful private competition are exploding.

7. *Expose the enemy among us.* Instead of talking your neighbors into voting, spend your energy explaining why the political process is their enemy. Talk to centers of influence. Identify the real culprit as the individual who promotes bigger government by secretly lobbying for subsidy or privilege. Expose the businessman who is lobbying for a protective tariff, the defense contractor lobbying for tax dollars, the individual seeking government handouts. Call them what they are, moochers and thieves. Embarrass them. Shame them.

8. *Master the issues.* Libertarians should master the issues and learn to communicate so they can explain and persuade others. You, Harry, are the acknowledged master. You have developed simplicity of example and persuasion to an art form. Teach others how to confront the irrational arguments of government advocates.

9. *Have the moral courage to confront others.* When somebody makes a statement like, "I'm not in favor of government medicine, but we do have to do something to help the poor," or "Even if there are abuses, legalizing drugs is not a serious alternative — we have to enforce the drug laws," libertarians should never sanction such statist propaganda by silence.

10. *Get involved in campaigns designed to enlighten and engage the public.* Speak out against victimless crimes. Support organizations such as the National Taxpayers Union, Amnesty International, the Fully Informed Jury Association, and Families Against Mandatory Minimums. Work with groups that are working against regulations. Put pressure on those who are supporting government intrusion. But don't get involved in electoral politics. Don't fight crime by becoming a criminal.

11. *Engage in civil disobedience if you are prepared for the consequences.* Henry David Thoreau went to jail for refusing to pay a small poll tax. He believed that civil disobedience was a moral obligation. His view of political action as a means of changing government was succinctly stated in his tract, "On the Duty of Civil Disobedience": "How does it become a man to behave toward this American government today? I answer that he cannot without disgrace be associated with it."

12. *Find ways to avoid taxes.* Cut every corner. Make life miserable for a tax collector. Consider using trusts, foundations, tax-deferred investments, and offshore charities. Your success will be emulated by others, and every dollar denied a thief makes him that much more likely to find another line of work.

13. *Pamphleteer.* Follow the noble lead of Thomas Paine and Lysander Spooner. Tell it like it is. Inundate the talk shows, newspapers, and magazines with rational arguments against government. Let other people who are fed up with Big Brother know they are not alone. But show them there is another way than voting.

14. *Write free-market novels and produce free-market movies.* Support companies and individuals that bring a positive message to the audience. *Atlas Shrugged* may have had more influence on the direction of freedom today than all the libertarian political activity since it was written.

15. *Consider becoming an expatriate.* Stop falling for the ridiculous cultural blather that says, "My country, right or wrong." Just because you're born at a place controlled by a particular group of politicians doesn't mean they are right.

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*Political action to end political action is like drinking for temperance, being gluttonous to stop obesity, stealing to end theft, waging war to end wars.*

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There may be places in the world where you can live in greater freedom than in the U.S. Find them. Vote with your feet.

Basically, look for solutions that don't violate your principles. Design the system to be fully compatible with the laws of human nature. Don't think you can work around them.

Finally, Harry, I would hope that you, Doug Casey, Mark Skousen, Bill Bradford, Bob Prechter, and all the other writers of our group return to the principles of free-market economics as outlined in the works of such giants as Adam Smith and Ludwig von Mises. The central theme of our economic philosophy is that the "invisible hand" of the marketplace — the individual efforts of independently acting people — creates progress and plenty; and that any attempt to "organize" and "centrally plan" economic activity subverts progress and eventually leads to tyranny.

Political action is built on exactly the same false premise as that of a centrally-planned economy: i.e., that an organized group of political activists engaged in a planned group effort can build freedom more rapidly or better than the individual efforts of independently acting people. The positive actions listed above are merely the top-of-mind suggestions of a few thinkers. They are only the obvious steps. But if all of the energies now being expended on political action by libertarians around the world were focused instead on finding individual solutions, we would marvel at the ideas and mechanisms that would be bound to evolve.

Harry, I am acutely aware that you understood all of the arguments against government that I have brought up in this letter long before I had heard of them. It was your teaching that helped lead me to many of these conclusions. I laud you, our mutual friends, and all of those libertarians who are willing to go to the political barricades in defense of freedom. I recognize your sincerity and respect your integrity. However, I implore you all to reconsider. Let us gather around the single, unifying principle set down so clearly by the great founding fathers of Austrian economics. Let us have the courage of our convictions and leave the design and construction of freedom to the invisible hand.

Sincerely and in friendship,  
Jack

## Criticism

# Anti-Politics in Action

*by Robert Prechter*

Dear Jack:

You are right to point out that in the past, Harry Browne has "consistently argued the futility of political action." And I agree that taking political action to meet social goals is immoral, and that human nature dictates that such action is futile.

But Harry Browne's presidential campaign is not a "political action" in the sense that you use the term. Harry's stated goal is to *eliminate*, to the greatest degree possible, political action. Harry is engaged in the opposite of political action; he is fundamentally anti-political and anti-coercive.

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*If I can support NORML's efforts to lobby Congress, why can't I support a Libertarian president's efforts to lobby Congress?*

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So it is perfectly moral for Harry to run for office and for people to vote for him.

Ah, you say, but voting grants politicians the right to aggress against others. Not necessarily. Nowhere on a ballot is there a little box that reads, "By voting, you are supporting the state's coercion." Politicians will coerce whether or not you or I vote. At least, by voting for Harry, we can vote to *remove* aggression against others. This is not immoral. It is profoundly moral. (Your argument that anyone newly in office must swear to uphold the laws as specified in the Constitution, and therefore is agreeing to aggression, is seductive. But it overlooks the fact that the Constitution includes methods for changing and even abolishing the government, and is therefore not an inviolable statist document.)

I don't think you've thought through the implications of your stance. If any act that attempts to influence the state is a political action — and, thus, unethical — you wind up prohibiting almost every possible form of libertarian activism. To Thomas Jefferson, Benjamin Franklin, James Madison, and Patrick Henry, you would have had to say, "Don't do any-

thing at all." With that approach, King George would have continued to run America. In 1917, had you been a citizen of Russia, you would have said, "Do nothing to kick out these new Communists. It will only sanction government." Your progeny may not have forgiven you for such a stance.

I'm not sure you would be willing to go this far, even though your argument demands you do so. After all, you do urge people to support such groups as the National Taxpayers Union, Amnesty International, and the Fully Informed Jury Association — organizations whose entire mandate is to attempt to influence government. If electing a candidate who wants to eliminate government coercion is sanctioning the state, then certainly supporting these institutions is, too. If I can support NORML's efforts to lobby Congress, why can't I support a Libertarian president's efforts to do the same?

Your next suggestion, to eliminate taxes by using trust foundations, tax-deferred investments, etc., is a complete surrender to the coercive apparatus that government has erected. It is not a drive to eliminate that structure; it is a sanction of it by living quietly within it. Ultimately, this tactic will fail anyway, because it places funds in identifiable places that the government can later seize at will.

And your final suggestion — "Consider becoming an expatriate" — simply means to sanction some other government. This approach, while occasionally necessary, is hardly prudent as a policy. It announces to any political thug, "Come on in and take whatever you like. We freedom-loving people will simply get up and leave" (if there's any place left to go). It is both cowardly and counterproductive.

If a pro-freedom party were to win an election, that would send government a harsh message: that it no longer has the sanction of the majority. And even if we never win at the ballot box, each electoral effort will demonstrate to young people that the drive for freedom is alive. That way, when the next depression or crisis comes, at least some of them will know that there is an alternative.

Sincerely,  
Bob

## Defense

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# Lighten Up, Jack

by Douglas Casey

Politics is a dirty business, but somebody has to undo it.

Well, it would seem I have some explaining to do. Since Harry declared he covets the ignominious and despicable post of president of these United States, I've not only given him the maximum allowable contribution (\$1,000), but have made it my business to get everyone else to do so as well. Naturally, the question arises: How can an avowed anarchist (me) justify aiding and abetting another avowed anarchist (Harry) in a quest for the presidency? Well, a quick answer would be to ask how an anarchist can support anyone but another anarchist for president; certainly, Harry is the only person I've ever supported for that office.

I'm sure Harry will have his own rebuttal of the points Jack makes. I can only speak for myself.

First, let me say that I agree with absolutely everything Jack says in his excellent letter. So it's pretty tough for me to justify this whole adventure; the most I can do is rationalize it. So I'll explain why I'm supporting Harry, even though I suspect little of it will hold water with Jack. At least then Jack won't be able to say "I wonder what the devil is going on in Casey's head, raising money for a political campaign." There are at least six good rationalizations I can come up with.

**It seemed like a good idea at the time.**

Years ago, Harry and I discovered we were both fans not only of the movie *The Magnificent Seven*, but of a particular scene in it where, as I recall, after the Seven realize they're in a real jackpot, the Ricky Nelson character says to the James Coburn character, "You know, I always thought you were a pretty smart guy. What in hell are you doing here?" To which the Coburn character responds, "Well, it seemed like a good idea at the time."

Well, I may come to regret this (and so may Harry). Maybe Holy Mother of the Church was right, and my soul will suffer the eternal fires for having done such a Bad Thing.

**You gotta fill those idle moments somehow.**

I've known Harry for close to 20 years; he's always been a fairly private person. My guess (and I haven't asked him, so this is just conjecture) is that he's up for something besides writing his newsletter and an occasional book. Har-

ry's something of a Renaissance man at heart, and probably feels the need to be known as something other than a writer and thinker. Sure, he could finish his long-awaited book on opera, but that's just going to keep him indoors and up late. I think maybe Harry feels like he needs something new and different to divert himself, and locked onto this simply because it has the prospect of being so very interesting.

I support this because I tend to support anything that buoys my friends' spirits, or amuses them, just on general principle. Yes, yes, I can hear Jack muttering, "Would you support Harry if he thought becoming an axe murderer

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*The American people have bought practically every cockamamie scheme that every political charlatan has ever come up with in the past. Why shouldn't they buy from us too?*

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would make him happy?" Well, let's leave that question for another essay.

**Patience my ass.**

My favorite piece of poster art shows two buzzards on a withered tree in the desert. One buzzard says to the other: "Patience my ass, I'm gonna kill something." Jack makes the point that we have to win the hearts and minds of the *hoi polloi* by education and such. I certainly do my part, but perhaps I'm a bit of a Leninist at heart. I believe a real libertarian revolution is inevitable, but I'd also like to see it in my lifetime.

I support Harry for president because it may speed up and alter the process of evolution. If evolution is sped up enough, you can put the letter R in front of it.

**Revolution for the hell of it.**

In his open letter, Jack lists 15 ways to change the political world for the better without resorting to actual politics. There is, however, one he left out, although I can assure you he's aware of it, and it's on his mind. That is revolution. You can't

talk about it much, or you might get a surprise visit from some guys in dark glasses, cheap suits, and wires growing out of their ears. Which is, of course, one reason why it's on people's minds. I believe the U.S. is starting to look like France in the mid-1770s, or Russia in the early twentieth century. Or even itself in the 1760s. The pot is likely to boil over in the years to come. It's increasingly desirable, and probably inevitable, even if not imminent.

In an environment like this, revolutionary libertarian ideas presented in the way Harry can present them could have a powerful and salubrious influence. Maybe they'll touch a match to the powder keg.

True, revolutions entail a degree of unpleasantness and inconvenience. But so does filling out a tax form every April 15.

#### The thrill of victory.

I'm a big fan of science fiction. There's plenty of evidence that the speculations you'll find in its pages come a lot closer to predicting the future than the output of a thousand work-infested think tanks. And they're a hell of a lot more fun to read.

In his classic *The Moon Is a Harsh Mistress*, Robert Heinlein describes a revolution on the moon. A friendly super-computer calculates the odds of the rebels' success as the plot hatches. It starts out at a million to one against success, but as the rebels do various things, the odds keep dropping, until it's a one-to-one shot.

Harry is about as good a spokesman as I can imagine for a libertarian point of view. The American people have bought practically every cockamamie scheme that every political charlatan has ever come up with in the past. Why shouldn't they buy from us too? Maybe Harry's actually right in believing we can win. Maybe we'll get lucky; maybe the odds of a libertarian revolution here will start dropping fast. Sure, that's no moral argument. But the thrill of victory doesn't relate to morality.

#### Who cares? Let's just see if we can raise some hell.

Now, as I already acknowledged, nothing can serve to make involvement in the political sphere any more "right." But politics is not now, nor will it ever be, an intellectual or moral arena — and all Jack's arguments are intellectual and moral. Politics is a creature of emotion; the human animal largely disregards moral and intellectual arguments when it comes to politics. Stuff like love and loyalty are there, to be sure. But its main ingredients are the capital sins and assorted minor vices like glee, revenge, antagonism, and a general blood lust. Philosophy gets trampled in that stampede.

Being involved in a political campaign is not unlike being on an attack helicopter swooping down on an enemy village to the strains of the *Ride of the Valkyries*. Not everybody is Mother Theresa. And I'm not even sure *she's* a libertarian.

Finally, you might ask, is there something personal in all this for me? Isn't it true that the only reason anyone ever really supports a political candidate is that he hopes to share in the loot? Well, of course. Let me disclose what my payoff is. I believe I might convince Harry to do two things when he's president.

First, I want him to replace "The Star-Spangled Banner" with a song both more melodic and more in keeping with the spirit of the times. My choices are "On the Border" by Al Stewart and "Street-Fighting Man" by the Rolling Stones. (Listen to the lyrics, and see whether you think I'm kidding.)

The other is to be appointed chief of the Secret Police. Because if Harry is ever elected, the powers of darkness will go totally berserk, and we might need one. (Okay, this time I *am* kidding.)

So, in conclusion, although I do agree with everything Jack has said, that doesn't mean there aren't some appealing reasons to support Harry for president. There are many paths up the mountain; let a thousand flowers bloom.

I just hope Harry doesn't disavow my support after reading this. □

# The Future is Now!



*The Politics of Liberty* — Are you tired of living in an unfree world? The statists have their backs to the wall, says **Harry Browne**. Libertarians have an historic opportunity to roll back the state, he argues. If you've never heard Harry Browne speak, here is your opportunity to see one of libertarianism's most articulate spokesmen in action!

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# Sinful Taxes

by Roy Cordato

Live fast, die young, and send a big check to Uncle Sam.

“Sin taxes” — excises on alcohol and tobacco — have again become popular with policymakers. Plans for such taxes are embedded in several current proposals for health care reform, and are often proffered as reforms in themselves. Pass them, the reformers say, and Americans’ health will improve; pass them, and health care costs will go down. Pass them. They’ll work wonders.

In this atmosphere, it is rank heresy to assert that these taxes do little good and much ill. But that is precisely the case. Sin taxes undermine economic efficiency, individual liberty, and the democratic process.

In a free market unencumbered by taxes, prices capture information about consumer preferences and the cost of production. The relative prices of goods and services bring consumers’ decisions into accord with resource scarcities, which in turn encourages sellers to adjust their output to be consistent with consumer preferences.

Economists usually argue that tax policy should strive to be “neutral” with respect to this process. Taxes, we say, should exert as little influence as possible on the relative costs and benefits of different activities — and, thus, on relative prices. (There is no such thing as a truly neutral tax, of course. All taxes influence decision-making. This doesn’t imply, though, that all taxes are equally non-neutral.)

Excise taxes alter relative prices in order to penalize a particular activity,

driving a wedge between the amount a seller receives for his product and the amount the consumer pays. The price the consumer faces in the marketplace is greater, by the amount of the tax, than the amount the seller receives when the good is purchased. Ultimately, the quantity of the good is less than the amount most consistent with actual conditions of demand and scarcity.

The distortion doesn’t stop there. Activities associated with production of the taxed good are also scaled back. A typical example of this followed the 1990 budget agreement, when new taxes on large recreational boats led to major cutbacks in the yacht-building industry. Many workers whose livelihood depended on production of the “luxury good” were laid off.

Further economic damage can result if the item being taxed is used in other production processes. Consider the effects of excises on cigarettes and on gasoline. Both generate inefficiencies in their particular markets and industries, but the gasoline tax also increases production costs throughout the economy, because motor fuel is necessary for producing a wide

array of goods.

Excise taxes also hurt the democratic process. Taxation should inform the electorate how much their government is costing them. But the actual amount of most excise taxes is hidden in the prices people pay; few consumers are aware how much the tax is, or even that the price includes a tax.

## The Problematic Panacea

In general, economists don’t dispute that excise taxes cannot be justified on economic grounds. But there is one exception: the “social costs” argument. Burning fuels causes air pollution, a cost borne by people other than the ones burning the fuel. Traditional welfare economics calls for an excise tax on the use of such fuel to force the market to “internalize” these social costs. Thus, the argument goes, an excise on carbon or gasoline can help solve both environmental and budgetary problems while promoting overall economic efficiency.\*

The case for sin taxes is similar.

\* For a criticism of the case for pollution taxes, see Roy Cordato, “Excises, Social Costs,

Advocates argue that the use of alcohol and tobacco generates costs that are not borne by consumers or producers of those goods, falling instead on the shoulders of the medical industry, purchasers of health care and health insurance, and taxpayers (the government being the single largest payer of medical bills). Thus, the argument goes, sin taxes should be used to pay the costs associated with health care reform. In this context, cigarette taxes of as high as \$2.00 a pack have been proposed. Some argue for new sin taxes even in the absence of comprehensive medical reform, simply because, by reducing smoking and drinking, they would reduce the costs borne by society.

But even if the sin-taxers are right about the social costs of drinking and smoking, alcohol and tobacco are goods that people voluntarily choose to consume, implying that they derive satisfaction from them. Any tax on these products reduces not just social costs, but also the benefits these consumers enjoy. Sin-taxers need to demonstrate that the advantages of reducing the former will outweigh the costs of losing the latter.

This cannot be done. The benefits people derive from smoking and drinking are personal, subjectively experienced, unobservable, and, therefore, unmeasurable. No comparison between these benefits and the alleged social costs is even conceptually possible. Claims that society is made "better off" by excise taxes on cigarettes and alcohol can have no meaningful economic validity.

In addition, the social costs cited are too narrowly defined and are often under scientific dispute. For example, while there is ample evidence that excessive drinking has negative consequences, there is also considerable evidence that consuming red wine is correlated with reduced risk of heart disease. Similarly, the argument that second-hand smoke increases the risk of lung cancer is heavily disputed.

More significantly, even undisputed risks — the connection between smoking and cancer, for example — do not necessarily impose burdensome

costs on the health care system. There is no way to determine if, on net, social costs exist.

Here's why. The sin-taxers argue that smokers have more health problems than non-smokers. This in turn increases overall demand for medical services, driving up health costs for everyone. Additional excises on cigarettes would force smokers to pay these additional costs.

But viewed over a lifetime, it is not at all clear whether smokers actually

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*The benefits people derive from smoking and drinking are personal, subjectively experienced, unobservable, and, therefore, unmeasurable.*

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incur greater medical expenses. More likely, smoking simply transfers costs from later to earlier years in life. If smokers indeed have shorter life expectancies, as is typically argued, they would require fewer "old age" services — long-term care, nursing home care, etc. They would also collect less in Social Security, and would incur fewer Medicare costs. These savings must be factored into any calculation of the social cost of smoking. Yet they never are.

And what if smokers *do* raise the price of others' medical services? Even that would not justify a tax. The price of every good and service is affected unevenly by different consumers. No two individuals are likely to demand any product to exactly the same extent. The taxers' tortured logic could be used to justify taxing anyone with a greater-than-average demand for anything. Those who play golf three times a week contribute more to the overall demand for golf courses than those who play three times a year, thus raising the cost of golfing. Should they be taxed to subsidize occasional golfers?

Another social cost allegedly generated by smoking and drinking involves lost productivity. It is argued that smokers and heavy drinkers take more sick leave from work, and therefore contribute less to society's

economic well-being.

But why should this require a tax? If there really is an egregious cost here, it should be reflected by wage rates. To the extent that someone has a relatively low level of productivity, he or she should expect to receive less compensation. And if employers were allowed to take drinking and smoking into consideration when making personnel decisions, it would be harder for such workers to find employment — assuming that smokers and drinkers are indeed less productive.

The government is currently preventing labor markets from responding efficiently in this regard. Under the Americans with Disabilities Act, the fact that someone has had problems with alcohol or other drugs in the past cannot be considered in hiring, firing, and wage-setting decisions. Current proposals for "community-based rating" would prevent health insurers from considering personal behavior in determining rates, further socializing what would otherwise be private costs.

### The Bottom Line

All the talk of social costs boils down to little more than a smoke-screen for a tax grab — yet more money for a government that apparently sees no economic or moral limits to what it can extract from the private sector. With antagonism toward drinking and smoking on the rise, people who indulge in those activities have become politically acceptable targets for punitive taxation. Smokers in particular are an unorganized minority whose decision to smoke is generally regarded as somewhat masochistic. Politicians never fail to notice opportunities for new revenues to support new programs — in this case, a costly takeover of the medical industry — and are anxious to exploit the smokers' social and political powerlessness.

The result is a small but real tyranny. Besides their unpleasant economic consequences, sin taxes are similar to other excises in another respect: their intent and effect is to control citizens' private behavior. Such social engineering subverts individual liberty.

In what purports to be a free society, sin taxes should be opposed on that ground alone. □

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and the Myth of Efficient Taxation: The Case of Carbon Taxes," *IRET Policy Bulletin* #56, July 3, 1992.

# Reviews

*Happy Days Were Here Again: Reflections of a Libertarian Journalist*, by William F. Buckley, Jr. Random House, 1993, 473 pp., \$25.00.  
*United States: Essays, 1952–1992*, by Gore Vidal. Random House, 1993, 1,295 pp., \$37.50.

## American Spleen

Brian Doherty

For most people on the Right, expressing affection for Gore Vidal is akin to declaring that you find that darn Mao Zedong a puckishly charming character. Some conservatives accuse Vidal of anti-Semitism, because of his strongly expressed disapproval of Israeli state terror and Israel's mooching off the United States. Others denounce his readiness to criticize his country's government harshly — especially while spending most of the time in Italy. But I suspect that the Right's hatred and contempt for Vidal stems mostly, to borrow R. Emmett Tyrell's awful neologism, from the Right's "Kultursmog": a received opinion whose very lack of considered thought makes it seem all the more necessarily true.

As an adolescent quasi-right-winger, I formed an opinion of Vidal, before I read him, from the frequent denunciations of him in *National Review*. Indeed, I've come to suspect that the ultimate root of conservatives' hatred of Vidal is *National Review* founder William F. Buckley's personal contretemps with him, so vividly displayed during ABC's coverage of the 1968 political conventions in Miami Beach and Chicago.

Vidal did not comport himself well during these exchanges, pricking Buck-

ley with subtle insinuations of homosexuality and casual accusations of Nazism. I don't know whether he acted sincerely or merely out of a puckish desire to raise Buckley's ire. He certainly succeeded in the latter: Buckley called him a queer and threatened to "sock him in the goddamn face" — hardly a picture of conservative civilized virtue, a role Buckley's chosen public persona generally forces him to play.

Vidal is largely free from such constraints. This makes him a far more engaging and rewarding writer than Buckley. Vidal's most obvious virtues are his biting and hilarious irony and wit. The virtues of fitting into a prescribed range of acceptable opinions have never occurred to Vidal; he is entertaining and provocative in direct relation to how far he ventures from the range of prescribed opinion. He writes of "this great land of ours where the price of freedom is eternal discretion," but he never has taken this lesson to heart. In the vernacular, he is a "crank," and of such American public life never has enough — or, at least, never enough who write so well.

To dismiss Vidal for his occasional intemperate opinion is to value political correctness over intelligence, piety over vividness, and propriety over wit. Anyone who reads, to give one example, Vidal's essay on Orson Welles and fails to

be charmed and impressed by Vidal's sensibility and imagination bears a crabbed soul indeed.

The essay's conclusion is a masterpiece of humor, tenderness, and surrealism:

I have a recurring fantasy that if one were to dial the telephone number of someone in the past, one would hear again a familiar voice, and time would instantly rewind from now to then. I still have Orson's telephone number in my book (213-851-8455). Do I dare ring him and talk to him back in 1982, where he is busy trying to convince Jack Nicholson to play Pellarin for two not four million dollars? Should I tell him he'll not get the picture made? No. That would be too harsh. I'll pretend that I have somehow got a copy of it, and that I think it marvelous though perhaps the handkerchief was, from so prudish a master, a bit much? Even incredible.

"Incredible?" The voice booms in my ear. "How could it be incredible when I stole it from Othello? But now I have a real treat for you. Standing here is your neighbor . . . Rudy [Vallee]! Overcome that 'quiet reserve of shyness.' Sing."

From out of the past, I hear "My time is your time," in that reedy, highly imitable voice. The after-life's only a dial tone away. "What makes you think this is the after-life?" Orson chuckles. "This is a recording." Stop story here.

Buckley, too, rarely disappoints, once one learns what to expect from him: tortuous expressions of predictable establishment conservative bromides (with a handful of brave exceptions such as drug legalization, where he and Vidal are in precise agreement) with occasional tangents into the ill-considered prerogatives of institutionalized celebrity. Appreciators of *National Review* as a bazaar of the bizarre are surely still perplexed by such classics as his book-length, inconclusive perorations on the possible anti-Semitism of

various friends and associates and, of course, the demon Vidal. Buckley has also had free range to essay at length the joys of obscenely expensive wrist-watches, and his senescent Catholic musings on his pilgrimage to Lourdes.

The most absurd and, to the average reader, utterly confusing specimen of Buckley's runaway Vidal-hatred appeared in the September 20, 1993 issue

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*Vidal is entertaining and provocative in direct relation to how far he ventures from the range of prescribed opinion.*

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of *National Review*. There, Buckley dedicated six pages to reprinting a friendly correspondence with Professor R.W.B. Lewis, to prove that Lewis had indeed been very gracious and friendly to him over 20 years ago. But now something must have gone heinously wrong with his old friend — as if Buckley's readers should care — because he dared praise Vidal's new book in the pages of the *New York Times Book Review* and now doesn't promptly answer Buckley's correspondence. Buckley seems to want the reader to consider this some sort of tragedy of lost comradeship and vile betrayal: once he walked with me, laughed with me, called me Bill; now he is impressed by the writings of . . . (choke) . . . *Gore Vidal*.

## Two Writers

Obviously, it was their decades-old public conflicts that made the idea of



"They're letting me out on bail — can I bring you guys anything?"

linking Buckley's and Vidal's latest essay collections occur to me. Neither the queer nor the crypto-Nazi has distinguished himself in their public "debates"; but who ever manages to do so on a televised political show? These men are American *writers*, not TV stars.

I'll leave the comparative analysis of their novels to the more qualified; I've never finished one by either. But from their range of subject matters — Buckley writes only spy thrillers, Vidal has ranged from historical novels to war memoirs to comedies of manner about transsexuals to science-fiction epics — Vidal seems to have the imaginative edge, at the very least. Their essays confirm this judgment.

On one level, comparing these two books is unfair. Buckley does most of his essaying in the constricted format of the 800-word commentary on current political events. Vidal ranges from literary review essays to reminiscences on dead friends to multi-thousand-word meditations on matters political and social. But both men chose their paths in life, and it says something important that only Buckley chose to so constrict himself. It's possible that Vidal would be even more irritating than Buckley if he wrote in Buckley's realm, but Buckley would almost certainly fail embarrassingly if he attempted to enter Vidal's. One does not get the impression, reading Buckley, that he has indulged much in *belles lettres* since his college days.

When each writer is at his best, their prose styles are similarly elegant, balanced, and careful. But Buckley is more likely to spiral off into faux-Jamesian nightmare sentences from which the reader fears he might never awake. It is not a particularly thoughtful and certainly not well-edited writer who can partiturate thalidomide prose like the following: "Any discussion of the role of ideas inevitably brings to mind the paradigm: How ought things to be, if things were as we wished they might be? But of course the concern of the Ethics and Public Policy Center is to explore the bridge between the paradigm and the particular: the criterion and actuality. Though they are separate, the one ought never to shrink from its authority to inform the other, even as the latter should

never proceed as though providence and the morally informed intellect had not posted, however distant and obscure on the horizon, lights to guide our thought and conduct." Amazingly, to the political Right (with the exception of *Chronicles*) Buckley is a premier intellectual and thinker and most meticulous crafter of words, while Vidal is a vile, anti-American queer.

But ignoring Vidal means ignoring a sharp and sometimes catty wit that occasionally slides off pleasingly into the absurd; a refined sensibility, demonstrated most powerfully in his amazing memoriams for Tennessee Williams and Orson Welles; and a wide-ranging and meticulous bookishness. He also has a real sense of history: he fancies himself America's biographer through his series of historical novels, and is astute enough in studying the life of his chosen subject to notice that it has had three lives already — the new ones beginning with Lincoln and Roosevelt II's regimes — and is quite ready for a

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*Buckley is more likely than Vidal to spiral off into faux-Jamesian nightmare sentences from which the reader fears he might never awake.*

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fourth. The range of writers and literary ideas Vidal is able to discuss intelligently and with insight merits an admiring whistle from those of us who can't imagine having the time to do all that reading, much less all that thinking. Vidal, unlike Buckley, is capable every few pages of inducing a teeth-grinding jealousy: *Why couldn't I have seen that, thought that, said that so well?*

Some examples: While gently mocking a portentous conclusion to a James novel that went "We shall never be again as we were": "The fact is that people are almost always exactly as they were and they will be so again and again, given half a chance." On a bad Arthur Miller sentence: "That is not a writer writing or a man trying to get through to others; it is the voice of a holder of a degree in Education." On Anthony Burgess reviewing an Anthony Burgess book: "Shouldn't there be at

least one review in all of England written by someone who had actually read the book?" On the takeover of the novel by professional teachers of English: "On that day the kingdom of prose will end, with an exegesis." On consensus: "To take at face value any newspaper story is to be dangerously innocent. But one can't challenge everything that has ever been printed. So, through weariness and ignorance, there is a general consensus, which then becomes what I call an 'agreed-upon' fact. We all decide not to worry it." On political conflict: "The country is now dividing, as it did a half-century ago, between those who think that America comes first versus those who favor empire and the continued exertion of force everywhere in the name of democracy, something not much on display here at home." And this only scratches the surface; on matters of literature and national character, his thoughts and conclusions are not so readily condensed to epigrams. Vidal needs to be read *in toto* to appreciate his brilliance.

Envious as we may be, we can't all be Vidal. But just about anybody can probably manage a reasonable simulacrum of Buckley's writing. His ideas and impressions rarely rise above the obvious, though they can sink toward the ridiculous. See his occasional ill-thought attempts to grapple with the "light" issues the regular columnist feels compelled to essay, such as rock music and Elizabeth Taylor's mania for matrimony.

Vidal never sinks below his subjects, whether they be lengthy analyses of obscure James novels; meditations on the life, death, and works of Mishima; appreciations of Edgar Rice Burroughs and L. Frank Baum; his families' connections with the history of flight and Amelia Earhart; or his delightfully libelous speculations that E. Howard Hunt is the true author of the diaries of would-be George Wallace assassin Arthur Bremer.

## Two Americans

Despite their many differences, there are interesting areas for comparison between the two old antagonists. I emphasized above that they were both *American* writers; they are, indeed, both exemplary Americans. Both have run for elected office, and both have be-

come, through effort with help from lineage, American legends of sorts.

Buckley is the acknowledged *Vater* of a significant American political movement given credit (though perhaps blame might be more appropriate) for the election of a president. Vidal's family and soul are rooted in old Washington and the venerable traditions of the American ruling class, tied in with the likes of the Adamses — I suspect

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*One comes away from Vidal enriched and energized and inspired*  
*One comes away from Buckley mostly bored.*

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that being a new Henry Adams is a self-indulgent fantasy in the back of Vidal's mind. And, in a true American spirit of barely contained fratricide, the two men bear a deep and unbridgeable enmity.

The official spirit of America is unity: the *United States*. But the American people have always seemed unable to meld their differences into one. Vidal deals thoughtfully with the repercussions this has had for American politics and culture. He considers it *prima facie* evidence of Norman Podhoretz's un-Americanism that he expressed scorn about Vidal bothering to write a play about the Civil War:

I explained to him that my mother's family had fought for the Confederacy and my father's for the Union, and that the Civil War was — and is — to the United States what the Trojan War was to the Greeks, the great single tragic event that continues to give resonance to our Republic. "Well, to me," said Poddy, "the Civil War is as remote and as irrelevant as the War of the Roses." I realized then that he was not planning to become an "assimilated American," to use the old-fashioned terminology; but, rather, that his first loyalty would always be to Israel.

In Buckley, a far less subtle and dextrous thinker, conflict and division are dealt with only on the cartoonish level of conservatives *vs* Lowell Weicker, or debates about abortion, or wondering why American liberals hate Nazis more than Commies.

Which brings us to the Right's key excuse for admiring bland Buckley while hating vivid Vidal: the latter's politics. Vidal's political instincts and opinions are sometimes admirable and sometimes goofy. He loves the Old Republic, and can even find a good word for the likes of Pat Buchanan, "a reactionary in the good sense — reacting against the empire in favor of the Old Republic." Now, what other monotheism-hating queer would write that?

Vidal is no libertarian, of course, and he is not particularly thoughtful or sensible on politics much of the time. He harbors a clichéd aversion to the accumulation of wealth, seems to believe capitalism can only succeed by driving its workers into penury and quasi-slavery, and holds an affection for socialistic redistribution of income that is not practically compatible with his hatred for the national security state and for a government that, since Lincoln and Roosevelt, can get away with whatever it pleases.

Yet even when indulging his moralism toward commerce and those who untowardly succeed at it, the patrician Vidal never gets as cloyingly sanctimonious as Buckley does when trying to show his admiration for the Common Man. While he occasionally lectures on the sometimes barren landscape of the



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American middlebrow mind — in one essay he mocks the intellectual dullness that characterizes many questions he receives — Vidal usually shows the common folk the respect of leaving them alone.\* His biggest complaint about his countrymen is that they tend to not like reading novels much anymore, a matter of concern to a craftsman such as Vidal.

But Vidal never stooped to using them for a sententious deadline-buster piece like Buckley's "A Quiet American," a cloying paean to the ordinary working Joe who once drove him to the airport in Portland. The guy jogs every day (!), and was in Vietnam (!!), and works for a living insulating volleyball courts (!!!) after years of teaching himself a trade (!!!!), and likes to read Emerson (!!!!!). Buckley, a self-made aristocrat whose soft streak for the *volk* is a mile wide and an inch deep, concludes this dull presentation thusly: "I felt like Antaeus. I had touched earth, and it's a fine feeling." Buckley then, I suppose, went on for another few years conversing with no one but professional intellectuals, politicians, and jet-setters.

### Libertarians Not

Buckley is the archetypal American conservative, yet his book's subtitle identifies him as a "libertarian" journalist, which is not only misleading and wrong, but curious. In my experience, the term is suspicious to Joe Eightpack, vaguely connoting a freakish subculture of nerds and LaRouchies. (This doesn't prevent me from using it, because it is accurate and, within its own realm, noble.) Why did Buckley, who patently is no such thing, burden himself with the term?

Given his already considerable cultural stature and audience, he takes no

\* He does give them the credit of assuming they would not sell their birthright for a mess of pottage in the event of a new constitutional convention. Vidal would like to see one because "the president and the Congress together or the president by himself or the Supreme Court on its own very special power trip can do virtually anything that they want to do as a result of a series of usurpations of powers that have been taking place since the Second Constitution of 1793."

real risk in identifying himself as such, and in fact might be adding a soupçon of daring to his calcified image. In some circles of the Right a certain radical chic adheres to suggesting that, by gosh, I am such a man of the Right, one might almost consider me a *libertarian*.

Buckley's own words put the lie to his ideological usurpation. Consider his essay "To Bind the Wounds." In his typically scattershot fashion, he praises Jim Baker's decision to send \$500 million in aid to the former Soviet Union by first acknowledging with a firm-jawed nod of the head that yes, these are hard times we're living in, as evidenced by the fact that some Rolls Royce owners in Beverly Hills are having to pawn their vehicles at 4% interest a month. (If Vidal had written this, it would have

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*To dismiss Vidal for his occasional intemperate opinion is to value political correctness over intelligence, piety over vividness, and propriety over wit.*

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been amusingly snide irony; Buckley, alas, appears entirely earnest.) Yet think of the poor hordes of twelfth- and thirteenth-century France, penurious wretches by today's standards, who managed to dig deep into their pockets to finance building the glorious French cathedrals. Thus can Americans do no less than send \$500 million (surely Buckley can't be so much of a political naif to believe that that would be the start and end of it) to save the Russians from hunger or reaction? This man's vision of the role of government cannot, if words are to retain their meaning, be called libertarian.

Vidal's certainly can't either. He hates tyranny, but seems also to hate wealth and that which is often done to attain it. But he also hates empire and loves civilization, and praises its loveliness in his wide-ranging enthusiasms and joyous and witty expressions of admiration for so many things. One comes away from Vidal enriched and energized and inspired — to read the

author he has been discussing, to ponder his interpretations, to learn more about his topic. His book is rich in achievement and implication.

One comes away from Buckley mostly bored. In a duel of sensibilities and how they are expressed, Vidal

moves with such grace that Buckley wouldn't even know what hit him. I've read every word of every issue of the *National Review* since fall of 1986, but any attempts to brainwash me into a thoughtless disdain for Vidal didn't work. □

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***Cruel Compassion: Psychiatric Control of Society's Unwanted*, by Thomas Szasz. John Wiley & Sons, 1994, 264 + ix pp., \$19.95.**

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# Out of the Asylum

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R. W. Bradford

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Thomas Szasz will forever be associated with the phrase "the myth of mental illness." Indeed, many people consider his critique of mental illness and the incarceration that typically follows that diagnosis to be virtually Szasz's only interest. There is just enough truth to this view to give it plausibility. Szasz has spent most of his life on a lonely crusade against psychiatric imprisonment. And psychiatric imprisonment is a theme he returns to again and again.

Of course, there is far more to Szasz than his critique of psychiatric imprisonment, but even when he returns to this theme his writing is fresh and exciting. Szasz is both a brilliant polemicist and a resourceful historian. This latter characteristic serves him particularly well, since so much of the history of psychiatry is deliberately obscured by its apologists. He is also an accomplished epigrammatist: it is difficult for me as a reviewer to pass up the opportunity to quote him extensively.

His latest book, *Cruel Compassion*, is a case in point. It begins with a survey of the types of people that have been incarcerated for reasons other than crime: the poor, those in debt, epileptics, children, and the homeless. *Cruel Compassion* teems with fascinating, sometimes horrifying information that, were it not for Szasz, would probably

have disappeared down the memory hole forever.

I had no idea, for example, that during the first part of this century epileptics were routinely imprisoned in the United States. This was justified on the grounds that during an epileptic seizure, the victim is liable to commit horrible acts of violence. This theory was concocted without a shred of evidence by Sir Henry Maudsley, a prominent British psychiatrist, and was readily accepted as an excuse for hustling epileptics off to "colonies," where they were imprisoned for life. This replaced the earlier theory that a person who suffers an epileptic fit is possessed by demons and should be imprisoned for life. People were willing to accept Maudsley's theory simply because it is unpleasant to witness an epileptic fit and troublesome to take care of relatives who suffer from epilepsy.

Szasz's discussion of children is of particular interest to libertarians: as usual, his analysis is fresh, vigorous, and challenging. As in so many other cases, whether you agree with him or not, he has the power of shaking your own thinking to its roots.

His discussions of the poor, debtors, and the homeless are also insightful. He argues, for example, that these are characteristically modern problems, dating back only to the birth of modern capitalism. Before the Industrial Revolution, everyone except a tiny elite lived in virtual poverty, so there was no concept of

a class of "poor" people. Furthermore, non-productive and disruptive members of society were generally dealt with at a subsocietal level, by their extended family or clan.

Szasz takes a praxeological view of the origin of the problem:

There are three ways a person can obtain the necessities of life: (1) As a dependent, receiving food and shelter from donors (parents, family, church, state); (2) as a producer, providing for his own needs; or (3) as a predator, using force or the threat of force to rob others of the goods and services he needs and wants. A person who does not want to be, or cannot be, a producer, must become a dependent or a predator or perish. Anything that discourages or prevents peaceful market relations among productive adults — regardless of whether it is due to biological, cultural, economic, or political factors — thus encourages dependency or predation or both. The fact that both are adaptive — that both parasitism and crime "pay" — accounts for the increased frequency of both behavior patterns during times of social upheaval and among members of the underclass.

Psychiatry was developed to deal with unwanted, noncriminal dependents: diagnose them as mentally ill and lock them up someplace where they don't bother us. Szasz is opposed to this practice. When it comes to the question of how to deal with society's unwanted, Szasz is an absolutist. He believes they should be allowed to get their own way unless and until they commit a crime, at which time they should be treated exactly like any other criminal:

If civil commitment were abolished, mental hospitals as we know them would disappear. Regardless of their psychiatric diagnosis, persons who break the law would have to be accused of a crime, tried, and, if found, guilty, punished in the criminal justice system; whereas persons innocent of crime would have to be left unmolested by the legal and psychiatric systems. Only then would mental illness be destigmatized and psychiatrists resemble regular physicians whose practice is limited to treating voluntary patients.

His argument is brilliant and con-

vincing. Plainly, people who have committed no crimes ought not be incarcerated. But what about the crazy person who commits a crime? What about the individual who clearly has no control over himself? Should he be treated as an ordinary criminal?

I see two problems with such a policy. In a fundamental sense, the "crazy" criminal seems quite different from the "ordinary" criminal. The criminal is punished for doing wrong. The raving lunatic, however unpleasant he may be to be around and whatever damage he causes, is not aware that he is doing wrong, and therefore ought not be punished in the same way as the predatory criminal. In addition, incarceration places a heavy financial burden on those who pay for it; institutionalization, whether in prison, orphanage, or asylum, costs about the same as attending Harvard.

And what about the criminal lunatic? When I was a child, a family moved into our neighborhood whose nine-year-old boy was a problem. He habitually engaged in vandalism, assault, and theft. Because of his extreme youth, treating him as a criminal seemed inappropriate. Yet he was a one-boy crime wave. What should be done? By Szasz's theory, as I understand it, the only two alternatives are to treat him as a criminal (i.e., send him to prison) or leave him in the bosom of his family. Neither seems like a very reasonable course. Prison for so young a person seems unjust. But leaving him in his family seems unjust to them and to their neighbors, victims all.

The Szaszian response seems to be in the tradition of libertarian thinking that treats only the exogenous effects of interpersonal harm. Legal theorists such as Randy Barnett have long argued that punishment for a crime should be limited to restitution: one should not consider the motivation of the perpetrator. Robert LeFevre went even further: he argued that when a person tried to repel aggression he must limit his defense to the same energy as the assault. Thus you can block the punch of an aggressor, but if you punch back, you too become an aggressor.

The problem with this thinking, it seems to me, is that intentions *do* count,

at least on some level. Consider the appropriate responses to the following situations, all with the same damage incurred:

*The accident:* While turning around his car after backing out of his driveway, your neighbor accidentally backs into the side of your car, which is parked in the street.

*The vandal:* The neighbor kid, angry at you, decides to teach you a lesson by driving his car into the side of yours, which is parked on the street.

*The lunatic:* A neighbor goes nuts, hops into his car, and goes on a lunatic journey, smashing into cars, trees, and other objects, one of which is your car. He eventually tires of this, exits his car,

and lies on the ground screaming obscenities.

According to this school of libertarianism, all three cases should be treated the same. The fact that one was accidental, one predatory, and one lunatic makes no difference. I understand the appeal of this thinking: it certainly makes the judicial process efficient by providing an easy-to-apply universal standard. But does it really make sense? I am not convinced.

This question is beyond the scope of *Cruel Compassion*. But it is typical of the questions that Szasz stimulates one to think about. *Cruel Compassion* is a powerful therapy for focusing one's thinking. □

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*Going Native*, by Steve Wright. Farrar, Strauss & Giroux, 1994, 305 pp., \$22.00.

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## Road Yuppie

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Phil Leggiere

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It's rare and encouraging to see an ambitious young writer's work receiving the kind of hyper-enthusiastic celebration that Steve Wright's *Going Native* has, from sources both near the center of contemporary literary hipdom (jacket blurbs from Toni Morrison and Don DeLillo) and further left. Rare, encouraging, and . . . suspicious. Suspicious, because the raves have been so breathlessly and conspicuously vacuous in their celebration of Wright's experimentalism.

Consider, for instance, this comment from the *Voice Literary Supplement*: "In his amazing third novel, Wright stares long and hard at the dim delirium confronting us. He broadcasts an English as electrically intoxicating as a mescaline Slurpee. Identity is a fluid yet foul thing in *Going Native* whose loosely linked scenarios reveal that, however hard we try to escape ourselves, we remain 'Guests in our

own lives.' . . . Wright's immersive orgy in the here and horrible tracks a suburban family man's flight from himself across a dense and dangerous American simulacrum undreamt of even by Baudrillard."

The skeptic's instinct is to think that if a rare talent is indeed involved here, it's more likely a talent for literary politics than for literature. Suspicions aside, however, *Going Native* does confirm Steve Wright as a genuinely accomplished prose stylist. No contemporary writer I've read conveys our technology- and media-saturated domestic environments like Wright, whose sense of detail recalls that of the best super-realist painting: "It's late Friday in late summer in Wakefield Estates, where the shadows are long and the light is perfect and the sky a photographer's fantasy of absolute blue typically apprehended only on film, too blue to be arching in inhuman grandeur over this engineered community of pastel houses and big friendly trees."

Wright also excels at satiric replica-

tion of contemporary language, often to startling effect: "From her bag she pulled fat handfuls of typewritten paper to hold before her like a shield, damp tattered sections of a pirated manuscript copy of that hot new novel with cool attitude, *Wittgenstein's Jockstrap*, a dimly imagined tale of one vague young man's desperately vague quest for something or other, composed

*The road narrative's conventions are knowingly distorted, as though Dashiell Hammett had written "The Grapes of Wrath."*

in freeze dried europrose so devoid of nutrients even tears couldn't vivify it. Six figure option to Pogo Pictures. Bernardo Scungilli slated to direct. Friends of Amanda's at GAM thought she would be 'perfect' for the part of earnest young English professor who serves as ventriloquist's dummy for the author's startlingly conventional views on any number of trendy topics. She also attends to our hero's less lofty needs. She's hip, she's urban, she gives good ideological head."

The fashionably elliptical, hyper-noir anti-detective novel Wright ends up with, however, is overripe with quotations from every crossed strain of gothic in contemporary writing, from Jim Thompson to John Hawkes to Patrick McGrath. For all its glossy grotesquerie and sure mannerism, *Going Native* lacks the dramatic tensions and psychological intensities that might distinguish it from its sources.

The novel's main character — or, rather, anti-character, since Wright is fairly insistent in his deconstruction of unified characters — is named, tentatively, Wylie Jones. Jones, a bored yuppie, disappears during an upscale suburban barbecue he hosts with his wife, hitting the road in the time-honored fashion of the man with the seven-year itch going out for the proverbial pack of cigarettes. Through a sequence of loosely related episodes, connected primarily by their similarly macabre atmospheres and recurring character types with different names and driver's

licenses (scruffy hitchhikers, teenage runaways, serial killers, religious cultists, coke dealers, outcasts, desperados — the psychopathic unconscious of Kerouac's sentimental Americana), Jones reappears and disappears in various guises. Circumstantially but never definitively identified by the reader as a mass murderer on the loose, Jones is involved in shifting relationships with a panoply of characters who similarly emerge and disappear.

To give Wright his due, some of these characters are among the most memorable in current literature. Perry Foyle, a film school dropout who develops his own *cinema verité* from his flophouse hotel room, where he films prostitutes and their tricks. Drake and Amanda, a Hollywood actress and her aspiring screenwriter husband, who travel to Borneo for a ritual initiation and are near-perfect conduits for satirizing the baby-boom search for the primal. Jones' encounters with hitchhikers and local sheriffs probe layers of grotesquerie beneath the surfaces of Middle American Gothic with effects that recall such films as *Badlands* and *Blue Velvet*.

Throughout these slow-paced, bizarre episodes, Wright adroitly manipulates American literary mythologies; the road narrative's conventions are knowingly distorted, as though Dashiell Hammett had written *The Grapes of Wrath*. Starting from the simple premise of domestic upper-middle-class ennui, restlessness, and dread — the kind that used to drive John Cheever's executive martini-drinkers to sneak around skinny-dipping in their neighbors' pools in the middle of the night — Wright cuts'n'mixes whole syllabi of "intertextualities."

What Wright seems to be aiming for is a narrative equivalent of the positive acoherence that the poets grouped around the "Language School" have made fashionable in poetry. Clark Coolidge and others have reproduced the surfaces of ostensibly traditional poetic forms only to undermine the conventional bases of syntax and meaning, replacing them with unpredictable new patterns based on sound, rhythm, diction, and connotation. In a similar way, Wright scrambles the traditional novelistic "syntax" of character, plot,

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and setting. But while the best poems of writers like Coolidge gain strength from the linguistic evasiveness of their jagged-edged juxtapositions, Wright's free-floating signifiers of *noir* conventions and highway motifs, while smooth, are ultimately too mechanically manipulated to come to life.

From a writer of less obvious talent,

*Going Native* would be quite enough to celebrate. But a writer with Wright's keen intelligence and evident gift for prose promises more. *Going Native*, however it packages its stylized academic neo-formalism, is still just that: package. And that is something our era, rotten with cynically nostalgic irony, already has plenty of. □

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***Protect Your Privacy: A Guide for PGP Users*, by William Stallings, Prentice Hall PTR, 1994, 302 pp., \$19.95.**

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## Pretty Great Privacy

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Gary McGath

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A computer book reviewed in *Liberty*? Of course — when it's about software that will help you protect your Fourth Amendment rights, when the head of the FBI wants to outlaw that kind of software, and when the author of the program is being threatened with federal prosecution.

The book in question is William Stallings' *Protect Your Privacy: A Guide for PGP Users*. PGP stands for "Pretty Good Privacy," Phil Zimmermann's excessively modest title for a program that encrypts messages so that only the intended recipient can decipher them. It is the most widely used encryption software for personal messages on the Internet. Stallings' book is not about the political and legal battles behind PGP, interesting as that subject is; rather, it's a how-to guide for users.

Stallings explains the key ideas behind PGP at a level most computer-literate readers won't have trouble following. He covers public/private key cryptography, digital signatures, and key generation and verification. The DOS and Macintosh versions of PGP are covered in detail.

What does PGP do for you? Two things. First, it allows you to send messages over an unsecured channel without leaving them vulnerable to snoopers. Whether you want to send a credit

card number to a mail-order house or to discuss a plan to smuggle in Cuban refugees, it can be important to shield a message from others. And mail on the Internet is definitely not secure; a message may pass through any number of computers on its way to the target.

Second, PGP allows you to show that you are who you claim to be and that your message hasn't been tampered with. The program lets you append to a message your "signature," which is based on the contents of the message and your key. If someone else tries to fake a message or alter the contents of your signed message without knowing your private key, the signature won't match. A message can be signed without being encrypted.

PGP uses what is called "public/private key encryption." When you set yourself up, you create two coordinated keys of up to 1024 bits each: a public key, which you let the world know about, and a private key, which you guard with your life. Others will use your public key to encrypt messages to you; only your private key allows them to be decrypted. You use the private key to send messages, and readers can use your public key to verify the signature.

The book offers valu-

able tips on how to set up your key and how to distribute it to others. A tricky issue in public key cryptography is providing assurance that a given public key really belongs to the person it claims to belong to; Stallings discusses features of PGP that make this easier to do, and explains the role of key servers.

The book also covers one of the trickiest issues: how to get PGP. The program is available for free; however, the U.S. government classifies strong encryption programs as "munitions," bars their exportation without a license, and claims that unrestricted posting of a program on the Internet constitutes "exporting" it. For this reason, few sites carry the program, and they make you jump through hoops in at least a token effort to guard against downloading by foreign users. There is also a commercial version, called

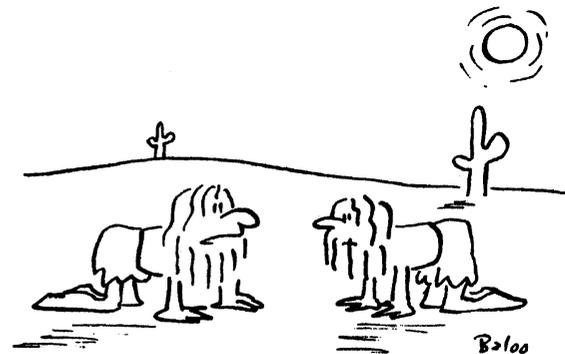
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*The U.S. government classifies encryption programs as "munitions," bars their exportation without a license, and claims that posting a program on the Internet constitutes "exporting" it.*

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Viacrypt PGP, which is likewise restricted against exportation.

Stallings doesn't mention Phil Zimmermann's legal defense fund, which allows users to reimburse his efforts while resisting the government's war on encryption. This fund is mentioned in the documentation that



"Nothing, of course — what's new with you?"

comes with PGP; while the situation may have changed by the time this article is printed, I urge everyone who uses PGP to give to it if it is still active. If Bill Clinton, Louis Freeh, and the NSA face no determined opposition, they will allow us only to use encryption they can break at will, such as the Clipper chip.

The classification of encryption as munitions has at least a grain of truth to it: just as being armed allows you to defend your home, encryption software allows you to defend your private communications. Stallings' book is a valuable guide to using this weapon effectively. □

puts the lie to that pigeonhole. This is a book about *doing your own thing*, in the best sense of that once popular, now long-discarded cliché. May it last another 27 years. —Jesse Walker

## Booknotes

### *More Hayekian Than Thou* —

The idea that government has a specific end dominates most of Western political philosophy. Libertarian thought, of course, is no exception. One philosopher who bucks this tradition is Michael Oakeshott, whose *Rationalism in Politics and Other Essays* (Liberty Press, 1991, 558 pp., \$24.00 hc, \$7.50 sc) is both an excellent introduction to his thought and his most readable work.

Oakeshott argues that tacit knowledge — knowledge that can be expressed only in action and not in principles, but is nonetheless necessary for human life — is legitimate knowledge. From this, he attacks teleological views of the state, and presents a defense of freedom that provides a welcome corrective to the hubristic malarky of most such efforts. He not only comes off as more Hayekian than thou, but more Hayekian than Hayek.

—Michael Levine

*Access to Tools* — The first *Whole Earth Catalog* appeared 27 years ago. On the first page was this message from the founder and editor, Stewart Brand:

We are as gods and might as well get good at it. So far remotely done power and glory — as via government, big business, formal education, church — has succeeded to the point where gross defects obscure actual gains. In response to this dilemma and to these gains a realm of intimate, personal power is developing — the power of individuals to conduct their own education, find their own inspiration, shape their own environment, and share the adventure with whoever is interested. Tools that aid this process are sought and promoted by the *Whole Earth Catalog*.

With this individualist credo, the finest publication to emerge from the American counterculture was launched. Over a quarter-century later, *The Millennium Whole Earth Catalog* (edited by Howard Rheingold, Harper San Francisco, 1994, 384 pp., \$29.95) moves the Whole Earth operation into the mid-'90s, with information on everything from gardening to desktop filmmaking to grassroots politics. They even review *Liberty*.

The media, ever anxious to squeeze the counterculture into the narrow confines of 25-year-old boomer fashion, don't know how to deal with the *Catalog*, an institution more in tune with the best American traditions (Jeffersonian democracy, Thoreauvian anarchy, Samuel Clemens snaking up the Mississippi) than most of what the hippies were rebelling against. For that reason, it is usually stereotyped — even by its media admirers — as a "back to the land" sourcebook, despite the pages it devotes to punk zines, pirate radio, the Internet, and other postmodern matters.

A quick glance through the *Catalog*

*The Critic, Clothed* — For me Noam Chomsky was shock therapy. When I first read him, my views were still vaguely in accord with the mainstream, Republican-oriented Right. Chomsky forced me to confront inconsistencies in my views, specifically on the subject of war and peace. The dominant strand of modern American right-wing thinking holds war to be a sacrament. At one time this religion seemed to have something to do with Communism, but recent interventions in Panama and the Persian Gulf seemed to be fought for their own sake, irrespective of the ostensible reasons.

When it comes to foreign policy, the Democrats — supposedly dominated by McGovernite peaceniks — have in the last few years become the "me too" party. They want just a slightly smaller military and want to show a tad more restraint than the Republicans. Remember: before the Gulf War, the "doves" held the peace-loving, non-interventionist position of wanting to starve the Iraqis a little while longer before we began bombing.

Bill Clinton has been true to form in recent weeks, with his public statements that Pentagon spending should perhaps be increased after all. That is why it is a pleasure to see Chomsky examine the foreign policy of the last few years in his latest book, *World Orders, Old and New* (Columbia University Press, 1994, 311 pp., \$24.95).

Chomsky sets the tone with a brief

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overview of the Gulf War and Clinton's 1993 retaliation for the alleged Iraqi plot to assassinate former President Bush. Remember how Clinton "stood tall" against "Iraqi aggression"? Chomsky treats Clinton's behavior with the appropriate level of sarcasm: "Clinton

was greatly cheered by the results, the press reported. 'I feel quite good about what transpired and I think the American people should feel good about it,' the deeply religious president said on his way to church the next day" (p. 17). Chomsky also points out the ab-

surdity, lost on most of the media, that the administration's justification for the attack was based on Article 51 of the U.N. Charter, which allows for self-defense against armed attack only when the necessity is "instant, overwhelming, and leaving no moment for deliberation" (17).

Chomsky scorns critics who believe American foreign policy is simply misguided or wrongheaded. He ridicules several critics at the "outer limits of tolerable dissidence" who saw our efforts in the Vietnam war as an "error based on misunderstanding and naivete'" (95). I don't much care for this approach, though not because I attribute good motives to the likes of Robert McNamara and George Bush. I don't care about their motives; their actions have led to mass killings of people who posed no threat to the United States, and that is sufficient reason to condemn them.

Chomsky's economic views are often wrongheaded, although he does have one advantage over many of his fellow leftists: he recognizes that the American corporate system rests on state intervention, not *laissez faire*, a point that he documents in meticulous detail. Alas, he does not see this as an argument for free-market prescriptions (though as an anarchist, he ought to oppose most anti-market prescriptions as well).

I can live with Chomsky's faults, because in the current intellectual atmosphere, where the bounds of respectable opinion fall into the tiny ideological crevice that separates *The Wall Street Journal* from the *New York Times*, it is good to have as many critics as possible pointing out that not only the emperor, but those courtiers who pose as "independent journalists," are devoid of even a shred of clothing. —Clark Stooksbury

***The Mismeasure of Anarchy*** — In the late 1980s, German journalist Ulrike Heider came to the United States to gather material for a book on modern American anarchism. She spoke to Sam Dolgoff, Noam Chomsky, Murray Bookchin, Murray Rothbard, and other anarchists of various ideological hues. The result was *Anarchism: Left, Right, and Green* (City Lights Books, 1994, 156 pp., \$12.95).

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### Periodicals

**Directory of Libertarian Periodicals**, updated latest edition, lists around 150 titles, with addresses, other information. All believed to be presently publishing. \$3 postpaid, \$4 overseas. Jim Stumm, Box 29LB, Hiler Branch, Buffalo, NY 14223.

**Dispatches from *The Last Ditch***. Anarcho-pessimists, post-neo-Objectivists, crypto-Copperheads, and other enemies of the permanent regime opining monthly, from individualist and European-American perspectives, on the end of civilization. Write for free issue. \$15 for 4 issues; \$42 for 12. WTM Enterprises, P.O. Box 224, Dept. LIB, Roanoke, IN 46783. Make checks payable to WTM Enterprises.

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**The Voluntarist** — sample copy for two first-class stamps. Box 1275, Gramling, SC 29348.

## Notes on Contributors

Heider divides her book into three sections, each looking at a separate school of anarchist thought: anarcho-syndicalism, "eco-anarchism," and anarchocapitalism. This final section is marred by the exclusion of several important figures (Karl Hess is mentioned only in passing, while David Friedman is completely ignored). Even worse, it is littered with offhand derogatory comments: "The anarcho-capitalists always serve to remind us of the intrinsic cruelty of profit-oriented market society" (p. 139); "Anarcho-capitalism represents the most extreme variety of the rediscovered *laissez-faire* ideologies. If the left does not succeed in stopping this trend, we will face a worldwide social and ecological disaster" (151).

She even suggests that libertarianism has its roots in authoritarianism and that classical liberalism is not so far removed from Nazism: "It was slowly dawning on me what a friend of mine had meant when he had predicted that my German accent would assure me great success with libertarians" (117). Sometimes her effort to push anarcho-capitalism into a fascist mold becomes comic: while discussing Samuel Edward Konkin III, she goes out of her way to point out that Wisconsin, where Konkin lived for a spell, has "a strong German heritage" (119).

Heider compounds this silliness with numerous factual mistakes. Here's a typical clunker: "After World War II, several arch-conservative adherents of the Austrian School of Economics made a name for themselves in the U.S.; the most famous of these was Rothbard's former teacher, Ayn Rand" (109). Elsewhere, she describes Milton Friedman as an Austrian economist, Murray Rothbard as a founder of the Libertarian Party, and *Liberty* as the official publication of that organization.

Perhaps surprisingly, Heider concludes this concatenation of misinformation with a prescient observation. Discussing the paleolibertarian-paleoconservative marriage that Rothbard was so key in orchestrating, Heider states, "Only the future will show whether Rothbard has bet on the right horse. I sincerely doubt, however, that he will be able to convert the paleoconservatives to anarchism."

—Aaron Steelman

*Chester Alan Arthur* is *Liberty's* political correspondent.

"*Baloo*" is the secret identity of cartoonist *Rex F. May*.

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*Timothy Virkkala* is managing editor of *Liberty*.

*Jesse Walker* is assistant editor of *Liberty*.

*Leland B. Yeager* is Ludwig von Mises Distinguished Professor of Economics at Auburn University.

# Terra Incognita

## Royal Oak, Mich.

Sophisticated logic of Dr. Jack Kevorkian, quoted by the *Detroit Free Press*:

"That's exactly what the state of Michigan is. It's been consecrated by Hitler. [Michigan Governor John] Engler is against abortion, so was Hitler. Engler's Catholic, so was Hitler. Engler does what he wants despite the will of the people, so did Hitler. They're exactly the same, except one difference: Hitler was honest."

## San Francisco

Interesting observation from James McSheehy of the San Francisco Board of Supervisors, quoted in the *Baltimore Sun*:

"Ladies, I have here some figures which I want you to take home in your heads, which I know to be concrete."

## Washington, D.C.

The high cost of consulting, described by the *Detroit News*:

In 1990, CH2M Hill, a consulting engineering firm, charged the federal Superfund cleanup program \$147,000 for parties and picnics, hiring a dance instructor, and renting a reindeer suit for an office Christmas party.

## Turkey

Unique job training program, described by the *Detroit Free Press*:

Sixteen Turkish dancing bears will enter a sanctuary this week designed to teach them to live on their own again. Officials in Istanbul said the bears would be taught skills like foraging

## Australia

Pollution taxes Down Under, as described by the *Detroit Free Press*:

The Australian government is considering taxing animal flatulence as part of a proposal to cut greenhouse gas emissions by 20% by 2005.

## San Francisco

Strange new respect for property rights, reported in the *Ocala Star-Banner*:

The Communist Party, U.S.A. is suing a breakaway group, the Committees of Correspondence, charging that they have absconded with its property.

## Oakland County, Mich.

Judicial snag in the Wolverine State, reported by the *Detroit Free Press*:

"Assistant Prosecutor John Skrzynski said Wednesday that proving Gerard Carlin acted illegally has been difficult because of the lack of laws to back up the charges."

## Hawaii

Unusual defense, reported by the *Honolulu Star-Bulletin*:

An accused child molester argued that because prosecutors failed to establish he was not married to the 12-year-old boy he allegedly molested, he should be acquitted.

## Dubai

More bad news from the front in the War on Drugs, reported in the *Gulf News*:

Teens in Dubai are smoking ants and sniffing the fumes they emit when crushed. The practice has become so popular that a small packet of ants now sells for up to \$135.

## Kansas City

Equal opportunity in action, described by the *Detroit News*:

Regulators ordered a Kansas City bank to put a Braille keypad on an automatic teller machine in a drive-through lane.

## Chechnya, Russia

Remarkable military maneuver by the Russian Army, reported in *The Economist*:

"The high command launched the ground assault on new year's eve. The next day, the generals were claiming to control the city, including the presidential palace. The day after that they trimmed: 'control,' it seemed, did not mean the palace had been taken, just encircled. Another day on, and Russian troops were 'regrouping' (i.e., retreating)."

## Dallas

Ross Perot proposes a new and different approach to the health care "crisis," from his op-ed piece "The Sensible Approach to Health Care":

"There is a rational way to improve health care to deliver care to the uninsured and keep costs in line:

- Form a bipartisan team of Democrats and Republicans.
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## Washington, D.C.

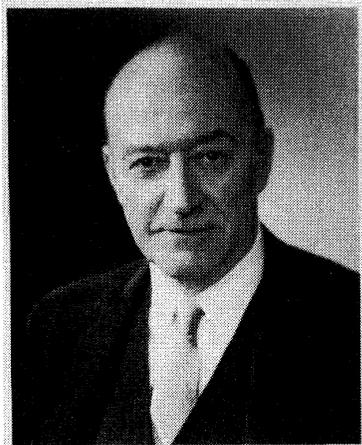
Spending priorities in Dan Quayle's branch of the Service, as reported by *Capital Ideas*:

The National Guard spent \$600,000 in training funds to practice the operation of lifting the Freedom Statue from the top of the U.S. Capitol building and bringing it to Earth for renovation. A private firm later did the job for \$60,000.

(Readers are invited to forward newspaper clippings or other items for publication in *Terra Incognita*.)

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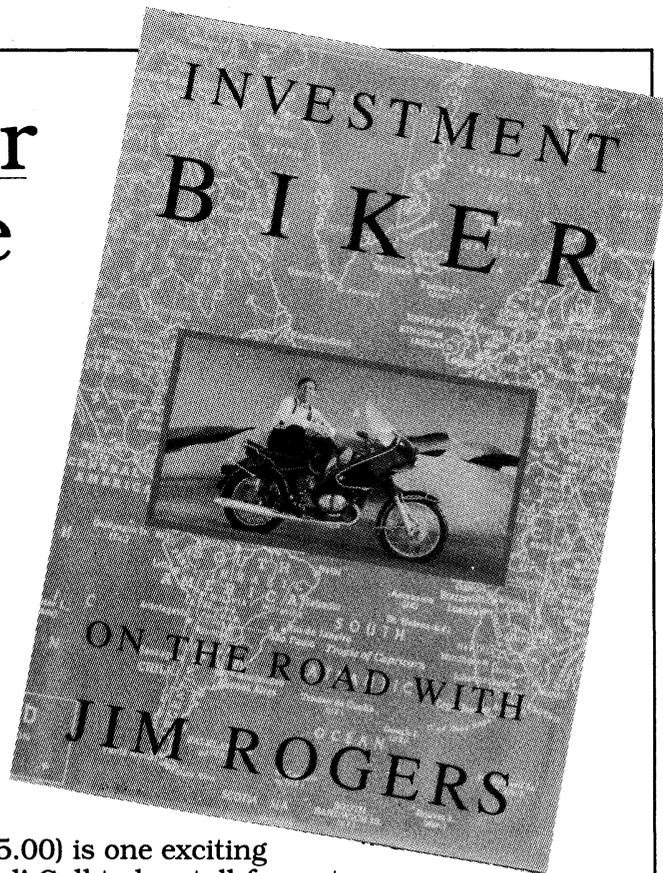
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