

Liberty

March 2004

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Pete Rose:
Baseball's
Bill Clinton

The Intelligence- Surveillance Complex

by Christopher Pyle

George W. Bush: Our Liberal President

by Stephen Cox

In Praise of Large Families

by Jo Ann Skousen

Bowling for Bush

by Douglas Casey

The Trouble With Steinbeck

by Nicholas Varriano

Also: *Randy Barnett* explores the Constitution with an anarchist guide; *Timothy Sandefur* doesn't forget the Cold War, and never will; *Dave Kopel* recalls a time when priests were contraband . . . plus other articles, reviews & humor.



"The boisterous sea of liberty is never without a wave." — Thomas Jefferson

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Letters

Another Side of Alpine

Larry J. Sechrest's article ("A Strange Little Town in Texas," January) on life in Alpine, Tex. contained an error. The town of Iraan, is called "Ira-Ann" not for reasons of political correctness, but because it was named for my great-grandfather, Ira, and my great-grandmother, Ann, who platted the townsite out of one of their cow pastures back in the 1920s. In fact, the prospective resident who submitted that name in a contest to designate the new metropolis won a town lot for his ingenuity. As for political correctness, the town and its name originated back when the country of Iran was better known as Persia, I believe.

And, likewise, cause and effect are confused when Sechrest speaks of Alpine's environs becoming known as "the Big Bend" because of the proximity of the Big Bend National Park. The area was referred to under that name by Anglos, in English, in journals, diaries, and reports, and on maps, more than 150 years ago. The Rio Grande River runs generally southeast through New Mexico and along the Texas border until it makes a "big bend" to the northeast for a hundred miles or so before it resumes its southeasterly course to the Gulf of Mexico. Indeed, the area might well have been known as the "big bend" in the Comanche, Apache, Jumano, and prehistoric languages of the aboriginal inhabitants who lived in and traversed that region long, long before the Big Bend National Park was established in the mid-20th century.

I have deep roots in that country, with cousins of varying degrees ranching on properties established by my great-uncles; indeed, one of those cousins, after many years away from the area, returned to teach as a colleague of Sechrest's at Sul Ross, where he involves himself in the sponsorship of

the annual Cowboy Poetry Gathering.

It may interest Sechrest and other libertarians that one of those great-uncles conserved a herd of original Texas longhorn cattle, inherited from his father, through the Great Depression and the introduction of imported English and European beef breeds. The federal government bought from him the seedstock for the Longhorn herd they established in Oklahoma's Washita Wildlife Area, and now the government credits itself, in materials on that site, with "saving the Longhorn!"

As for Sechrest's low opinion of the intellectual capabilities of the area's students, teachers, and faculty, I suggest that the phenomena Sechrest dwells on are hardly unique to West Texas. Indeed, I recall friends on the faculties of several Houston-area institutions of higher learning making the same complaints some 20 years ago and more. And in the mid-1960s, I lived in a central Pennsylvania town of about the same size as Alpine, thriving on two industries and a state teacher's college. The college reflected, even then, the drawbacks and handicaps in its faculty, student body, and intellectual resources which Sechrest notes in today's Sul Ross — except that it's likely that the bulk of its students were drawn from an even more localized area than Sul Ross's. One of the young ladies who worked for me there announced that she was marrying a local boy, and on their honeymoon they intended to travel to an unprepossessing town of 60,000, 36 miles away, because "neither of them had ever been there before!"

As for Sechrest's assertion that the region's "lowest common denominators" (poor white trash and poor Mexican trash) "get together to procreate" — that's the result of a dec-

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ades-long evolutionary process of voluntary desegregation, which is rather to be applauded than condemned. Fifty years ago, an upper-middle-class young Anglo man of good family might, occasionally, marry an upper-class Hispanic girl whose father was a successful professional man, politician, or rancher who could trace his family roots back to Hernando Cortez — and who, one likes to think coincidentally, could confer on her a sizable dowry. Two decades ago I began noticing in local papers' wedding announcements that middle-class Anglo boys were marrying middle-class Hispanic girls; ten years later, it was common to see Hispanic boys marrying Anglo girls; and, today, as Sechrest notes, even the oh-so-conservative lower classes of both Anglos and Hispanics are intermarrying — without, as Sechrest reports, any comment or notice, except from those of us interested in the sociological phenomenon. Indeed, the process has followed the very similar assimilation I noted among my classmates in an Ohio college 50 years ago, as Polack and Bohunk boys began dating and marrying Dago and Guinea girls, limned so vividly in *West Side Story* and, earlier, the original *Romeo and Juliet*. (After 40 years in Texas, Sechrest should know that both "Anglos" and "Mexicans" are regarded as members of the Caucasian race, which is why we use the term "Anglo" to distinguish Caucasians of English, Scotch, Irish, German, Czech, or Swedish descent from Caucasians of Mexican, Italian, Spanish, Portuguese, or "Hispanic" ancestry.)

Perhaps Sechrest should look back into the distant past, before his arrival in Alpine, to research the reactions of, and reactions to, the great comic writer H. Allen Smith, who retired to Alpine after World War II, and proceeded to reshape the inhabitants in his image. He was tolerated until he began to criticize the chili, suggesting that it should incorporate strange and wonderful ingredients common in chili made in, it is thought, Cincinnati or some such effete eastern megalopolis. Smith, though tolerated in his eccentricities by his immediate neighbors in the Big Bend, managed to arouse the ire of a Dallas writer, Frank

X. Tolbert, who marshalled the resources of the great *Dallas Morning News* to stage a definitive "chili cook-off" in the abandoned mining camp of Terlingua, in the mountains near the Rio Grande. Real, *echte*, beanless and tomatoless Texas chili won the day, and if memory serves, Smith died of shame a short time later, still tolerated by his neighbors, but exposed to the contumely and ridicule of a wider world!

Ralph D. Copeland
San Antonio, Tex.

The Fool's Formula

Mark Skousen's response (January) to William Grigg's review of books exposing Mormonism (December) was a typical apologetic defense of religious fanaticism. I am no longer shocked by "academics" who cannot bring themselves to recognize the most fundamental error, one that I self-discovered while still a teenager. Distilled to its essence, the revelation most liberating could be called the Atheist Axiom.

Since whatever it is that exists must necessarily be a part of the Totality, no part of the Totality can be a creator of the entire Whole of existence!

To fully understand and base one's argument on the knowledge that the whole cannot cause itself, but then flagrantly argue (as the religious do) that a part of the whole created the greater Whole, is not innocent. It is the Fool's Formula, intended to victimize the immature and destroy man's reason. The Totality could not be created by something external to it, by itself, or by a mere part of itself. The infinite Universe (the Totality) is eternal.

No one can appreciate political emancipation while enslaved to a Space Spook!

Charles Schisler
North Palm Beach, Fla.

Let 'Em Ride Piggyback?

Timothy Sandefur's "Let 'Em Walk to the Clinic" (February), was great except on one point: he left us readers in the dark as to who actually pays the \$40 per person fees involved in transporting patients by limousine to clinics in Florida's Hillsborough County.

Yes, it's true he did mention that the clinics, instead of the patients, pay

the limo company's charges, but that really does nothing but beg the key question — where do those clinics get the money they use?

My suspicion is that — and I'm willing to bet on it — it's the taxpayers who ultimately pay all the fees involved in this luxurious method of trucking people to see their doctors. All of which is simply more proof that third-party payments in the medical world are what make the whole damn thing so obscenely expensive!

John M. Simons
Sheffield, Vt.

From the Monkey Cage

In the January *Liberty*, the article entitled, "Monarchy: Friend of Liberty" was very well thought out and needed. Raging against democracy in this day and age seems counterintuitive. These days, the word "democracy" is almost always used for statist purposes. The democracy of today is very different from the "democracy" championed by Acton, Dicey, Hayek, or even de Tocqueville.

I have argued in my school's newspaper that democracy amounts to nothing more than an organized lynch mob. Indeed, it is often helpful to substitute the words "lynch mob" and "democracy" to get a different perspective on forms of government. The ruling majority has to trample over minorities or their rights. Securing individual rights while making a government fluid enough to function within a framework has been a problem political philosophers from Spinoza to Nozick have had to deal with. The study of monarchy, and what its motives are compared to the motives of a legislative body, is a good start to an article on this subject.

The best argument Yeager provides for a "temperate monarchy" is one of continuity. (I have to admit I read the article three times just because I liked it so much.) The motives of monarchy and legislative bodies are entirely different. Monarchy will do what it needs to survive. Take the example of King John and his reluctance to sign the Magna Carta. All it took was a few burning torches flying through his window at night to change his mind about signing the document.

Checks and balances were what the principles of federalism were based on. A monarch, albeit a weak monarch, with constitutional powers to block a legislature but not to legislate, would seem (in theory) to prevent the evils of prohibition and Wilsonism. I suppose all monarchs respect the principle, "What good is my position if I'm dead?" The legislature, on the other hand, as well as the statist consequences of party politics, creates an environment where any person who utters "there ought to be a law" can get their wish.

The most ironic thing about democracy is the ends being held in high contempt by the majority. Adam Smith's "invisible hand" explanation could be just as easily applied to the state as it was to the economy. No one intends the end result of legislation, but every democratic citizen helps create it. The "invisible hand" explanation also

explains the rise of totalitarianism from an 18th and 19th century liberal model of limited government.

I suppose above all else, the reason for the popularity of democracy is citizens' Hobbesian distrust of other citizens. ("Individuals in a 'state-of-nature' are at a constant war with themselves," we are told by Thomas Hobbes.) These citizens feel that they can control their "dangerous" or "immoral" fellow citizens through legislation. The funny thing is when the legislation comes back around to control them. I think H.L. Mencken had it correct and is still right: "Democracy is the art of running the circus from the monkey cage."

Mike Treadwell
Olympia, Wash.

If I Were a Rich Man

Leland Yeager articulates well the advantages of monarchy in opposition to democracy. His discourse reads

From the Editor . . .

The War in Iraq drones on. Five hundred young Americans have died in it, American taxpayers have dished out more than \$100 billion, and now the administration tells us that, well, maybe Iraq won't be ready to become a self-governing democracy as scheduled.

Most libertarians oppose the war, but there are those who think its rationale is sensible and its costs quite reasonable. Last week, Lanny Ebenstein, author of *The Mind of Friedrich Hayek*, sent me a letter pointing this out, and asking whether we would be interested in publishing a libertarian defense of the war. I immediately agreed, and suggested that he and I might exchange letters discussing the issue. His first letter to me, and my first to him, can be found in this issue.

One thing I am pretty sure we agree on is that the War on Terror has limited our civil liberties in ways that are both wrong and frightening. In our lead feature, Chris Pyle tells the tale of a Canadian who, upon trying to enter the United States, was turned over by American law enforcement officers to the FBI, who sent him off to Syria to be tortured. Even more frightening, Pyle writes, is the intelligence-surveillance complex that made this travesty of justice possible.

But there's more to life than the Wars on Terror and Iraq, and there's also more to *Liberty*. There's intelligence and curiosity, there's family, there's human achievement, there are great thinkers like Friedrich Hayek and successful idiots like Michael Moore, there are intellectual journeys and strange political philosophies and odd political parties. There are interesting things to hide from the authorities, and people skillful at hiding them. There is baseball, and there is always George Bush. All these are targets and delights for this month's writers of *Liberty*.

"In times of crisis," Aristotle observed, "there is always fun to be found." The merry band of men and women at *Liberty* have done their best to find it and to share it with you.

R. W. Balford

much like a Bernard Shaw preface. He deserves that much praise for his endeavor to expose the pretexts of democracy.

Yet, his contention for monarchy is trivial.

Throughout his brief examination of monarchy and democracy, Yeager forgets, or avoids, the institution that governs both: plutocracy.

Let's suppose, for a moment, that I am a rich man, a very rich man. My country admires me because I am the quintessential capitalist. And, perhaps because I love my country, I have a political agenda. With my agenda in one hand and an overflowing purse in the other, I make an appointment with the governing official. I am willing to wager my entire bank account, which is much larger than the politician's, that the autocrat is no less susceptible to my influence, or force, than the democratic politician.

Let's now suppose that Yeager's ideal autocrat — one with a cunning mind, charismatic influence, and an irreproachable conscience — reigns. There are only a few men and women across the globe that adequately meet the prescription, and I suspect those wise few would as soon shoot their own mothers as accept a ruler's throne. But let's suppose divinity smiles upon a country and Yeager's king inherits the chair — citizens may still be protected from the legislature. According to Yeager, that responsibility is the king's: "[He] could warn his prime minister possibly with great effect," and it "would always trouble his mind." As sagacious as the king may be, he is inconsequential in comparison to the plutocrat. Money has a much louder voice than any sage in the head of a prime minister.

If a government does not manipulate its country's economic climate to care for the entirety of its population, but rather to only a sliver, the country's economic bosses will manipulate the government to the disadvantage of a somber many. Yeager knows this; politicians know this. Hence, today in America "the economically ignorant politician has the advantage of being able to take [popular] stands with a more nearly clear conscience."

So long as Big Business thrives — in large part by the advocacy of our

media, schools, and politics — plutocrats will govern; the slight influx or restriction in personal liberties is trivial; monarchies and democracies are but mere names.

Joshua Longobardy
Las Vegas, Nev.

What Liberty Is

In his January 2004 article, Leland Yeager wrote, "constitutional monarchy can better preserve people's freedom and opportunities than democracy."

Every European country with a constitutional monarchy also has an economy that is more socialist than the American economy. Yeager admires the more robust monarchies of the 19th century. That was also the century of laissez faire capitalism.

I think it is important to identify what we mean by "liberty." What I mean by that concept is freedom from poverty and from the need to grovel before a malevolent supervisor. Most Americans are dependent on public sector employment for the basic necessities of life. By reducing that dependence democratic socialism would increase our liberty.

In that issue's Reflections, Tim Slagle wrote, "The economy is up, unemployment is down . . . lower taxes = more prosperity."

Excuse me. Fewer people have jobs than when Bill Clinton was president. Clinton raised taxes on the rich and we enjoyed the greatest prosperity in our history. President Bush cut taxes for the rich. The immediate result was an eight month recession. This was followed by a jobless "recovery" when the unemployment rate continued to grow. Meanwhile, the deficit grew.

Slagle's arithmetic is incorrect. The correct equation should go:

lower taxes = less prosperity + more national debt.

John Engelman
Wilmington, Del.

What Liberal Media?

I'm sick of hearing conservatives whine about the "liberal media" ("How do you explain Dan Rather?", February). What liberal media? During the Iraq war, coverage of the fighting was so blatantly biased toward the government that it was impossible to tell the difference between an "embed-

ded reporter" and a government spokesman. In true Soviet style, reporters wore the American flag on their lapels as they trumpeted "Operation Iraqi Freedom." Nowhere was heard a dissenting voice. Pictures of the carnage, the blasted buildings, the dead civilians, the maimed, the suffering were seen everywhere in the world but here. Our so-called "liberal media" was indistinguishable from the state media of any totalitarian country.

The Democracy Now project did an analysis of the interviews granted by the various television networks during the war. Of the 393 interviews noted, 390 were with generals and military consultants. Only three were with peace activists. There were no interviews of Iraqi civilians, especially those who were victims of the bombing campaign. There were no pictures of children with limbs blown off. There were no interviews with foreign reporters who were not embedded with U.S. troops. There was no coverage of the deaths of the dozen or so foreign reporters who were killed by U.S. troops. The television networks were willing handmaidens and partners with the U.S. military. These are not the actions of a "liberal media."

I'm tired of listening to conservatives continue to beat the dead straw man "liberal media." Where does one turn on television to get a liberal view today? At one point, over half the population opposed the war against Iraq. That amounted to millions of people. Why weren't these people on television? Where were the so-called liberal pundits? I'll tell you where they were: They either no longer exist, or they were shut out. If you want to find liberal commentary today, you have to look on the Internet, or in the foreign press. It has virtually ceased to exist in American television, radio, films, and most newspapers.

As an example of how out of touch author Robert Formaini is with what is really happening, take the case of the Move On ad criticizing the half-trillion dollar deficits of the Bush administration. This exceedingly meek and mild ad showing children working to pay off the debts of their parents will probably never be shown on TV, despite

continued on page 26

Reflections

Thank goodness for the GOP — According to the conservative Heritage Foundation, the omnibus appropriations bill just passed will increase discretionary spending — that's non-military, non-mandated domestic spending — by 9 percent in 2004. That comes on top of increases of 13 percent and 12 percent during the previous two years. Good thing we have a Republican president and a Republican Congress, isn't it?
— Alan W. Bock

The War on Glass escalates — Even as the bogus War on Terror escalates, the ridiculous War on Drugs

drags on. I was shocked and disgusted to see that actor and comedian Tommy Chong began a nine-month federal prison sentence on Oct. 7 for operating a glass-blowing shop that sold bong. He wasn't selling dope (not that that should be a crime), but just "paraphernalia," a totally artificial class of things. As unbelievable as I found this, what was really shocking and disgusting was that the U.S. attorney argued that Chong deserved an especially severe punishment because his films "trivialize law enforcement efforts to combat drug trafficking and use." It's not just that they put him in jail for a phony non-crime, twice-removed, but they really did it because he was a comic, making fun of them. The First Amendment still gets lip service, but apparently it doesn't protect some forms of speech.
— Doug Casey

The '70s, through a PC filter — I finally realized what bothers me about the *That '70s Show*. Nobody smokes. Anything. Ever. Yes, there are occasional references to marijuana, and occasionally, the central characters will be seen through a distorted lens giggling in a smoke-filled basement, and we all get the idea; but I don't think I've ever seen one of them actually light a pipe or a joint. There is the now famous "Brownie" episode, where we see everybody eating "special" brownies, and getting really goofy, but nothing is said about why they were "special," and never is anything lit.

And what about cigarettes? As a person who went to high school in the '70s, I can tell you that most schools had dedicated areas for students to have a cigarette in between classes. I knew kids similar to the stereotypes these actors

portray, and they all smoked Newports.

And what about their parents? In those days, most hard-drinking adults (as it is suggested some of these characters are) were heavy smokers. Yet not once have I even seen an episode where an adult lights up a Lucky. It makes the show feel weird. Who would ever have thought that political correctness would interfere with nostalgia? — Tim Slagle

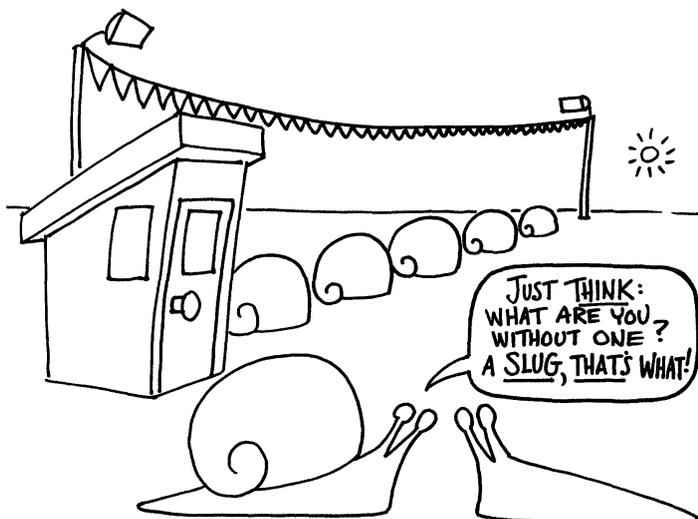
No smoking gun — So Secretary of State Colin Powell says, "I have not seen smoking-gun, concrete evidence about the connection" between Saddam Hussein and

al Qaeda, though he still maintains President Bush was right to launch the invasion of Iraq. Even though Powell maintains some evidence of links might yet be found, the comment puts his performance at the U.N. just before the war in a bit of a dubious light. In fact, the entire rationale for the war, aside from the "humanitarian" argument that it is the duty of the United States to change any regime that is acting in a beastly fashion (and, perhaps, is sitting

on huge quantities of proven oil reserves), has pretty much vanished, and administration spokespeople have been remarkably frank about acknowledging that the ostensible reasons for going to war were empty.
— Alan W. Bock

Giving credit where debit is due — On January 14, President Bush announced an initiative to send astronauts to the moon and then Mars. His proposal, which will cost taxpayers hundreds of billions of dollars, was acclaimed as a renewal of the vision that launched the first moon landing. A few critics raised eyebrows at the cost, but the predominant tone was euphoric and echoed the Republican lobbyist who said that space travel on this scale "will not be merely revolutionary: it will be Promethean."

So where was the press? Experiencing mass amnesia. Just a year ago the shuttle Columbia disintegrated into thousands of pieces across eastern Texas because a piece of foam struck the spacecraft. NASA staff knew that some foam had broken off, but they chose to ignore the possibility that it would pose a problem. In August, the Columbia Accident Investigation Board reported that the accident was caused not just by a mechanical problem but, according to an official press release, by both "physical and organizational



S. CHAMBERS

causes." The report also said that "the NASA organizational culture had as much to do with the accident as the foam that struck the orbiter on ascent," that NASA's management system is "unsafe to manage the shuttle system beyond the short term," and that the agency "does not have a strong safety culture." In spite of that report, the same administrator who oversaw the Columbia disaster, Sean O'Keefe, is in charge of NASA today. And President Bush is handing over this enormous responsibility to him.

Everyone knows how hard it is to get rid of a government agency, no matter how decrepit. This turn of events suggests that the worse the agency's track record, the more promising its future.

— Jane S. Shaw

The national Saddam index — Back in early December, Americans were growing less and less satisfied with the way things were going. The CBS/NYT poll of Dec. 13 revealed that most adults, by 56–39, thought that "the country is on the wrong track." Then Saddam was captured. On Dec. 15, they thought we were on the right track by 49–43. The pollsters were pretty clear: they were talking about America, not Iraq. They weren't talking about safety. Still, Americans thought that capturing the former despot of Iraq made America better.

This is bad news if you want to forget the Bush presidency as soon as possible. Foreign events didn't use to play such a role in the right/wrong track questions. Before and after the 1983 Grenada invasion, the meter bumped up from 50 to 53. That's a far cry from the 10-point Saddam bump. Saddam had been built up as a villain for twelve years, but the Communists had been on the hot seat for nearly 40 years. There's something new in this. The Bush administration has told America that our destiny is tied up with Iraq's. In great numbers, we're believing them.

— David Weigel

Don't have a cow, USDA! — The mad cow disease panic provides an important lesson about how government doesn't work. Weeks after a cow is slaughtered, tests show that the cow had the disease. Although it is soon acknowledged that many people have probably eaten meat from this cow, the Department of Agriculture (USDA), led by a secretary with ties to the agriculture industry, piously argues that the food supply was safe.

Democrats called for a law requiring that "downer cows" — cows that cannot stand or walk — be banned from the human food supply. After a few days of hysteria, the Secretary of Agriculture caved in and banned human consumption of downer cows.

sumption of downer cows.

A ban on downer cows is silly because many are unable to stand for obvious reasons — for example, a broken leg — that have nothing to do with mad cow disease. More importantly, such a ban would not have prevented this problem, and might even have left it undetected. The infested cow was not a downer; it was tested by the slaughterhouse only because another cow in the same herd was a downer. If downer cows had been banned from the food supply, its owner wouldn't have sold it to the slaughterhouse, the herd would probably not have been tested, and the diseased cow never detected.

Meanwhile, the calf of the diseased cow was found in a group of 450 calves — but no one kept track of which was which. So USDA ordered the destruction of all 450 without testing any to see if they had mad cow disease. The USDA seems to believe that the less the public knows about infected cows, the better.

If we didn't have USDA "protection" of the food supply, food producers would have to go to much greater lengths to assure people their food is safe. USDA is more a protector of the industry than of food safety.

The best solution was proposed by the Food Marketing Institute, a trade group of the grocery industry: test all suspect cows and their herdsmates and don't allow their meat to enter the food supply until the test results are in. Implementing this would protect the public. But it apparently doesn't meet the requirements of the cattle industry for a low-cost solution or the requirements of the politicians for simplistic answers.

— Randal O'Toole

Tear down this other wall — Palestinian Premier Ahmed Qureia has said that if Israel keeps building the wall that redefines the border, he'll start pushing for a single Arab-Jewish state that includes Israel, the West Bank, and Gaza and would soon have an Arab-majority. Sure, Israelis will look at that proposal and figure it's just as likely as all get-out to happen. Israelis already worry about an Arab majority if the regime doesn't find a way to off-load the West Bank, but so far the concerns haven't been translated into policy, and nobody knows when sufficient war-weariness will set in.

— Alan W. Bock

Satellite Penile Control — If someone came out with a simple high-tech system that could curb overpopulation, AIDS, rape, pedophilia, abortion, STDs, unwanted pregnancy, and bestiality, as well as resolve all ugly political fights over abortion, we would award that person a Nobel Prize. Well, I'm here to cash in. I've devised such an instrument.

It's composed of simple GPS technology like Cadillac's Onstar system, which can find you anywhere on the planet if you have the right equipment under your hood — combined with those little things they reportedly use in research labs to measure homophobes' tumescent responses to gay porn.

What I'm thinking of is penile measurement rings, controlled by satellites. That's right, satellite control of penises! The morning-after pill has just been approved by the FDA for over-the-counter sales, but why wait until the morning



"You're not giving advice to the President, are you?"

after when you can act the minute before? We all know about Medic Alert, that thing that calls the authorities when grandma falls and can't get up. When you think about it, what's more important — getting granny up, or getting penises down?

I have a friend who wears a government-installed ankle bracelet, and the people in charge always know when he stays too long at the bar. Satellite Penile Control (SPC) could be installed just as easily, and be rendered practically fool-proof. Then, no more need for abortions — partial birth or any other kind. No more need for the consternation, the guilt, the shame, the expense, the economic deprivation, the surgical invasion of the body that accompany abortion. Also, no more gruesome pictures, no more horror stories and clinic bombs. No more election wedge issues, litmus tests, or filibustered judges. Individual men — not the long-suffering female population, or the body politic — can bear the burden now.

I think we all agree that placement of reproductive issues on the backs of women is a concept as medieval as the chastity belt. Just because women give birth does not mean that it's fair to put all of the responsibility for pregnancy-related issues on them. Birth control and partial birth abortion come way too late in the process. What about the root cause of the pregnancy, the thing that started it all? Social and religious conservatives believe that human life begins at conception, and that's where the focus should be — on conception control. Who would argue that instead of padlocking the barn door we should catch the horse when he's already galloping down the street?

Sen. Rick Santorum and columnist George Will have pretty much dismissed the idea that a person owns his or her own body. They argue that the right to control one's body would lead to a slippery slope where people would start doing such things as committing adultery or even masturbating. Santorum believes that some might slide so far as to have sex with goats. Well, if my proposal were enacted, then as soon as any of these species crossers got a gleam in his eye, it would immediately be picked up by satellite sensors, and a powerful shock would be delivered to the offending member. A downward slope of another kind would result.

Better still, instead of granting the power to control sexuality to a single, centralized (and largely male) group of federal bureaucrats (i.e., the U.S. Senate), we could manage sexuality at the local level, with a penile control committee in each state. Since women would be the most obvious bene-

ficiaries of penile control, the committee would be principally composed of women. Social conservatives will have little or no objection to the supposed invasiveness of Satellite Penis Control, so long as it is mandated by the states. They have long insisted that a right to privacy does not exist in the Constitution. Certainly Sen. Santorum, the world's leading expert on such matters, confesses that he can't find it there. And what conservative could possibly be against the institution of family safeguards and preventative justice — so long as it is all done, as I say, on a purely local level?

— Sarah J. McCarthy

The doctor is out — These days I can hardly recognize Howard Dean. When I first met him in Jonathan

Cohn's respectful article in a June issue of *The New Republic*, he was a sensible doctor-politician who had a few actual ideas. Balance the budget. Repeal the highest-bracket tax cuts. Roll back some anti-gay hysteria. No good libertarian could be keen on his zealotry for universal health care, but there was good stuff here. He was better than Al Gore, at least.

And then he went nuts.

I'm not saying "nuts" for some dynamic, Coulteresque

effect. In the last five months or so, the Governor has been signing off on some of the emails I get from the campaign (campaign staff assure me that he approves, if not actually pens, every message). They started off with smart rhetoric about John Ashcroft. Then came the fundraising bat — a cartoon of a baseball player pointing, Bambino-like, off into the distance. The Governor was telling me that "we are building an American community strong enough to take on the power of money in politics and deliver the White House back to its rightful owners — the American people." What does this mean?

In November, Howard sent me an answer. "Our political system is drowning in a flood of large corporate interest money. The pens that sign the checks of the lobbyists in Washington are the same pens that write our legislation. Oil corporations write energy laws in the Vice-President's office. The pharmaceutical industry drafts our Medicare laws. Billions of dollars worth of contracts in Iraq and Afghanistan are awarded to Bush contributors."

Something had changed. These new emails reminded me of the correspondence I got from the Ralph Nader campaign in 2000. All wrongs could be traced back to "corporations" — Dean was nice enough to specify that "corporate interests" were the problem. Money was ruining our poli-



tics — so the candidate needed as much of my money as possible. My next email came from campaign manager Joe Trippi, thanking all of us on the email list for voting to skip public financing and the resulting cap on donations. “In 1773, a band of patriots dumped a shipload of tea into Boston Harbor to protest a government that benefited only a select few. Today, a bigger band of patriots made history.”

This was when I realized that Howard had gone nuts. The most a presidential campaign can do is squeeze its party into Congress. The least it can do is lose. Ralph Nader had told everyone who would listen that his campaign would bring in millions of new voters, but it didn't. So

when you're convinced that your campaign is actually a glorious revolution, you're walking off the map.

The Howard Dean of early 2002 could never have written these letters. The Dean that appeals to libertarians who just want Bush out of there is a thing of the past. But it's interesting to watch how far this new Dean is going to go. As he told a group of Iowa voters in January, he's starting to think that “people are dropping out of the system because they think they can't change it. If this campaign can bring 4 million new voters . . .” — David Weigel

The meter-maids of regulation — That clever 19th century liberal, Frederic Bastiat, who studied the

economics of the visible and invisible, understood better than most the invisible penalties that haunt governmental regulation. Strangely, William Schwenk Gilbert, a lyricist whose economic interests were only centered on box-office receipts, stated the same truth in a tuneful way. He said, to the melody of his musical partner, Arthur Sullivan: “Things are not what they seem. Skim milk masquerades as cream.” How true. Laws are never “what they seem.” And before we kill all the lawyers, as the Bard suggested, let us examine some of the penalties of the legal code.

The most certain of the unseen costs that accompanies legislation — as ubiquitous as the bar check that follows your vodka martini — is the simple need for enforcement. Without enforcement, those encyclopedic, uninterpretable statutes buried in governmental regulations are “writ in water.”

Every new law, regulation, and edict in the federal code calls for battalions of enforcers, and a country overrun with policemen is a country where freedom is fitful and taxpayers pay for their own harassment. So many policemen. So few of us left to do the world's work. We drag along the burden like the ghost of Marley (Scrooge's partner, remember?), whose deeds forged the chains of his own bondage.

Who can afford the army of accountants needed to check, say, the banking regulations that govern reserves? There are hundreds of thousands of banks in the U.S.; their reserves fluctuate hourly. How many sharp-penciled cops would it take to periodically inspect 100,000 banks? And if it's accurate numbers

News You May Have Missed

Bush Moon Plan Takes Off

WASHINGTON, D.C. — President Bush's plan to colonize the moon and Mars received solid bipartisan support as Congress quickly passed a resolution authorizing the use of farce in outer space. Following established precedent, the resolution was passed before most representatives and senators had any idea what they were resolving, let alone authorizing, and afterward there were questions about the wording. But following consultations with experts at several administration-friendly think tanks, including the Pratfall Institute, the Banana Peel Foundation, and the Project for the New American Quagmire, legislators decided that “farce” was the right word after all.

Nevertheless several prominent members of Congress expressed chagrin after the vote when they were handed a bill for \$435 billion, not including tip. “This can't be right,” said one senator, signaling to Karl Rove in a vain effort to get his attention. “A hundred billion just for appetizers? There has got to be some mistake. We can't pay this. All our cards are already totally maxed out.” But they calmed down when Vice President Dick Cheney came over and explained that there was no problem, the bill could just be charged to the deficit, “and there's plenty more where that came from.”

President Bush's plan, given the official code name Operation Lunar Freedom, calls for a devastating “shock and awe” public relations campaign, precision-targeting major media outlets, followed by a rapid advance on the lunar capital, if one can be found (if not, one will be built by Bechtel and Halliburton for \$292 billion, or \$305 billion if you count light bulbs). The capital will then be surrounded and

quickly overrun by allied forces, which will include not only American National Guard troops who had been told they were only reporting for weekend duty, but “coalition of the willing” troops from several remote, strange, but cooperative planets, such as Planet of the Apes, Planet of the Baboons, and Planet of the Fox News Correspondents. The subsequent occupation will last until a stable democracy is established on the moon or until Donald Rumsfeld gets bored and the Republican National Committee gets nervous, whichever comes first. Nevertheless, after occupation forces depart, a number of pioneering individuals specially chosen by the Bush Administration will be left behind as permanent moon settlers, including former Treasury Secretary Paul O'Neill, *New York Times* columnist Paul Krugman, and Jacques Chirac.

Administration officials are reported to be worried that they will eventually run out of parched, desolate places where a swift, smooth transition is possible between taking over and regretting taking over. Mars seems to be next in line, since, according to Paul Wolfowitz, who is in daily contact with prominent Martian exiles like Xandor, Org, and Perle, American invaders will be greeted by the liberated indigenous population “with open little green arms.” President Bush has named the moon and Mars as prominent components of the “Axis of Real, Real Cold and Boring Places.” The president has said he will not rest until both heavenly bodies, with American help and guidance, achieve the same climate and the same number of professional sports franchises as Houston. — Eric Kenning

you're seeking, you'd better not use the bank's books. Better to count the cash, count the CDs, count the short-term paper, count the rolls of coins.

The essence of a capitalistic society, though it hardly peeps through our business-school textbooks, is trust. Corps of cops are only a small part of the solution to malfunctions in the body economic. Fewer laws and more morality are what's needed. And that's a solution not amenable to the talents of the SEC or courthouses full of Attorneys General and prosecutors. The answer lies in the realm of ethics, not regulation.

— Ted Roberts

Terrorist alert elevated to Level Pink —

Over the past two years the Department of Defense has discharged 37 linguists, most of them studying Arabic, from the Defense Language Institute. Was it because they were flunking? No, it was because they admitted they were gay, thus violating the military's "don't ask, don't tell" policy. Evidently the government figures it can conduct the vaunted "War on Terror" without some of the weapons it could have at its disposal. Is that kind of unilateral disarmament intelligent?

— Alan W. Bock

Tis the season to be bankrupt — I love our new high-level terror alert system that seems to occur every holiday season. Normally, traveling between Dec. 20–Jan. 2 is a nightmare of long lines, crowded seats, and overpriced tickets. Try to book something at the last minute, and you would pay hundreds of dollars, if you could get anything at all. But thanks to Tom Ridge's impeccable timing, I was able to purchase a last-minute ticket from New York to Orlando at the end of the New Year's weekend for a mere \$122. Moreover, I was able to drive across the George Washington Bridge at 6 p.m. on New Year's Eve, with virtually no wait at the toll booth. How convenient for me!

Oh — the airlines are struggling to make a profit? That's okay. I can sell them short and make big bucks in the stock market. And the merchants in Manhattan are also struggling, with tourists staying away? That's okay too. Most of them are just Third World immigrants. Who needs 'em?

I love this new terrorism alert stuff!

Wait a minute. You say I won't be able to fly anywhere next year because the airlines will be out of business?

Oops.

— Jo Ann Skousen

Drugs and terror: when wars collide — A U.S. official has told the *Washington Times* that Osama bin Laden and al Qaeda are raising millions of dollars through the illicit drug trade, mainly by charging a "tax" on and facilitating opium shipments out of Afghanistan. The official neglected to mention that the most effective way to cut off this particular source of funding for terrorism would be to end the drug war and make drug dealers compete with multinational pharmaceutical companies. Without the price premium imposed by prohibition, of course, they would find themselves without a business.

— Alan W. Bock

Bad profits! Bad! — Quite possibly the downfall of capitalist society started about the same time that the words "Not For Profit" became equated with goodness and

morality. In an effort to describe, in legal terms, a moral activity that should receive preferred treatment under tax policy, the IRS created the non-profit status. I suppose, by implication, we are to think that profit is evil, and should be subjected to punitive taxation. Non-profit should not be confused with a vow of poverty, for many executives at the Red Cross and PBS drive fancy cars and live in extravagance. Non-profit status doesn't mean that nobody is making money, it only means that no money is returned to the investors.

— Tim Slagle

Lieberman suspects the DEA of drug enforcement —

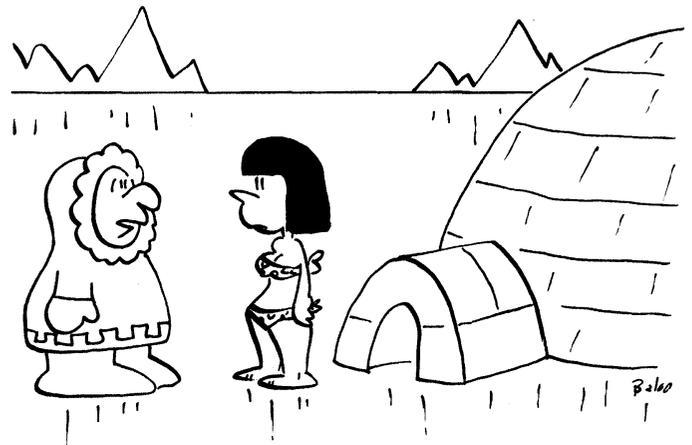
Asked by an activist in Maine whether he would stop Justice Department raids on patients in states where state law authorizes the use of medical marijuana, Democratic presidential hopeful Sen. Joe Lieberman said he had asked his staff to check into "accusations" that the feds had conducted such raids. Suzanne Pfeil, who in Sept. 2002 was awakened from sleep in Santa Cruz by five DEA agents pointing automatic rifles at her, would be surprised to know Sen. Lieberman still thinks stories about such raids are "accusations." The stories were in all the papers, at least in California. Anybody who had even Googled the subject would find news of lawsuits, jail time in San Diego and Santa Ana, a club closed down in Los Angeles. Could it be Sen. Lieberman and his staff haven't made much of an effort?

— Alan W. Bock

The return of the military draft — Given that this is an election year, it is unlikely that a serious effort to reinstitute conscription — a military draft — will happen anytime soon. But a number of circumstances make it a possibility once the election is finished. Those who value freedom and an effective national defense should be aware of the dangers.

Recent events in Iraq, including the attack on convoys in the town of Samarra that led to deadly firefights, suggest that U.S. occupation forces face something like a classic guerrilla war.

If that turns out to be true, it matters little whether the guerrillas are Baathist remnants of Saddam loyalists, foreign jihadists, or locals who have become foolishly disillusioned with the American occupation. It also matters little whether



"Global warming isn't here yet."

the guerrilla command is centralized or radically decentralized. What is important is that military doctrine suggests that defeating a guerrilla force requires overwhelming numerical superiority — some say 10–1, some say 20–1.

If U.S. forces have to fight a guerrilla war, huge numbers of troops — who will not be available for policing, supporting democracy, or reconstructing infrastructure — will be required. Considering normal rotation schedules, three times that number (some training in the States, some preparing to deploy, some preparing to return home) will have to be assigned to Iraqi operations. Nobody knows what effect this will have on enlistment and re-enlistment rates, or on morale, but the effects over the next year or so could be substantial.

Add the fact that the U.S. still maintains troops in more than 120 countries and that people up to Defense Secretary Rumsfeld have worried (albeit guardedly) that U.S. forces may be stretched too thin to accomplish all their missions, and you can see why conscription may become attractive.

A bill, HR 163, to establish universal national service for both men and women in military or alternative service, was introduced last year, sponsored by Harlem Democratic Congressman Charles Rangel, but it didn't go anywhere. Columnist Doug Bandow told me that those who talk openly about restoring a draft (or a compulsory national "service" system) are mostly Democrats, but that an increasing number of Republicans are quietly urging them on.

The Selective Service System (SSS) early in November put a notice on its Web page that "[i]f a military draft becomes necessary, approximately 2,000 Local and Appeals

Circumstances make conscription a possibility after the election. Those who value freedom and an effective national defense should be aware of the dangers.

Boards throughout America" would have to be formed, and invited applications. A couple of days later the notice was eliminated without explanation.

The SSS Annual Performance Plan for 2004 includes more ambitious plans than the system has had in decades, including conducting an Area Office Prototype Exercise to test the activation process. Although the House wanted to increase its budget to \$28 million from \$26 million (oh, those frugal Republicans!), the Senate didn't go along with the budget boost.

The military (after initial apprehension) now prefers a volunteer system in which it has a chance to properly train people who want to be there. And policymakers of a certain age remember that opposition to the Vietnam war almost disappeared after the draft was stopped. However, there have always been people in government who hanker after conscription, and events in the next year or so could begin to make the idea of compulsion rather than recruitment look attractive.

Just a heads-up — for now.

— Alan W. Bock

Never on Sunday — For as long as anybody can remember, New York City has outlawed the sale of liquor on Sundays. A few months ago, the City Fathers were seized by a fit of multiculturalism and set out to make their blue laws more religiously inclusive. The result is an ordinance that requires all liquor stores to be closed one day a week, but the owners of individual stores get to pick which day.

The ostensible reason for the ordinance in the first place is that if the city allowed people to sell liquor seven days a week, it would be encouraging drinking. Faced with a choice between the religious insensitivity of traditional blue laws, and the incitement of the masses to binge drinking implied by laws that will allow liquor to be purchased any day of the week, what's a city to do? — William Merritt

You know I'm bad — There is quite a concern that Michael Jackson might have had sexual relations with a boy who is a minor. Strangely, there is a lot more disgust about Michael Jackson in show biz circles than there was about musician R. Kelly, or director Roman Polanski, who is treated like a political dissident by Hollywood. I would like to think the reason is that R. Kelly was accused of being with a 16-year-old girl, or even that Roman Polanski's victim, at 13, was a full year older than Michael's friend, who was twelve. I more think the reason for the outrage is that Michael Jackson is accused of having had a homosexual relationship. For all the talk among the Hollywood elite of being tolerant of alternative lifestyles, the homosexual bias still exists, at least when it involves a minor. — Tim Slagle

Making Clinton look good — It was hard to imagine how things could get much worse than the cabal Bill Clinton surrounded himself with: Hillary, Al Gore, Madeline Albright, Donna Shalala, and the murderous Janet Reno (whom I always suspected of being Chelsea's actual father).

But somehow Baby Bush managed to outdo Clinton by consorting with Cheney, Rumsfeld, Ashcroft, and their neo-con minions. And with himself. Although Clinton, abetted by his high IQ, was a skilled and enthusiastic liar, his most famous lie was the relatively benign "I did not have sex with that woman." Baby Bush, actually aided by his low IQ, is what might be called a sincere liar. Perhaps because he actually thinks Jesus wants him to be president, and talks to him, he's an even more dangerous liar than Bill. What could be more dangerous than the whole series of lies that got the country into the Afghanistan and Iraq wars?

It's strange how you never know what you're going to get with a president. Few people remember that Franklin Roosevelt ran on what was almost a radical free market platform in 1932, decrying the taxation, spending, and regulation policies of Hoover. One might have thought you'd have gotten a fiscal conservative with Reagan ("If not us, who? If not now, when?"), but his policies sent the deficit through the roof. It was reasonable to anticipate a socialist disaster with Clinton, but government spending grew slower than the overall economy. Baby Bush, few now recall, made promises of no more "nation building" in foreign hellholes.

I'm not sure what conclusion one can draw from all this, apart from the fact that the kind of people who survive in

the game of politics long enough to become president are, almost necessarily, pathological liars. It would appear that *Boobus americanus* doesn't much care. Certainly not if the domestic economy is good. In which case who cares who's lying? Or if there's a war or an emergency going on, in which case they believe that almost anything is justified by "national security."

Actually, the only hope of things getting much better may lie in bad economic times. It was the high interest rates, high unemployment, and bad stock market of the late '70s and early '80s that fostered the tax revolt and underground economy movements of the era. That could be a bright side of the Greater Depression. But perhaps that's just my natural optimism coming out.

Of course, anything can happen. But my guess is that the era of really big government is here. Since Bush has been in office, even though reported inflation was extremely low, government spending increased over 28% — the highest rate of increase since LBJ tried to build the Great Society out of "Guns and Butter." Without any comment from supposedly "small government" conservatives, Baby Bush is the only President since Millard Fillmore in 1851 (with the exception of James Garfield who was assassinated shortly after taking office) who's never vetoed a single bill.

The Romans didn't think it could get much worse after Tiberius, but then they got Caligula and Nero. They didn't know how good they had it. My fear is that, after Bush, we'll get somebody worse yet. Dean this year. And then, maybe Hillary. But, in keeping with a well-established tradition of lies, perhaps she'll turn out to be a libertarian.

— Doug Casey

Elections excepted from First Amendment

— The Supreme Court decision upholding most aspects of the campaign finance limitation law passed by Congress last year affirms that when it comes to a trendy fixation of the political class, the Constitution — even the First Amendment, on which this court has generally been not bad — means little or nothing. Simple language like "Congress shall make no law" gives way to emotional rhetoric about the malign influence of money in politics (as if politics were otherwise a pure and pristine calling), and we now have a 90-page statute, 1,000 pages of regulations, and a 300-page Supreme Court decision regulating political speech.

Or, as John Eastman of Chapman University Law School



observed, there is now "more protection for pornography on the Internet than we give to core political speech 60 days before an election." He is referring to a provision in the law, which most observers expected to be overturned, that restricts election-time political ads, including a ban on ads that mention federal candidates in those candidates' districts, a month before a primary and 60 days before a general election. Incredible. The time just before an election, an innocent might think, is when political speech should be freest, even though you know some of it will be scurrilous. Yet Congress asserts the right to regulate not only candidates (for which there is at least some tenuous justification, given that nobody is forced to run for office), but anyone else that might want to influence an election. And the Supreme Court — or more specifically, Justices O'Connor, Stevens, Souter, Ginsburg, and Breyer — lets it happen.

Roger Pilon, vice president for legal affairs at the Cato Institute, told me, "Nobody thought the 60-day ban on speech would be upheld, yet the court affirmed even that. What's the point of having a court if it won't protect the Constitution? This is a majority that thinks like a legislature." He didn't mean it as a

compliment.

Several aspects of the enthusiasm for campaign finance restriction are especially dismaying — or perhaps revealing.

The first is that these are restrictions, as Pilon put it, "in the very area (besides religion) the First Amendment was meant to protect — political speech."

The second is that it runs counter to the democratic idea that the political process is the way the people give the government its marching orders. When the government regulates the political process, it controls the process that is supposed to regulate it.

The third is that restrictions on political fundraising and spending are blatantly calculated to protect incumbents, who already have built-in electoral advantages, from well-financed challengers.

This was truly appalling legislation and a truly appalling decision.

— Alan W. Bock

Eating your way to fame and fortune

— God is in his heaven and Timothy Dumouchel has dropped his lawsuit. The 48-year-old Minnesota man had brightened up a slow January news week when he stormed into the offices of Charter Communications and announced that their cable was making his wife fat. After threatening employees with a shark attack, he left a statement affirming

Word Watch

by Stephen Cox

Formerly, language patterns in the United States moved, like the sun, from east to west. The great sources of national slang and metaphor were the Broadway theater, Tin Pan Alley, and the major East Coast newspapers. Now traffic moves mainly in the opposite direction.

Fifteen years ago, I sat in a restaurant in San Diego and heard the waiter (I mean “server”) who was spying on my dinner plate enunciate the basic question of human life, in this form: “You still workin’ on that?” By a process of interpretive algebra, I deduced that “workin’ on” meant “eating.” Dining, which had once been a pleasure, was now just one more job you have to “work on.”

I imagined, of course, that this was merely some individual tic or spasm, the kind of thing that, if subjected to immediate treatment, would disappear without a possibility of its infecting others.

“No,” I said, with considerable emphasis, “I’m still *eating*.”

“Okay,” he replied, cheerfully oblivious to any suggestion that his bad choice of metaphor might be either (A) a metaphor, (B) bad, or (C) a choice that could, conceivably, be replaced by other choices. “If you’re still workin’,” he reassured me, “I’ll come back later.”

It turned out to be a disease, not a defect, and the contagion spread. Indeed, by the time I first encountered it, it was already evolving new strains. “Workin’ on” had already spawned the more easily transmissible “workin’.” In another month or so, it spawned another series of metaphors, each more disgusting than the last. “You still pickin’ on that?” a nice young server said, smiling down at my half-eaten steak.

“Yes, I’m still *EATING*!”

“That’s fine. I’ll check on you later.”

Check on me? Is this a hospital?

Meanwhile, “workin’” was preparing to hop the first plane east. I warned my Right Coast friends of the approaching epidemic, but they refused to heed. “No! Really? They say *what*? Well, that certainly doesn’t happen in New England.” I assured them that it would — and of course it did. Now “You still workin’?” is as standard-American as “social security” (“sosh scurty”) for “old-age pension,” “bring it to a head” for “make it an open issue,” and “nitpick” for “fault-find.”

“Huh?” you say. “What’s wrong with those expressions? They didn’t start in California, did they?”

No. No, they didn’t. They started in hell. Despite the heat, it’s dark down there. It’s hard to visualize what’s going on. But if you can’t visualize what you’re saying, you shouldn’t say it.

What, for example, are these “nits” that people “pick”? What image does that expression literally evoke? Well, nits are louse eggs, and when you pick a nit, you reach down into your . . . Now you get the picture, and it’s not a pretty one. And how about that “it” in “bring it to a head”? “It” is a pimple, a pimple that is being squeezed. When you subject that metaphor to a process of

visualization, you get a whole new impression of what happened when “Roosevelt brought the isolation issue to a head.”

“Come now! Nobody actually *sees* those images. They’re nothing but figures of speech.”

Sure they are. But why are you using a figure of speech, if you don’t want anyone to visualize what it says? And do you really think you can say, “This column sucks!” without anyone remembering what “sucks” literally means? The same goes for such common expressions as “sucks up” and “brown nose,” expressions that are embarrassing to mention and should be embarrassing to use.

It’s only the habit of visualization that can keep you from making gross verbal errors. I recently found in my mail a free copy of a beautifully produced book, together with a beautifully produced advertising circular that congratulated me on receiving the book and took the occasion to inform me that those responsible for it were “always looking for writers or people with great stories to tell.” Writers *or* people, eh? So writers and people are two different things? I’d suspected that.

The writer of that message could have avoided revealing his lack of humanity by simply visualizing “writers,” “people,” and the relationship denoted by “or,” then putting those pictures together and seeing, perhaps for the first time in his life, what he was literally saying. A similar process might be followed by a certain corporation that prides itself on its “many new innovations.” Picture innovations; i.e., new things. Now picture new innovations. Can’t do it, can you? And consider the remarks of one of Michael Jackson’s spokesmen, who claims that people are spreading “erroneous facts” about Michael. All right, visualize facts. Now visualize false facts. Hey! What happened? My “facts” just vanished!

If you can’t visualize what you’re saying, you’re going to have a terrible time avoiding lapses in grammar. “Every New Deal program that was aimed at creating jobs were a failure” sounds perfectly all right to people who aren’t picturing, word by word, what is really being said. So does “Walking into the house, the radio was blaring.” Disgusting images, redundant verbiage, grammatical indiscretions — all can be detected and removed with the aid of a little exercise in *seeing*.

And there’s still another reason for visualization: it’s a great obfuscation detector. There used to be a business in Southern California that proudly called itself the Home of Pacific Mobile World. Try visualizing that. You’ll get roughly the same results when you try to visualize your way through the language of politics and social organization, except that here the cost of obfuscation can be immeasurably higher. Take a crack at visualizing “social security,” “public single-family housing,” “affirmative action,” and the omnipresent “department of human resources.” One should be very careful around anything that doesn’t want its meaning visualized.

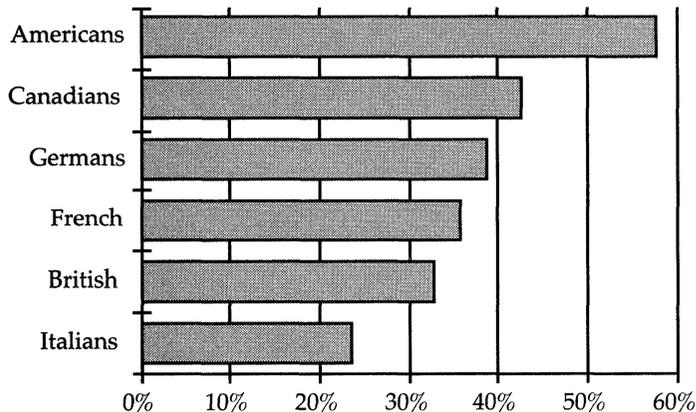
"that the reason I smoke and drink every day and my wife is overweight is because we watched TV every day for the last four years." For two days, from when he filed the threat to when he dropped it, he was taken seriously.

If you've ever been to a small city council meeting, you're familiar with the harmless crazy. He has a problem, he can't solve it, the city council has to do it for him. I remember one man who asked the Wilmette city manager to destroy the shrubbery around his house, and one man who told an Evanston alderman that a new library branch was part of a scheme to defraud white people. They were crazy. We nodded our heads and looked for other questions.

I'm not sure if we'll be able to make sensible distinctions in the future. The tobacco settlements of 1997 made it clear that stupid decisions can be actionable. Since 2002, fast food companies have been targeted by people with the same mentality. Dumouchel may be a kook, but he realized that blaming weight gain on his nemesis was the surest way to getting what he wanted. Let's hope other kooks weren't paying close attention. — David Weigel

Polling for freedom — The question of liberty versus security was put to people of six different countries by the Pew Research Center for the People and the Press. Pew asked them what was more important: "that everyone be free to pursue their life's goals without interference from the government, or that the government play an active role in society so as to guarantee that nobody is in need?"

Here are the proportions of those who chose freedom over security:



That is not to go so far as to claim that the majority of Americans are really libertarians but don't know it. Clearly, from the way Americans choose between concrete alternatives, they often prefer security. It is significant, though, that when asked to choose among principles, a majority of Americans chooses liberty — and that a majority in each of the other countries does not. — Bruce Ramsey

The first casualty — The international media watchdog Reporters Without Borders — Reporters Sans Frontières (RSF) — has completed its investigation of the U.S. Army's attack on the Palestine Hotel in Baghdad on April 8, 2003, in which two reporters living there were killed. RSF concluded that the deaths "were not a deliberate attack [by the U.S.] on the media. However, it [RSF] said U.S. soldiers should have been told by their commanders

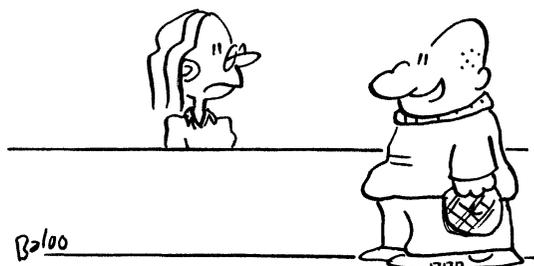
that many journalists were based in the hotel. . . . It was an act of criminal negligence for which responsibility should clearly be established." In short, the accusation is not murder but manslaughter.

But blame is laid at the feet of the Pentagon and military commanders, not of the soldiers in the field who fired upon the hotel. According to a story in the U.K. *Independent*, "Despite information being available to the Pentagon, the report said 'the soldiers in the field were never told that a large number of journalists were in the Palestine Hotel. If they had known they would not have fired. When they did know, they gave and received instructions and took precautions to ensure the hotel was not fired on again.'" RSF accuses U.S. authorities of concocting lies to hide what happened and says their subsequent official investigation was "nothing more than a whitewash." RSF is calling for the U.S. to launch a formal investigation into the deaths of Ukrainian cameraman Taras Protsyuk (Reuters) and from Spain, José Couso (Telecinco).

The Bush administration's love affair with the media is starting to crack and be revealed as a heartless flirtation. Domestically, prominent sources like the *Washington Times* are reporting daily on touchy matters, like the unusually high suicide rate for U.S. soldiers in Iraq. Or the fact that about 2,500 soldiers who have returned from the war have to wait for medical care at bases in the U.S. And, in Iraq, now that embedded journalists ("embedded" was the term used to refer to journalists allowed to accompany American troops on the march toward Baghdad, otherwise known as "in bed" journalists) from major American news sources have been largely replaced by foreign ones who have neither been intimidated nor bought off in some manner, there are increasing cries that the U.S. military is mistreating the press. Last week, for example, according to *The Guardian*, Reuters filed "a formal complaint" to the Pentagon following the "wrongful" arrest and apparent "brutalisation" of three of its staff this month by U.S. troops in Iraq. — Wendy McElroy

Upholding marriage — Am I the only one who finds the issue of "gay marriage" embarrassing? Long thinking that the licensing of sex is not among the legitimate functions of the state (because authorizing sacramental unions is strictly for religious institutions), I fear that those few (very few) favoring it have given the Bushies a bogeyman to exploit among the many for the next election. None

University Admissions



"If I major in criminology, can I get life experience credit?"

of the current Democratic candidates support gay marriage; indeed, some, such as Al Sharpton, are explicitly “politically incorrect” on this issue. A decade ago, I thought the issue of gays in the military was likewise misguided, recalling that homosexuality could grant an indisputable draft exemption. Back in the 1960s, some of us straights, including me, claimed it (in my case, without success).

Looking around us, wouldn't most of us agree that divorce is a bigger, more expensive social problem than unmarried? And that the principal cause of divorce is inadvisable marriage? The best way for social institutions, including the state, to encourage lower divorce rates in America would be to discourage marriage among people who shouldn't be married (say, randy males in their 20s, such as Kobe Bryant).
— Richard Kostelanetz

Ouch! — A recent article in *Newsweek* reports that many men are now asking for a full body hair removal procedure, previously reserved for women, called the Brazilian Wax. Today fashionable young women let their body hair grow, while young men are getting it removed. It is a strange shift in culture, perhaps the product of the gender confusion feminists have introduced to college campuses.
— Tim Slagle

The wages of living in sin — My girlfriend and I have been living together for 24 years. Now Bush wants to spend \$1.5 billion to encourage people to get married. I am waiting to hear from him to find out how much he will pay us to get married. It would have to be at least enough to cover the marriage penalty in the income tax. If he doesn't make us a good enough offer, it will be on his conscience that we are still living in sin.
— Randal O'Toole

Reverse sucking sound — It looks now as if Homeland Security Secretary Tom Ridge's comment that it's time to think about “some kind of legal status some way” for the 8 to 12 million illegal immigrants he thinks are in the country now was not just an offhand, unguarded, unintentional remark. The comment came in response to a question, rather than as part of his prepared remarks, so some people figured that maybe he just blurted it out.

Cabinet secretaries seldom just blurt things out that contradict administration policy (or at least those who do it often don't stay around long, as Paul O'Neill could tell

ART DEPARTMENT



“It's a very interesting résumé, but have you ever done anything *other* than bar napkins?”

you), and Secretary Ridge is said to be particularly close to President Bush. And as it has turned out, his comment looks like it was a trial balloon or part of a campaign to get some kind of reform rolling.

There are logical reasons Ridge might want reform that regularizes the status of those who are already here. As Dan Griswold of the Cato Institute told me, “Maybe he's tired of seeing Homeland Security resources used to raid Wal-Marts and arrest janitors when they should be focusing on terrorists.”

The fact is that most illegal immigrants contribute to the U.S. economy more than they cost it. If there weren't jobs available they would stop coming within weeks. But their status as illegal creates numerous complications, from push-

Liberalizing immigration policy would permit the government to focus on would-be terrorists rather than would-be gardeners.

ing them into the underground economy to making them reluctant to have contact with police and other authorities, to making some of them more prone to criminal activity than they might otherwise be.

On Jan. 12, President Bush proposed an immigration reform. Administration people say it isn't really “amnesty” for illegals since the guest-worker status would be for only three years (though renewable at least once for another three years) and doesn't put them on an automatic track toward citizenship. The argument is that a lot of Mexican workers really aren't all that interested in permanent residency leading to citizenship, but in working for a while at much higher wages than they could expect in Mexico, then returning. That's plausible, especially in light of what's happened since the last immigration “reform” measure in 1986.

That measure called for more border patrol people to nab more illegals, making it somewhat more difficult to move back and forth across the border. You can almost always expect perverse results from a crackdown on anything, however, and this was no exception. It led to more business for amoral (and sometimes quite cruel) people-smuggling coyotes. And it led to those who made it into the United States staying longer, forgoing trips to Mexico for holidays and the like. So we have illegals, who used to leave after a year or so, staying longer. It's difficult to see how this was any improvement — and more aggressive enforcement, along the lines of Bill O'Reilly's fantasy that we could send the National Guard down to the border and really seal it off, is likely to magnify the phenomenon.

It could be significant that the Homeland Security Czar broached the idea of reform. Since 9/11 opponents of immigration have used fear of terrorism to stymie reform or to push for more restrictions. Ridge seemed to be saying — and it's certainly plausible — that liberalizing reform could enhance national security rather than threaten it.

It might seem counterintuitive, but liberalizing immigration policy would permit the government to focus on would-be terrorists rather than would-be gardeners. — Alan W. Bock

The Intelligence-Surveillance Complex

by Christopher Pyle

The Immigration & Naturalization Service arrested a Canadian and turned him over to the FBI, which sent him to Syria to be tortured for ten months. John Ashcroft is a student of the Bible. Obviously, he remembered the story of Pontius Pilate.

“Nonsense! Nonsense!” snorted Tasbrough. “That couldn’t happen here in America, not possibly! We’re a country of freedom.”

So declared a character in Sinclair Lewis’ novel about a president who makes himself dictator by offering quick and easy solutions, including war, to a society wracked by insecurity.

But it can happen here. It is happening right now.

Consider the case of Maher Arar, a Syrian-born Canadian. He was trying to change planes at Kennedy International Airport in New York on Sept. 26, 2002, when immigration officials pulled him aside for questioning. They thought he might be a terrorist.

Arar answered all their questions, but the immigration officials were not persuaded. They detained him at the airport for a day without food, then locked him up at a federal facility for 20 days, while FBI and police department interrogators asked the same questions repeatedly. Still not satisfied, the FBI took Arar to New Jersey, put him on a private airplane, and flew him to Washington, D.C. From there another team (probably from the CIA) flew him to Jordan where he was turned over to the Jordanian police. The Jordanians beat him several times before taking him to the border and turning him over to Syrian military intelligence. The Syrians locked him in an underground cell three feet wide, six feet long, seven feet high — the size of a grave.

There he remained for ten months, except when he was questioned under torture. While he was being beaten and threatened with electrical shocks, he could hear prisoners in other interrogation rooms screaming in pain. Eventually he admitted, quite falsely, to having visited Afghanistan and the Syrians released him, 40 pounds lighter, with a pronounced limp and recurrent nightmares of being abducted again.

When the Canadian government protested this kidnapping, Attorney General John Ashcroft refused to apologize. He also disclaimed responsibility for the torture, claiming that the Syrians had expressly promised not to mistreat Arar.

Arar’s abduction was not an isolated act by rogue agents. It was part of a secret program, approved by President Bush, called “extraordinary rendition.” As one intelligence official explained to the *Washington Post*, “We don’t kick the shit out of them. We send them to other countries, so *they* can kick the shit out of them.”

Where our president gets the authority to authorize torture-by-proxy has never been explained. But he clearly thinks that he has the authority, probably as commander in chief, to abrogate the laws governing extradition and deportation, as long as he does so secretly.

What the Bush administration did to Maher Arar is worse than anything our forefathers condemned in the Declaration of Independence. It is worse than anything J. Edgar Hoover did to alleged Communists, civil rights workers, and anti-war protesters during his long campaign of dirty tricks. But Arar’s experience is only the tip of a very chilling iceberg.

Back in the 1960s the United States developed the functional equivalent of a police state. It was a sloppy, undeveloped police state: mainly it spied on people by illegally

wiretapping telephones, bugging rooms, opening first-class mail, and infiltrating politically active groups. The FBI also tried to defame reputations, blackmail members of Congress, frame activists to look like “snitches,” and trick street gangs and Black Panthers into shooting each other. Bureau agents allowed Southern sheriffs and Klansmen to club civil rights

Arar’s abduction was not an isolated act by rogue agents. It was part of a secret program, approved by President Bush, called “extraordinary rendition.”

marchers and a Justice Department lawyer. Chicago policemen beat hundreds of lawful demonstrators and murdered a member of the Black Panthers in his own bed. The FBI also tried, anonymously, to blackmail Martin Luther King into committing suicide rather than accept the Nobel Prize for Peace.

By and large, however, the old police-state apparatus was inefficient and half-hearted. Each agency did its own thing and was reluctant to cooperate with others. Hoover demanded that other agencies send their intelligence to “the seat of government,” as he called the FBI’s headquarters, but he sent little information back. In a fit of pique during the late 1960s, he even cut off all exchanges with the CIA.

Today there is much more file sharing among the Justice Department, the FBI, the National Security Agency, the Defense Intelligence Agency, the Central Intelligence Agency, the Bureau of Immigration and Customs Enforcement (FIX), the Department of Homeland Security, the Coast Guard, the Army’s Intelligence and Security Command, the Army’s new Northern Command, and nearly 2,000 state and local law enforcement agencies. The administrative wall between intelligence and law enforcement investigations, erected during the 1970s to restore the constitutional rights of protesters, has been bulldozed by the attorney general. The Fourth Amendment’s ban on unreasonable searches and seizures, and its preference for warrants based on probable cause to believe that a *crime* has been committed, no longer exists, except on paper.

Now we have the fiber-optic equivalent of a giant sewage system, through which an enormous amount of raw and often erroneous data about “persons of interest” sloshes back and forth. Much of it settles into secret agency computer systems, where it can never be corrected or disinfected, but can be used, without verification, to construct watch lists like the one that marked Maher Arar a terrorist-by-association.

Back in the 1960s, our quasi-police state was national in scope. None of its constituent agencies, except the Army and the CIA in Vietnam, engaged in torture, or was grossly unprofessional in its handling of dubious information.

Today’s police-state bureaucracy is international in scope. It integrates, in a very loose fashion, nearly 100 foreign law enforcement and intelligence agencies, including some, like Syria’s, Egypt’s, Turkey’s, and Pakistan’s, that specialize in collecting dubious information through torture. It is this sort of information, in part, that puts hundreds of alleged terrorists behind bars and exposes them to torture or abuse. Right now there are probably hundreds of suspects like Arar — people

who might know someone who knows a terrorist — under interrogation in foreign jails because of information supplied, directly or indirectly, by our own government.

As part of its global war on terrorism, the U.S. military maintains a secret gulag of interrogation centers in Afghanistan, Pakistan, Iraq, Diego Garcia, Qatar, Thailand, and Cuba where thousands of suspected terrorists have been subjected to frightening inquisitions. So far as we can tell, our interrogators stop short of outright physical torture. Otherwise they would not bother to send suspects to Syria, Egypt, or Pakistan, for questioning under the president’s program of “extraordinary rendition.” But they could torture detainees, because — like the Phoenix Program of assassinations in Vietnam — they are without independent supervision. Anyone unfortunate enough to be held in one of these centers has no legal rights whatever, even though the accusations against him may come from unscrupulous, bounty-hunting warlords in Afghanistan, Yemen, or Somalia.



But we don’t have to look abroad for examples of brutality. For nearly two years after the Sept. 11 attacks, our Department of Justice rounded up, detained, and questioned approximately 5,000 immigrants of Middle Eastern origin.

So far as we know, none of these detainees was beaten during an interrogation, but thousands were held for months without being charged with any crime. They were arrested ostensibly for being “out of status” with the immigration authorities, but really to keep them out of circulation until the FBI could confirm that they weren’t terrorists.

What happened to most of these detainees is not yet known, but we do know, from the Justice Department’s own inspector general, what was done to 762 Muslims held at the federal detention center in Brooklyn, N.Y. Guards chained them hand-and-foot, slammed them into walls, strip-searched them repeatedly (in front of female guards), mocked them as they prayed, and subjected them to sustained periods of sleep deprivation. In the early weeks of their detentions, these detainees were often denied phone calls to their families, who didn’t know where they were or why they had disappeared. Access to telephones and attorneys was deliberately made difficult, and some attorney-client conversations were surreptitiously filmed and recorded. Many of the detainees were

Right now the focus of this surveillance system is on Arabs, but the Bush administration is eager to extend the same tools to other alleged criminals and the people who might know them.

never released, but deported on the basis of secret hearings that not even their families could attend. Others lost their jobs and their families were forced to go on welfare.

These dragnet detentions failed to uncover a single terrorist, but the Attorney General responded to the inspector general’s first report in June 2003 with another curt “no apologies.” The Justice Department’s Civil Rights Division and its Bureau of Prisons undertook cursory investigations, but found no reason to prosecute or punish any guards.

continued on page 22

Baseball's Bill Clinton

by R.W. Bradford

Pete Rose thought he could get away with gambling on baseball. When he got caught, he lied, and lied, and lied. Fourteen years later, he confessed, sort of. Should all be forgiven?

On January 8, Pete Rose admitted that he had bet on baseball while a major league manager, something he had publicly denied for more than a decade. He confessed in hopes of being made eligible for election to the National Baseball Hall of Fame, where, had he not been banned from baseball for betting on games while a player and manager, he would surely be honored today.

There is no question about whether Pete Rose was a very good baseball player. In a career lasting 24 years, he accumulated 4,256 hits, more than anyone else who ever played the game. For most of his career, his batting average was good. He also played with enthusiasm and was a colorful character. There is no doubt that he was a better player than many who have already been honored by election to the Hall of Fame.

But he is not in the Hall of Fame. He was ruled ineligible in 1989, after an investigation by the baseball commissioner concluded that there was overwhelming evidence that he had bet on major league baseball games while a player and a manager. The investigation was able to provide a list of more than 400 wagers that Rose placed on big league games during a single three-month period, including many bets placed on games in which he managed one of the competing teams.

For nearly a century before Rose began playing in the major leagues, professional baseball had prohibited players and managers from betting on games. The rule is plain and unequivocal: "Any player, umpire, or club or league official or employee, who shall bet any sum whatsoever upon any baseball game in connection with which the bettor has a duty to perform shall be declared permanently ineligible."

Gambling plagued professional baseball in its early days,

when teams played informal schedules. One of the principal reasons why professional leagues were organized was to eliminate the influence of gambling to protect the integrity of the game. If a player is betting on a ball game, he might play differently than if he were not, and a manager who bets might make different decisions than if he were not. Gambling by players and managers violates the fundamental contract between the athlete and the fan: that the athlete is playing to win.

The rule prohibiting wagering is prominently posted in the clubhouse of every major league baseball park, in the plain sight of Pete Rose before and after every one of the 3,562 games that he played and the 1,198 games that he managed. Rose knew that every time he placed a bet, he was violating that rule. He nevertheless placed thousands of wagers on baseball games. When a huge amount of incontrovertible evidence proved that he had done so, he simply lied, and he continued to lie for more than a decade. It was Rose's repeated flouting of this rule that resulted in his being banned from organized baseball and ruled ineligible for election to the HOF.

There are two ways to be elected to the Hall: for a 15-year period following retirement from playing, a player can be elected by the Baseball Writers Association of America; after

that, he can be elected by the Hall of Fame Committee on Veterans, which each year can select as many as two players whose careers ended more than 20 years earlier. Rose has far more support among current sportswriters than he does from the Veterans Committee, so his chances of election will decline substantially two years from now.

Sportswriters and fans have often opined that if Rose would simply confess his sins and apologize for them, he might be reinstated to the good graces of baseball and

Gambling by players and managers violates the fundamental contract between the athlete and the fan: that the athlete is playing to win.

elected to the Hall of Fame. So Rose decided to confess and apologize.

"It's time to clean the slate, its time to take responsibility," he wrote. Yes, he had bet on games. And he'd admitted doing so in a private meeting with the commissioner last year. "I've consistently heard the statement, 'If Pete Rose came clean, all would be forgiven,'" he explained. "It's time to clean the slate, it's time to take responsibility. The rest is up to the commissioner and the big umpire in the sky."

But he was not particularly contrite. "I am sure that I'm supposed to act all sorry or sad or guilty now that I've accepted that I've done something wrong," he said. "But you see, I'm just not made that way. Sure, there's probably some real emotion buried somewhere deep inside. And maybe I'd be a better person if I let that side of my personality come out. But it just doesn't surface too often. So let's leave it like this: I'm sorry it happened, and I'm sorry for all the people, fans, and family that it hurt. Let's move on."

And he had good reason to lie all these years about his betting: "If I had admitted my guilt, it would have been the same as putting my head on the chopping block. Lifetime ban. Death penalty." And, anyway, his wagering on baseball games wasn't really his fault. "If I had been an alcoholic or a drug addict, baseball would have suspended me for six weeks and paid for my rehabilitation," he said. "I should have had the opportunity to get help, but baseball had no fancy rehab for gamblers like they do for drug addicts," he explained. Of course, he didn't mention that alcoholism and drug use are problems that undermine a player's ability to play the game, while gambling undermines the game's very integrity.

The comparison to Bill Clinton is an obvious one. Both lied and lied and continued to lie until incontrovertible evidence proved their guilt, and only then did they grudgingly and half-heartedly admit what they had done. And both were inclined to blame others (remember Clinton's blaming a vast right-wing conspiracy?)

Just as Clinton survived impeachment, Rose may survive his banishment and find his way into the Hall. The question is back in the hands of the commissioner, the sportswriters, and the fans. The commissioner has been more or less silent, saying only that he intends to make no decision in the immediate future. While most news commentators were singularly

unimpressed by Rose's confession, a recent poll of sportswriters eligible to vote for HOF candidates revealed that about 50% would vote for him if he were made eligible. Election requires a 75% vote, so Rose doesn't yet have enough votes. But fan sentiment supports Rose, just as public sentiment supported Clinton, and it may very well come to pass that the commissioner and the baseball writers will succumb to public opinion just as did the senators who acquitted Bill Clinton.

Well, would Rose deserve to be elected, if it weren't for the moral issue? Let me put it this way. Had he not been caught gambling, he would almost certainly have been elected, but not so much for his playing on the field as for his personality and his adeptness at public relations.

The Hall certainly contains players inferior to Rose. But most players in the Hall were demonstrably better. As a player, Rose was greatly overrated. Several important factors, often overlooked, enabled him to accumulate his record-setting career hit total, despite his only moderately impressive lifetime batting average of .303:

1. For most of his career, he batted leadoff for the Cincinnati Reds, a team that scored a tremendous number of runs, thus giving him far more appearances at the plate than any other player of his time.

2. Unlike most leadoff hitters, he was a free-swinger who got relatively few walks. This further increased his opportunity to accumulate hits.

3. He played at a time when the season included more games than it had during most of baseball history, and when season interruptions for such things as strikes and wars were few.

4. He continued to play as a regular at least five years after his skills had deteriorated to the point where he hurt his team's performance. (He continued to play because of popular support for his pursuit of the lifetime hits record and his popularity with the fans.)

Furthermore, the one normalized statistic in which Rose performed substantially above the average major league hitter was batting average, the least significant of the normalized statistics used to evaluate hitting. Of his 4,256 hits, 3,215

Fan sentiment supports Rose, just as public sentiment supported Clinton, and it may very well come to pass that the commissioner and the baseball writers will succumb to public opinion just as did the senators that acquitted Bill Clinton.

were singles, making him one of the least powerful hitters in the past 75 years. And his free-swinging ways meant that his ability to get on base was below average for a leadoff hitter.

To put it in perspective, compare Rose to the man whose record he broke, Ty Cobb, who played in the major leagues from 1905 to 1928. His batting average was 21% better than Rose's; his slugging average was 25% better, and his on-base average was 15% better. Rose led his league in batting aver-

age three times and in on-base average once; he never led his league in slugging. Cobb led his league in batting average twelve times, in on-base average six times, and in slugging eight times.

What does this mean? It means that in his career, Cobb produced 29% more runs than Rose, while going out 26% less. Statistical models show that a team composed of nine Cobb clones would score 74% more runs than a team composed of nine clones of Rose.

Rose was a fine player. But he is not in the same class as the game's greats. He was as one-dimensional as any baseball player in history, but in that one dimension, he excelled. He hit singles, a lot of singles, more singles than any other ballplayer ever. But he is at best a marginal candidate for the Hall of Fame. His career hitting was inferior to that of Rico Carty, who played in the same league at more or less the same time, but who was never even considered for the Hall. (He received a single vote in 1985; 297 votes were needed to win.)

Carty may have been a superior performer on the field, but Rose has several major advantages when it comes to election. Carty was from the Dominican Republic, and his inept English prevented his becoming much of a favorite with sportswriters; Rose was a local boy who always had something colorful to say to them. Carty was black; Rose was white. Carty played for several big league teams during his career, his teams finishing no higher than fifth in their league in all but one year; Rose spent most of his time with the team in the city where he grew up, a team that dominated baseball during much of his career.

Rose was a good player on a very good team. And he was popular. Should he be in the Hall? He certainly is not the best player who is absent because of violating baseball's rule about gambling. That dubious honor goes to Shoeless Joe Jackson.

Comparing Rose and Jackson as ballplayers is akin to comparing a high school art teacher to Rembrandt. Jackson had the third highest lifetime batting average in history, and he hit with power. Depending on which statistical method is used, he ranks as the third or fourth best hitter ever to play the game.

Why was Jackson permanently banned from baseball and made ineligible for election to the Hall of Fame? He was involved in the infamous "Black Sox" scandal of 1919, in which several players for the American League champion Chicago White Sox accepted bribes to throw the World Series. During the investigation of the fix the following year, Jackson testified before a grand jury that he had agreed to throw the series and accepted \$5,000 for doing so. He also signed a confession to that effect. This confession, along with the confessions of other players, was stolen from the state's attorney's office. When Jackson was tried in court, he repudiated his earlier testimony and was acquitted. Partisans of Jackson have since argued that he was framed, and that he was too stupid to realize what he was saying in his sworn testimony and, as an illiterate, unable to understand the confession he had signed. There is ample evidence that Jackson was indeed quite stupid, though whether he was stupid enough to confess to something he hadn't done and that would surely end his lucrative livelihood is dubious. He cer-

tainly was an illiterate and unsophisticated, what in those days was called a "rube." His defenders argue that while Jackson was aware of the attempted fix and tried to get in on the deal, he was not an active participant. They also note that he had a .375 batting average and hit the only home run in the series, and hope to this day that he will be declared eligible for the Hall. Defenders of his banishment argue that even

Rose was as one-dimensional as any baseball player in history, but in that one dimension, he excelled.

failing to report a fix and trying unsuccessfully to get in on it is ample reason to make him ineligible.*

Fifteen years ago, Bill James, the best baseball thinker of the past century, wrote this about whether Jackson should be elected to the Hall of Fame:

My own opinion as to whether or not Joe Jackson should be put in the Hall of Fame is that of course he should; it is only a question of priorities. I think there are some other equally great players who should go in first, like Billy Williams, Herman Long, Minnie Minoso and Elroy Face. Then, too, the players of the nineteenth century have never really gotten their due — Ed McKean, Pete Browning, Harry Stovey and several others have been waiting a long time.

The players of the Negro leagues committed no crime except their color; I think we would need to look closely at the credentials of several of those before we decide where Jackson fits in. You wouldn't want the great stars of the thirties and forties, who are still living and can enjoy the honor, to pass away while waiting for the Hall of Fame to get done with the Black Sox, would you?

And then I think there are some other players who should be considered strongly — Ron Santo, Ken Boyer, Larry Doby, Al Rosen, Roy Sievers, Vic Wertz, Lefty O'Doul, Sadaharu Oh; there should probably be better provisions made for people whose contributions to the game were not made on the field, like Grantland Rice, Barney Dreyfuss, Harry Pulliam, maybe Mrs. Babe Ruth and Mrs. Lou Gehrig, the guy who wrote *Take Me Out to the Ballgame*, Harry Caray.

And, too, we do not want to forget the many wonderful stars of the minor leagues, who brought baseball to most of the country before television and expansion — men like Ray Perry, Larry Gilbert, Jack Dunn and Nick Cullop. When they are in we can turn our attention to such worthwhile players of our own memories as Roger Maris, Buddy Bell, Fred Hutchinson, Larry Bowa, Bill North, Omar Moreno and Duane Kuiper.

And then, at last, when every honest ballplayer who has ever played the game, at any level from Babe Ruth ball through the majors, when every coach, writer, umpire and organist who has helped to make baseball the wonderful game that it is rather than trying to destroy it with the poison of deceit, when each has been given his due, then I think we should hold our noses and make room for Joe Jackson to join the Hall of Fame.

And then — and only then — a place in the Hall of Fame should be found for Pete Rose. □

* A website devoted to Jackson's cause is optimistic that the possible election of Rose to the Hall will open the door for Jackson.

The Intelligence-Surveillance Complex, *from page 18*

The inspector general continued his investigation and eventually found “missing” videotapes at the prison. According to a report released in December 2003, but virtually unnoticed in the press, the tapes confirmed all previous findings, and further revealed that when detainees were first brought to the prison, guards shoved their faces into an American flag T-shirt taped to the concrete wall of the receiving area. Before long, that flag was stained with blood.

According to President Bush, al Qaeda’s terrorists “hate freedom.” If they kill, torture, or abuse our people, we will punish them for “war crimes.” Fair enough, but when his administration does the same to innocent persons in the United States, is that not a “war crime” too?

In his farewell address in 1960, President Dwight D. Eisenhower issued a prescient warning:

“[The] conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence — economic, political, even spiritual — is felt in every city, every statehouse, every office of the Federal Government. [W]e must not fail to comprehend [the] grave implications [and we] must guard against the acquisition of unwarranted influence . . . by the military-industrial complex.”

Were Eisenhower with us today, he would be warning us of a new intelligence and surveillance complex, international in scope and unrestrained by law.

Right now the focus of this surveillance system is on terrorists from the Middle East, but the Bush administration is eager to extend the same tools, via the PATRIOT Act and other means, to “narco-terrorists,” “domestic terrorists,” and other alleged criminals and the people who might know them. The system is metastasizing, and as it grows, more and more innocent people, here and abroad, will be “watch listed,” detained, and interrogated.

How quickly the watch lists can spread was demonstrated immediately after the Sept. 11 attacks, when a desperate FBI shared a list of “persons of interest” it wanted to interview with a few dozen corporations, airlines, and casinos. These companies promptly augmented the list and shared it with subsidiaries abroad. Within a month one FBI list had become 50, and versions appeared on websites as far away as Brazil

Ashcroft and Bush are so invested in their anti-terrorist crusade that they cannot imagine that Lord Acton’s admonition about the corrupting effects of power might apply to them.

and Italy. No longer were the people listed just “persons of interest,” which might imply some possibility of innocence. They were now “terrorists.”

The new surveillance complex consists of law enforcement, military, and domestic and foreign intelligence services. But that is only part of it. As Eisenhower realized, security agencies require an industrial base, and right now corporations are springing up to supply governments and private industry with personal information of all kinds. Their offers to produce criminal reports on former classmates, ex-spouses,

and job applicants first appeared as spam on personal computers, but now some of these firms have multi-million dollar contracts with the Justice Department, the military, and law enforcement agencies. Legally or otherwise, they are funneling credit reports, bank accounts, medical files, and college records to the international law enforcement and intelligence network. Within a few years, these companies are likely to be rich enough to hire their own lobbyists and prevent Congress from restricting their access to our most confidential files.

Some of the information on alleged terrorists is inaccurate or out of date. In many instances, it cannot be verified because its sources are confidential. Once it lands in the computers of intelligence and law enforcement agencies, however, it cannot be reviewed and corrected, as can a bad credit report. It just sits there until it is tapped and used to mark travelers for interrogation, or to deny people access to an airliner, visas with which to enter the United States, or security clearances to serve in the armed forces or work for a defense contractor. In the hands of corporations, it can cost people jobs, loans, mortgages, or insurance. Eventually, the mere existence of so much potentially derogatory information in the hands of secret agencies will deter citizens and politicians from questioning how it is collected or used.

Justice Brandeis once warned that the greatest dangers to our liberties stem not from tyrants, but “from men of zeal, well-meaning, but without understanding.” It is unlikely that John Ashcroft anticipated how badly the detainees would be abused in American prisons. But it is also probable — given his “no apologies” attitude — that he didn’t care. Both before and after those abuses, his overriding objective has been to eliminate terrorists. Just as Timothy McVeigh failed to consider the “collateral damage” of his attack on the government in the Oklahoma City bombing, Ashcroft and President Bush have not paused to consider the “collateral damage” this unregulated intelligence apparatus might cause. Ashcroft and Bush are so invested in their anti-terrorist crusade that they cannot imagine that Lord Acton’s admonition about the corrupting effects of power might apply to them.

Like the anti-Communist zealots of the 1940s and 1950s, they have exaggerated the risks posed by our new clandestine enemy. They have allowed fears of terrorism to disorient the nation’s moral compass. The enemy is ruthless, they believe, so we must be ruthless too. Because this is “war,” the end of security justifies almost any means, including the abandonment of America’s tradition of limited government, guaranteed liberties, checks and balances, and the presumption of innocent until proven guilty. The Bush administration has fostered anti-terrorist zeal and exploited that zeal to give us mass detentions without charges, searches without judicial supervision, and secret interrogation centers. Meanwhile, the unlimited surveillance bureaucracy they are creating, with all its technological powers of information control, threatens permanently to destroy our liberties, as it has already destroyed the Fourth Amendment.

Yes, it is happening here, and at a dizzying pace. The only question is what we will do about it. □

Note: More extensive accounts of Maher Arar’s ordeal can be found under his name on Google. The inspector general’s reports on the detainees may be accessed, again through Google, by typing “U.S. Department of Justice inspector general.”

Is There a Libertarian Case for the War Against Iraq?

Santa Barbara
January 17, 2004

*The war against
Iraq is not a self-
aggrandizing war of
territorial expansion.
It is a response to
the events of
September 11 and
the changed world
in which we live.*

Dear Bill,

Many libertarians, including you and most who have written on the subject in *Liberty*, have opposed war with Iraq. It is, accordingly, important that the libertarian case for the war is made.

From the libertarian perspective, there is no higher right, or duty, than self-defense. From the libertarian view, adults may do what they wish, as long as they do not harm anyone else.

If someone is threatening to blow one or others up with weapons of mass destruction, or otherwise to annihilate humanity through the release of deadly chemicals or diseases, it is completely justified on libertarian grounds to stop this individual from doing so. It might appear to be able to be argued that since no (or virtually no) active weapons of mass destruction have been found in Iraq, Iraq's possession of weapons of mass destruction was a red herring, and thus that the case for war with Iraq was not justified. This would be, though, to mistake the situation.

Humanity has entered a new age with respect to the potential possession of weapons of mass destruction. It is now literally possible for a few crazy individuals, literally anywhere in the world, to kill millions or billions of people. This profound technological change in the capacity of particularly isolated individuals (not just big nations) to kill has substantial consequences for the ways that societies are structured, operate, and are organized.

The social consequences of the proliferation of weapons of mass destruction are worthy of consideration. Since the end of World War II, humanity has had the technological ability to destroy itself. But until recently, this technological ability was restricted to a few nations.

Even under the system of weapons of mass destruction that prevailed from their first use in 1945 until the collapse of the Soviet Union in 1991, it was entirely possible that weapons of mass destruction could have been used. Now, the chances of their use are greater than ever and almost inevitable in time.

Seen in this light, war with Iraq was regrettably justified. The first rule that should be established in the new order of "mass" weapons of mass destruction is that the leader of any nation that uses weapons of mass destruction will be deposed. Saddam Hussein was certainly one such leader.

It would be good, to be sure, if other nations would support the United States in the effort to rid the world from the potential use of weapons of mass destruction. But if they do not, then, on libertarian principles, the United States should be willing to shoulder this burden on its own.

The fundamental libertarian political right is, again, the right to self-defense. If the United States correctly believes that it is under attack from terrorism — particularly terrorism that may include the use of weapons of mass destruction — then on libertarian grounds it may take the actions which it thinks necessary to defend itself.

Now, to be sure, a nation can err in its judgment as to what is the most effective way to protect against an attack. But this would be a prudential mistake, not a philosophical one.

It is worthwhile to note along these lines that the essential libertarian ethical claim put forward by many — that it is always wrong to initiate force — is incomplete. While this may be an appropriate rule for individuals, in the world of nation-states, the libertarian objective is to minimize the use of force. Sometimes, this may require initiation of force.

The war against Iraq is not a self-aggrandizing war of territorial expansion. It is a response to the events of September 11 and the changed world in which we live.

From a prudential perspective, war with Iraq was justified. It was duly authorized with bipartisan support by large majorities in both the United States Senate and House of Representatives. It was supported by dozens of nations from around the world.

The war with Iraq is undoubtedly having a major positive effect on prospects for improved world peace. Libya, Iran, and North Korea are now moving in more peaceful directions. Iraq has been removed as a potential site of terrorist activity and encouragement and further use of weapons of mass destruction.

American intervention in Iraq sent a strong message to every dictator in the world: they will not be permitted to develop or to encourage the development of weapons of

mass destruction, either by individuals associated with their governments or by unsupervised terrorists.

The removal of hostile, terroristic, and ineffective governments in Afghanistan and Iraq, combined with greater security measures, intelligence gathering, and suppression of terrorism at the source by governments throughout the world, have reduced the chances for another major terrorist attack in the United States. But more attacks are almost inevitable in time.

It is, therefore, worth the most profound consideration of how society may be ordered or organized to confront the new technological circumstance facing humanity, whereby small groups of individuals almost anywhere in the world could create weapons of mass destruction. This situation will, moreover, only worsen as the decades move along.

George Orwell put forward an incredibly gloomy view of the future, with two-way televisions wherever human beings are located. In the event of another major terrorist attack in the United States, civil and other libertarians should not support undue invasions of personal liberty. Paradoxically, though, the best way to forestall greater invasions of personal liberty and freedom than have already occurred is to support the measures that have already been taken. These make another attack less likely.

Let us hope that there is not another major terrorist attack in the United States for as long as possible, in significant part to forestall foreign and domestic responses to such an attack. The war with Iraq was and is a step in the right direction.

Well, I've made the case as best I can briefly. May I now count you among the libertarians who support the war in Iraq?

Regards,


Alan Ebenstein

Port Townsend
January 19, 2004

Dear Lanny,

I am glad that you began by trying to determine the conditions in which war is justified, and I think the conditions that you posit are pretty sensible ones, though I think they may need a little refinement.

You say that, "If someone is threatening to blow one or others up with weapons of mass destruction, or to otherwise annihilate humanity through the release of deadly chemicals or diseases, it is completely justified on libertarian grounds to stop this individual from doing so." This seems quite sensible, though I'd want to add that the threat must be a credible one. If, for example, a man came to your door, told you that he was the "King of Jupiter," and threatened to destroy humanity using his "kryptonite" bomb, you'd likely dismiss him as a nut and take no action. His threat is simply not a credible one.

You say that, "The first rule that must be established in the new order of 'mass' weapons of mass destruction is that the leader of any nation that uses weapons of mass destruction will be deposed." Here, I am not so sure you are right. For one

*Under what
circumstances is it
just and prudent
to start a war?*

thing, the term “weapons of mass destruction” seems a bit fuzzy to me. George Bush has used it to mean nuclear weapons, chemical weapons, or biological weapons. It seems to me that there are many other weapons that can wreak destruction on as wide a scale as these. The United States possesses a variety of conventional bombs that are easily as destructive as smaller nuclear weapons. Why is the term “weapons of mass destruction” to encompass only these three categories of weapons?

Furthermore, it seems to me that history is full of political leaders who used biological weapons. I recall reading, for example, about medieval military leaders who, when holding a city in siege, sometimes used catapults to send the corpses of men who had died of smallpox or other dread diseases over the walls. Surely this would qualify as a “biological” weapon. But is a corpse catapulted over a castle wall really a “weapon of mass destruction”?

There is also the fact that one of these three types of WMD is in fact not very well suited to “mass destruction.” The total number of people in history killed by chemical weapons is less than 175,000. More than 625,000 Americans were killed in the Civil War, by projectiles powered with ordinary, old-fashioned, non-mass-destructive gunpowder, as were nearly all the millions of casualties of the World Wars.

In addition, the “weapons of mass destruction” have been used by the democratically-elected leaders of Western countries. The only man in history actually to order the use of atomic weapons was President Harry S. Truman. Should we consider him to be a monster of the same character as Saddam Hussein, deserving to have his country invaded, his entire government disposed of, and his life ended by execution as a war criminal? The leaders of Germany, France, and Britain all ordered the use of poison gas in World War I. Should we consider them to be in a class with Saddam?

Or do you mean something else when you say “weapons of mass destruction”? If you have another definition, I’d surely like to hear it.

Of course, there is another problem with your argument about WMD, one that you acknowledge: there is no evidence that Saddam Hussein possessed WMD at any time in the ten years prior to the U.S. invasion. United Nations inspectors had broad access to Iraq and could find no evidence of them prior to the invasion, and the United States armed forces and

intelligence specialists have been unable to find so much as a trace of them despite nine months of extensive searching. (And didn’t Saddam’s “use of WMD” occur only in the context of his war with Iran, which the U.S. supported? And didn’t the U.S. provide him with the WMD in the first place? Doesn’t providing him with WMD and then waiting until 15 years after he uses them to justify an invasion seem, well, a little hypocritical?)

Surely Saddam Hussein was a ruthless dictator, who enjoyed saying nasty things about the U.S. But the world has many ruthless dictators and many who say nasty things about the U.S. Must we conquer all their countries?

Your letter raises other questions. You say that the U.S. invasion of Iraq was “strictly a response to the events of September 11.” Exactly what was the connection between Iraq and the 9/11 terrorist attacks on the U.S.? So far as I can tell, Saddam’s only connection with the attacks is that he was glad they happened. If this nebulous sort of contention is sufficient to attack him, then the U.S. will have to attack millions and millions of Arabs and other Muslims, many of whom were happy with the successful terrorist attack.

You say that the war is justified from a “prudential perspective” because it was “duly authorized with bipartisan support by large majorities” in Congress and supported by dozens of “nations” (by which I assume you mean “governments”). I do not know what you mean by “prudential” here. To me, to say that an action is “prudential” means that it was taken after carefully assessing risks and potential benefits. I cannot see what the support of a bunch of politicians has to do with that.

Whether the war proves to be prudential as I understand the term remains to be seen, though right now the prospects are not good: the U.S. has spent well over \$100 billion and the lives of 500 young Americans to capture a lickspittle dictator and occupy a country where we don’t seem very welcome.

You propose that the libertarian ethical imperative against initiating force is incomplete, and suggest that it ought not apply “in the world of nation-states.” My view is that the non-initiation principle ought to be considered a general ethical rule, rather than an ethical imperative, so we have no real argument here. I should add, however, that I do not share your proposal that nation-states be exempted from it. It seems to me that states should be bound *more* tightly by it than should individuals.

Anyway, I hope you can see why, for now at least, I cannot join the pro-war libertarian camp. I am not among those who universally oppose war; I can conceive of conditions that justify war. But I do not see how the conditions of the past few years justified the invasion of Iraq.

As I said, I admire the way you began your case by discussing the conditions under which a war may be instigated. Perhaps we should try to focus mostly on this issue for a while.

I await your response.

Regards,



R. W. Bradford



SHCHAMBERS

Letters, from page 6

the willingness of donors to pay millions to show it. CBS announced that the ad does not meet their "broadcast standards"; the other networks will most likely follow suit.

Has Formaini ever tried to buy a political advocacy ad on a television or radio station? If he did, he would find all doors closed. Controversial (i.e., liberal) views are no longer welcome on television or radio, not even on pathetic community access TV stations. With most of the television, radio, and cable stations owned by a few large corporations, there is little intellectual diversity of any kind anymore. The same goes for newspapers, at least my local newspapers. Readers and viewers are treated to a daily drumbeat of conservative columnists, reporters, editors, and preferred letter writers all saying the same things. I'm old enough to remember the days of the real "liberal media," and I can tell you that there was a lot more intellectual diversity then than there is now.

Freedom of speech is increasingly becoming a dead issue in this country. Given the arbitrary arrest powers granted the police, anyone who publicly criticizes the government risks arrest (or designation as a security threat). I found this out the other day, when I stood on a local street with a sign saying "No war in 2004." I stood for only 15 minutes before two police cruisers showed up, informing me that if I did not stand down, I would be arrested. The police informed me that if any drivers became incensed at my sign and an accident ensued, I would be held liable for any damages, as well as subject to criminal charges. I was told that if I wanted to demonstrate, I would have to limit myself to the Town Green. We no longer have free speech in this country, we have "free speech zones." Ask anyone who has demonstrated against the war, and they'll tell you that these "zones" are getting fewer and smaller every day.

I didn't argue with the police that day. What's the point? They have the clubs, the guns, the jails, and indifferent judges to support them. I have nothing but arguments, and arguments mean nothing today in the face of unrestrained authority.

What this country desperately needs

now is a "liberal media." The liberals of my era cared about free speech and due process of law. After decades of working with conservatives and Republicans, I have concluded that what these people care about most is authority and order. Few Republicans are willing to stand up and defend my right to free speech. Liberals will defend our right to dissent. Libertarians will also defend free speech rights, however, we are as ineffective in promoting free speech and the rule of law as we are in promoting our candidates. When it comes to promoting their ideas, liberals are a lot more courageous, bold, and effective than we libertarians are.

I have no desire to live in a Singapore-style society where people have economic liberty, but no cultural or political freedom. Half a loaf is not always better than none at all. Articles bashing liberals no longer belong in *Liberty*. There are enough right-wing rags to publish that kind of stuff. Our only allies in protecting free speech are on the political Left. Right-wingers just don't care about personal freedom. Libertarians must realize we are in a new era. The old alliances won't get us anywhere, and only provide window dressing for what is becoming a totalitarian regime in Washington. That's why I quit the Republicans, registered Democrat, and started contributing to Howard Dean. As I wrote to his campaign last week, I simply don't give a damn about much of what I used to believe. I just don't care anymore about taxes, regulations, monetary policy, etc. These issues have become trivial. I will not sit by as our former constitutional republic is converted into an empire. I want peace and freedom of speech. These are my core values now, and I don't find support for them from conservatives or Republicans.

Mike Stamper
Windsor, Conn.

Anti-Bush Fever

As a long time subscriber to *Liberty*, I have always found the magazine provides insightful and relevant commentary from a libertarian perspective. Lately, however, it seems that you and your contributors have been infected by the insanity that afflicts the "hate Bush" Left.

For example, on page 10 of the February 2004 issue, Wendy McElroy

says, "[A]t this point, however, I simply assume everything I hear from the Bush administration is a lie." If I wanted that kind of deep "analysis," I would read the MoveOn.org or indymedia websites. While we may all have different, yet legitimate, views about the policies and practices of President Bush, it adds little to our understanding when *Liberty* joins the "Bush LIED!!!!!!!" crowd. Ms. McElroy's writing, in her book *Freedom, Feminism and the State* and many of her articles, has always exhibited strong intellectual content. What has happened here?

There seems to be something about the president that causes many otherwise intelligent people to go nuts. I hope *Liberty* can avoid this malady.

Howard D. Lebowitz
Orlando, Fla.

Stateless Complexity

Based on the work of Hernando de Soto, Bruce Ramsey argues (Reflections, February) that without the state more complex property rights will not be created. Before he reaches that conclusion, he needs to show that the state did not prevent the creation of those more complex property rights (which it did). Also, perhaps he can explain how the law merchant, with its fairly complex rules, arose without the state.

Richard D. Fuerle
Grand Island, N.Y.

Reappraising Hernando

It astounds me that Bruce Ramsey, a libertarian, can defend the institution of the state by using the U.S. government as an example. Look at the disaster it has become. As with any monopoly, the quality of service — in this case, property rights protection — continuously deteriorates, while the cost of the service — taxes — continuously increases.

As for current poor countries, Ramsey has too much faith that the state will impose the correct system of property rights. Why does he think it would even be possible to construct a state that defines and protects property rights in places like Peru and Egypt, given their anti-property rights culture? Property rights can only be established when a critical mass of people understands and respects these rights.

Ramsey says the state is needed in order to run a high-energy economy.

continued on page 39

A Liberal in Conservative Clothing

by Stephen Cox

George W. Bush is a modern liberal. So why do so many liberals hate him?

A few days ago I had a conversation with a friend, the kind of political conversation that I have often enjoyed during the past three years. My friend, an intelligent modern liberal, listed a number of things that he dislikes about George Bush and his policies and actions, some of which I also dislike. Then he said, "But the worst thing about him and those other Republicans is the way they try to silence their critics."

"Silence them?" I asked. "How do they do that?"

"Come on, now. *You* know."

"No, I don't. And if that's what they try to do, it doesn't seem to be working. Give me the name of one critic who's been silenced by the Bush regime."

(Silence.)

"Well," I continued, with a gloating smile. "I guess that ends the argument."

But as a famous person once said, just because you've silenced your opponent doesn't mean you've converted him, whether the silencing was accomplished by means of persecution, as my friend suggested, or by means of Socratic dialogue. And his silence was brief. His critique of the president had been conducted in loud and embittered turns, but his next remark was delivered with calm assurance: "Whatever you say, you'll never convince me to become a Republican."

"That's fine with me," I said. "I'm just trying to keep you from remaining a Democrat."

After that point, the conversation was hard to sustain. He was puzzled, I think, by the idea that the Democratic Party may not be the only port of refuge from the hurricane of "right-wing extremism" now ravaging the globe. And he refused to consider the possibility that the weather reports

may be wrong, or that Hurricane George may not be a "right-wing" or "fundamentalist" storm. My friend's views seemed so strange to me that I had to remind myself of how common they are, that one of the most remarkable things about our conversation was how *unremarkable* it was, from a purely statistical point of view.

Dialogues like ours happen wherever the 30 percent of the American population that hates and despises President Bush articulates its views. And because this particular 30 percent includes the vast majority of the nation's molders of opinion, the teachers, ministers, bureaucrats, and other members of the Brainworkers Union, the dialogue renews itself constantly. That's a lot of air time for an argument that is literally preposterous, as preposterous as an argument about whether Babe Ruth was a good basketball player.

The plain truth is that President Bush is in no meaningful sense a right-winger or even a conservative, and he is as far from fundamentalism as the man in the moon. To put this in another way, the man in the moon may be a fundamentalist, but he never seems to act like one, and neither does George Bush. There's an old saying that Christian revivalists use on their audiences: "If Christianity were made illegal, would there be enough evidence to convict you?" If either fundamentalism or conservatism were made

illegal, no one could possibly convict George Bush.

American conservatives ordinarily ally themselves with libertarians in attempting to reduce the size and cost of government. Under the Bush regime, however, federal spending has ballooned and federal influence on the daily lives of Americans has in no way abated. I can think of no federal program that Bush has eliminated or significantly reduced. Quite the contrary.

He has rewarded the egregious failures of American education with an increase in subsidies to the education industry (also an increase in federal meddling). He has rewarded the egregious failures of the space program by offering NASA a new and even more ridiculous manned space program. His new prescription drug program for old people — the vast majority of whom can well afford to pay for their drugs themselves, or pay for them by relying on private insurance — represents an enormous expansion of the welfare philosophy, and yet another enormous unfunded welfare entitlement. After three years as a Republican president, Bush has made no serious effort to liberate the federal budget, or the budgets of individual Americans, from the stranglehold of Social Security. And as for his interest in inspiring habits of budgetary restraint in the Republican Congress . . . When budget bills start omitting funds to build rain forests in Iowa, I will believe that a serious moral commitment has been made to conservative values.

Bush had shown a token commitment to conservative principles in his nominations of candidates for judicial office, some of whom have been supporters of strict construction and limited government. Yet he has ignominiously failed to insist that the Senate — a Senate controlled by the party he heads — actually vote on his controversial appointments. His forces were dispersed by the mere threat of a protracted filibuster, despite the fact that their opponents would have been forced to filibuster against black, Hispanic, and female candidates, and would in all probability have made themselves look like racists and jackasses to boot.

Bush has, of course, pursued an activist foreign and military policy, to the disgust and dismay of traditional conservatives who believe that America should mind its own business and refrain from Wilsonian projects to reform the world. His foreign policy has been a more focused and effective version of the policy pursued by the Clinton administration. Clinton fecklessly meddled with Haiti; Bush effectively meddled with Liberia. Clinton conquered the rebel Slavs;

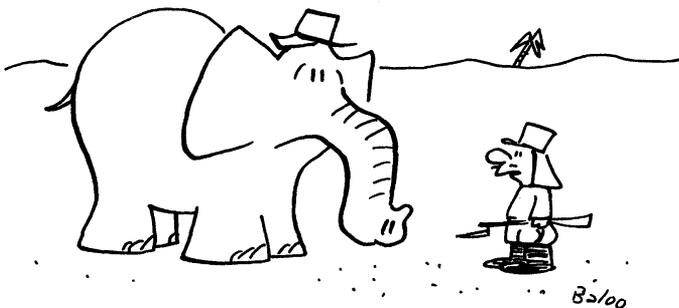
Bush conquered the fractious Afghans and Iraqis. The objective of Bush, as of Clinton, has been humanitarian uplift as well as world stability, and he has gone Clinton one better by launching a messianic attempt to end AIDS in Africa.

What Bush has not gone out of his way to do is to champion such popular conservative causes as opposition to abortion and gay marriage. He has actually done nothing in that regard, nothing beside refusing to sanction foreign aid for population-control programs that involve abortion. Yes, he has *announced* his opposition to abortion, and he has *remarked* that marriage should be between a man and a woman, but this is no more than modern liberal politicians ordinarily do, except when they are trying to distinguish themselves from Bush.

The offenses to civil liberties against which liberals ceaselessly inveigh have not exactly amounted to a conservative reign of terror. They have been very few and, with a couple of exceptions, such as the Attorney General's futile obsession with Internet pornography and the nation's futile obsession with drugs, they have involved only the rights, real or imagined, of foreigners, especially foreigners (such as the hapless but wicked Gitmo prisoners) who never succeeded in reaching U.S. soil. Would Clinton have acted any differently? Why would you think he would have? Meanwhile, the administration's respect for liberty, equality, and fraternity has produced the monumental snafu of America's security campaign, which treats little old African American ladies as if they were just as likely as Koran-carrying young Saudi Arabians to hijack a plane and steer for the nearest Wal-Mart.

Bush's attitude toward conservative and nationalist concerns is well illustrated by his new proposals on illegal immigration, which amount to nothing more than a sneaky way of treating it as if it were legal, giving the illegal immigrant a wink and a nod and the implied promise of a Social Security check if they manage to keep a job. Bush apparently contemplates no reform of the Agency Formerly Known as the I.N.S. — a bureaucracy that lets millions of illegal immigrants cross the border and does virtually nothing to deport even those who are caught in subsequent law violations, while turning the lives of millions of legal immigrants into a nightmare of rules, forms, appointments, investigations, and legal fees. As for federal aid to states that are obligated by federal law to provide for the education and health care of illegal immigrants and their families — states such as California, where the annual cost amounts to billions — Bush clearly regards this as the one form of welfare in which the federal government should not engage.

There may be a label for such policies, but I doubt that it's "conservative." I'm sure that it's not "libertarian," either. The closest label would be "modern liberal." Suppose you saw a list of the significant actions of the Bush regime. Is there anything on the list about which you would say, with deep assurance, "Clinton would never have done that"? Please don't say that Clinton would never have promoted a tax cut. Had he been faced with an economic recession, he would probably have done exactly what Bush did — manipulate the economy with tax cuts and Keynesian deficit spending.



"If you don't mind my asking, what did *you* join up to forget?"

I have probably said enough to indicate that Bush is not, in the political sense, either a conservative or a fundamentalist. After all, it's not just fundamentalists who harbor a theoretical antipathy against abortion and gay marriage, and there is nothing whatever, except that antipathy, that might connect Bush with political fundamentalism. But something more can be said about what fundamentalism really is. It's not "right-wing Christianity," as if you could just take a

The plain truth is that President Bush is in no meaningful sense a right-winger or even a conservative, and he is as far from fundamentalism as the man in the moon.

right-wing politician, cross him with a Christian of some sort, and produce the hybrid you have in mind. Fundamentalism is a particular kind of Christianity, not to be confused even with the overlapping category of evangelicalism.

Fundamentalists don't simply preach the gospel as God's word; they emphasize such "fundamentals" as the total "inerrancy" of the Bible. In moral teaching and political action, however, they vary almost as greatly as devout persons' interpretations of the Bible. Some are opposed to all use of alcohol; other believe that such opposition is a "legalistic" affront to Christianity. Some eschew all political action; many (such as fundamentalists in African American churches, of whom there are very, very many) work within the Democratic Party; others are Republicans or even libertarians. But one thing is clear: you'd have to know a lot more theology than President Bush has ever shown signs of knowing in order to be convicted of fundamentalism. Being a reformed alcoholic, going to the Methodist church (one of America's mainstream-to-liberal denominations), and quoting from the Bible on public occasions is very far from enough to make one even a conservative or evangelical Christian, let alone a fundamentalist. Given Clinton's public pronouncements, which are full of references to the Bible and church and his religious experience, one would sooner think of him as a fundamentalist than one would think of Bush as such — if "fundamentalist" were a category that really had analytical relevance to him, to begin with.

Bush's religious and social profile is, in fact, precisely the kind that ordinarily appeals to Democratic voters. He's an honest and somewhat endearingly reformed drunk. He's religious, but he's not a religious bigot or "triumphalist"; he speaks constantly about the value of faiths other than his own. He uses a colloquially fallible English, and he speaks fairly well when he's using it. He places minority and women colleagues in the most important positions in his administration; he provides the kind of governmental "solutions" for which he thinks public opinion clamors; and he refuses to push political quarrels to uncomfortable extremes. Instead, he compromises, compromises, compromises. This is not conservatism, but it could easily pass for modern liberalism.

Why, then, do modern liberals hate him and want to believe that he stands at the farthest political extreme from themselves? There are several reasons, and I suspect that the main one is simply this: they feel entitled to govern, and he is preventing them from doing so.

All the other reasons — he comes from Texas, he is a poor formal speaker, he has rich people in his administration, he stole the presidency in a giant voting fraud — are so flimsy that no one could be impelled by them, in the absence of some other motive. No one, at least, who comes from a Democratic background. Clinton came from Arkansas, he was an embarrassing public speaker (not halting, but something worse — slick and notoriously mendacious), and his government was filled with wealthy (and often corrupt) friends. To believe that Bush stole the presidency, you must, logically, assume that federal courts should refuse to intervene when state law is violated in order to advantage one group of voters at the expense of others — for that is what Florida officials were doing in 2000, before the Supreme Court halted them. No modern liberal can adopt that assumption, without abandoning support for an activist judiciary, which is a hallmark of modern liberalism. Of course, you can refuse to understand that, but to be willingly blind to such an obvious fact means that you are already overwhelmed with emotion. No, modern liberals hate Bush for the same reason they hated Reagan: he turned them out of office.

It is probable that modern liberals hate Bush even more than they hated Reagan. I recall many sneering references to Reagan from my liberal friends, and many ominous forebodings about his upcoming destruction of the world. (The great foreign-policy issue of Reagan's time was his rearming of America and Europe, so as to threaten the Soviet Union; his program produced an immense outpouring of liberal bile.) But the reaction to Bush is different. Mention Bush to one of the modern liberal 30 percent, and you are guaranteed to witness an explosion of hatred. It is this kind of hatred that appears everywhere in the remarks of the current Democratic presidential candidates, because it is the one thing that seems to bring out their sparse but committed audience.

Here hatred and frustration combine. Whatever the candidates may say about the extremism of Bush, their attempts to find issues on which they can attack him necessarily

There may be a label for Bush's policies, but I doubt that it's "conservative." I'm sure that it's not "libertarian," either. The closest label would be "modern liberal."

acquaint them with the fact that they have essentially the same political orientation that he has. It must be frustrating, fighting your own mirror image, no matter how distorted you think it is. It must be doubly frustrating for such people as Joseph Lieberman, who find themselves driven further and further to the left, in an attempt to sidle away from that

damning reflection.

The Democrats' attempt to place themselves at an enormous distance from Bush is perhaps the worst result of his failure to live up to his label as a conservative. The farther the Democratic Party lurches to the left, the less choice thinking people have about whether to turn out and vote for

Do I intend to vote for Bush in 2004? Sure I do.

Bush. If you value your life, do you prefer Bush's moronic but limited "reforms" of health care, or the Democratic candidates' wacky and unlimited schemes? I repeat: if you value your life.

Much the same might be said about the Democrats' plans: to pursue an aggressive foreign policy, but only under the direction of the U.N. and France; to reduce military expenditures, but to spend still more on (the destruction of) education and social welfare; or to manipulate the economy, but to do it on a more massive scale than Bush ever dreamed of. Do I intend to vote for Bush in 2004? Sure I do. But if you gave me a decent alternative, I'd look into it. And should Bush ever ask for my opinion, I will tell him: You can make yourself even more certainly electable if you stop taking thoughtful conservative (or in my case, libertarian) voters for granted.

If Bush and his advisors imagine that the modern liberal program is the only one on which people can be elected, if they think that they must always proceed by "stealing the Democrats' fire," then they are looking a little too closely at the political chessboard. In 2003, the approved wisdom among the Republican and Democratic chess players in the state of California was that the way to stay in power was to run big deficits and give big favors to voters in "swing" groups. Since this program encourages expansive government, and modern liberals are into expansive government, it was a very popular program with people like Governor Gray Davis and Lieutenant Governor Cruz Bustamante, who hated each other because the latter wanted to increase the size of government much faster than the former wanted to. Most Republican politicians respected this wisdom and spent their time being embarrassed about "having" to vote against modern liberal legislation.

Then a recall drive blew up out of nowhere — actually out of a few disaffected individuals who found, by means of talk radio, that most people in the state had become as disaffected as they themselves were, no matter what their race, gender, or party registration happened to be. Davis was ousted, and Bustamante was defeated. This doesn't mean that the winner, Arnold Schwarzenegger, is a libertarian or even a conservative. It does mean that those who played too close to the game were missing — surprise! — a real perspective on the people's political concerns. There is a vast reservoir of public feeling that is highly unfavorable to much of modern liberalism. This is the feeling to which Bush might have appealed, and could still appeal, if he

really wished to move the government in a new direction. And this public feeling is discovering new and more powerful means of manifesting itself in this electronic age.

In 1947, Pierre Lecomte du Nouy, a distinguished French scientist with libertarian sympathies, published a work called *Human Destiny*. It's a challenging book. One of its ideas frequently recurs to me. It's the idea of scale. If you look at an engraving with a magnifying glass, all you may see is little dots and smudges of black and white. But if you view it on a different "scale of observation," you'll see that it's a picture of George Washington. History looks different when you concern yourself with day to day events, and when you back off for a moment and try to see its long-range patterns.

I think of this when I find myself becoming upset by the petty insanities of the season's political affairs. On the one hand, we have the Democratic candidates for president, outbidding one another in promises of unearned income for the American people and hysterical accusations against the President. On the other hand, we have the President, outdoing the Democrats with weird "policy initiatives" and spending schemes. Seldom have the prospects of big government seemed better. But if that's all you see, you may be operating with the wrong scale of observation. Back off a little, and what do you see?

You see an era in which big promises are made, big schemes are proposed, and big lies are siphoned into eager ears. But why is this happening? It's happening because government is not big but small, in one very important respect: it enjoys small confidence from the people. It has no strong ideological program; it has no strong claim to respect; it is visibly failing in virtually everything it does, and virtually everyone is aware of its failures. Virtually everyone is also aware of the persons responsible for those failures — the chess players, the professional political class.

That class has one course of action available: to cling to power by promises, bribes, and transparent lies, such as the lies that Bush's opponents tell about him. Their attempts to keep power paint a picture of weakness. And — back off a

Government is not big but small, in one very important respect: it enjoys small confidence from the people.

little farther, and see a still larger picture — the current political scene is only an island in the great sweep of technological progress that is steadily freeing mankind from dependence on government for its sources of information and ideas and motives for action and morale.

On this scale of observation, the political coloration of President Bush makes no particular difference to one's picture of the world. Yes, I will vote for him. But I am prepared for the time when people will say, as they now say of the violent contests between Tilden and Hayes, Greeley and Grant, "What was that all about, anyway?" □

In Praise of Large Families

by Jo Ann Skousen

“Go forth and multiply.”

Having enjoyed Steve Martin’s delightful update of the Spencer Tracy classic, *Father of the Bride*, I wanted to see Martin’s remake of the charming 1950 film, *Cheaper by the Dozen*, in which Myrna Loy and Clifton Webb portrayed stern but affectionate parents raising their twelve children as an experiment in scientific efficiency. I looked forward to seeing how the new version would apply efficiency theory to modern life.

But far from charming or innovative, the recent remake of *Cheaper by the Dozen* could have been titled, *Cheap Shots by the Dozen*. The father (Steve Martin) is predictably inept, the mother (Bonnie Hunt) predictably serene, and the children (too numerous to list, but headed by Disney’s Hillary Duff) predictably out of control. They literally swing from the chandelier and dangle from the balcony, chase each other through the house with an ax, and wreak havoc at a neighbor’s birthday party. Funny? I suppose. But engaging? Not to anyone who actually belongs to a large family. As a bullfrog landed in the scrambled eggs ten minutes into the film, my husband leaned over and said, “I was raised in a family of ten kids, and it was nothing like this.”

The truth is, large families (the non-blended, all-from-the-same-two-parents kind) are seldom chaotic. Unlike the *Daddy Day Care* scenario, in which a dozen young children are thrust suddenly into close proximity in an unfamiliar environment, large families occur gradually, allowing members to adapt to new additions one at a time. Large families learn cooperation, patience, flexibility, and independence. True, children of large families sometimes feel neglected, but this neglect often leads to the freedom to explore one’s own interests, unfettered and unjudged by a parent’s own goals or expectations. Instead of being jealous of the “favorite,” the

wise neglected child is grateful for the sibling who distracts the parents’ attention.

Here are some of the advantages of raising, and being raised in, a large family:

Long-term perspective. As the mother of five children, I find that I’m almost always worried about one child (and they each take a turn at being the one who is giving me fits). But while I may feel like a failure with that one child, having four others allows me to feel that I’m “80 percent a good mother.” My 30 years of motherhood has brought me more joy and satisfaction (as well as more worry and frustration) than I ever could have imagined.

Self-sufficiency. From tying their own shoes, to doing their own homework, to getting themselves ready for bed, children of large families tend to take care of themselves at an early age, as Mom has to devote attention to new babies. This self-sufficiency carries into adulthood, where they tend to be more innovative, persistent, and self-motivated. They know they have to make things happen for themselves.

Constant friendships. In a large family there is always someone with whom to play a game, read a story, have a conversation. I feel a great sadness for my friends who have allowed themselves to become estranged from their siblings. Friends come and go, but families share a lifelong history. Of

all my accomplishments in life, the one of which I am most proud is that all of my children genuinely like each other. They rejoice in each other's triumphs, and rally to each other's defenses. Although they are divided by geography and do not always share the same personal philosophy, they are united by telephone and email.

Self-government. Our son Todd, self-appointed "cool uncle" to our just-beginning second generation, agreed with his father's assessment of the inept portrayal of large families in *Cheaper by the Dozen*. He observed, "In large families, the older kids raise the younger kids. That's just the way it is." He's right. When you get beyond a "handful," (five fingers or more) there simply isn't enough time to micro-manage every child. So, to borrow an adage from Joseph Smith, wise parents of large families "teach them correct principles, and they govern themselves." I know one family of ten children who did this deliberately, assigning each of the older children as "guardian" of each new baby as numbers six-through-ten came along.

But usually this guardianship happens spontaneously. When my youngest daughter began developing into a whiny brat at the age of 8, her two older brothers let her know what was acceptable and what wasn't. They corrected me if I gave in to her tantrums, and they encouraged her by including her whenever she behaved appropriately. They did this instinctively, as a matter of personal survival. She learned very quickly that if she wanted to hang out with her brothers, she would have to measure up. And she did.

Less pressure to fulfill parents' dreams. Children in large families may seem to get lost in the crowd, but sometimes that's a good thing. When my son-in-law James, one of eight children, quit college and gave up a full-ride scholarship to pursue a self-taught career, his parents didn't fall apart and agonize over what others might think. They had given him the proper tools while growing up, and they trusted him to make his own decisions, just as his older sisters had done. He has been very successful in his own busi-

From tying their own shoes, to doing their own homework, to getting themselves ready for bed, children of large families tend to take care of themselves at an earlier age.

ness, in part because his parents supported him without controlling him.

I've noticed that parents of only one or two children, particularly parents who wait until their thirties or longer to have children, tend to expect their children's only purpose in life to be "Make us proud." There is enormous pressure to excel in sports, music, and even preschool; to attend the right university; to pursue the right career. Parents of large families also want their children to excel, but when there are many to oversee, it's easier to keep a perspective that allows children to develop their own dreams and aspirations. Each of our children has changed colleges and majors midstream, developing unexpected talents that have led to satisfying

careers.

Negotiation skills. Think of what China's one-child policy means in terms of personal development: no brothers, no sisters, no cousins or aunts or uncles. In short, no need to share, barter, or exchange. Instead, each child has two parents, four grandparents, and as many as eight great-grandparents doting on him, pampering him, giving in to his every whim. By contrast, children of large families learn to

Parents of only one or two children, particularly parents who wait until their thirties or longer to have children, tend to expect their children's only purpose in life to be "making us proud."

negotiate. Whether it's exchanging chores, sharing clothes, or keeping secrets from the parents, children from large families learn to acknowledge the needs and interests of others in order to further their own interests. They often become successful entrepreneurs.

Individuality. Parents of two children try to be fair and give each child exactly the same things. But what is the point of giving each child matching blue bicycles, if only one child wants a bicycle? This method has the same results as the socialist system it emulates: inefficiency and dissatisfaction. As a parent of a large family I try to give each child 100% of what they need, but not equal amounts of anything. This means that at any given time, one may get a larger portion of my time, another a larger portion of my money, and a third a larger portion of being left alone. But I try to make sure that they all have what they truly need, and especially that each feels loved, respected, and appreciated.

Religious foundation. Most large families belong to religious cultures that encourage them to have a large posterity. They tend to teach the Golden Rule of doing unto others as they would have others do unto them. This may seem like a fruity self-sacrificing axiom, but it is the foundation of good business. The free market is made up of millions of individuals providing goods and services that other people want, in order to further their self-interest. True religion teaches individuals to be compassionate and empathetic, traits which, if applied wisely, can lead to valuable innovations in the marketplace.

Shared responsibility when parents reach old age. As old age approaches, the only-child who was doted upon by two parents and four grandparents now bears the pressure of caring for those forebears alone. Even while growing up, only-children feel an intense responsibility to measure up and be available for their parents. I remember taking my son's friend with us on a white-water rafting trip when the boys were about six years old. As we were leaving, the mother said to me, "Tell the guide that if the raft tips over, Ben is an only child!" She was only half joking. No child is expendable, of course, and I love each of my children pas-

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The Libertarian Party Gets Real

by George Squyres

Libertarians are changing their party in ways that promise to move it from the margins of American politics.

In the January *Liberty*, Greg Newburn made serious charges about the Libertarian Party and the problems that have plagued it for the last two decades. His charges are valid, but it is not yet necessary to abandon the party, dissolve it. Fundamental changes are taking place within the party which may make it a formidable and respectable player in American politics.

The Libertarian National Committee, of which I am a member, has worked hard to implement beneficial changes in the way the party does business since what one member has referred to as “a Machiavellian change” occurred in Indianapolis in July 2002.

The root cause of the failure of the LP is its culture. The LP is a volunteer, activist organization focused inwardly on noble discussions of purity and the sacredness of principle, unable to recognize the limits of activism and unable to deal with the reality of American electoral politics. We will not deserve the name “libertarian” if we compromise the principles that must guide our policies and actions. Still, as Newburn notes, we will remain politically impotent if we do not act in accordance with political realities. Our principles won’t do us much good if we can only enjoy them in splendid, purist isolation.

One of the most important aspects of the LP’s cultural problem is the friction between the radical, purist fringe and the mainstream, big-tent pragmatists. All political parties have radical elements, and the LP is no different, except that it has allowed its radical factions to define it, and in so doing, to marginalize it. This is unfortunate: the vast majority of party members are mainstream Americans who understand that the Constitution was created to limit the scope and influence of government. They want to return the country to that

model and be left alone.

Libertarianism is not a comprehensive and fixed philosophy, closed to challenges. There are disagreements among the best libertarian philosophers. The LP must recognize that libertarians can disagree with one another and still be Libertarians.

Over two decades ago, some libertarians who understood the reality of American electoral politics devoted their energies to the establishment of the Cato Institute. Last year Cato’s budget was \$17.5 million, while the LP’s was \$1.4 million. Contrast the amount and quality of media exposure garnered by the LP and by Cato, and the respect that each organization has earned. Which group is contributing positively to the protection and propagation of liberty: the hyper-principled, activist core of the LP, or the more pragmatic mainstream of the libertarian movement?

The LP’s national platform is equal parts jargon and hyperbole. It is not a document well suited to attract voters, educate them, and bring them into the libertarian fold. On the contrary, it almost seems designed to alienate them. The central committee of the Indiana LP voted to distance itself from the national platform because of the public relations problem the document created for Indiana’s Libertarian candidates.

Those who are determined to reclaim the Libertarian Party for productive political action are engaged in a radical reappraisal of the national party platform. They do not intend simply to improve upon the platform's imperfect language, but to fundamentally change the process by which it is written. The delegates at the national convention in

All political parties have radical elements, and the LP is no different, except that it has allowed its radical factions to define it, and in so doing, to marginalize it.

Indianapolis in 2002 believed in this new process enough to authorize its creation.

The proposed changes recognize that the platform must give non-libertarians a reason to vote for our candidates. The new approach demands of every plank a clear statement of the issue, a precise rendering of how our guiding principle responds to that issue, a presentation of how we see the world with the problem solved, and the concrete steps we advocate to get there.

Changing the platform is only one component of the cultural shift that must occur if the LP is to get its candidates elected to meaningful offices. The party has had many sterling activists who were incredibly effective at the local level, but who simply were out of their league when we pushed them up the ladder to the level of national politics. The result was a loss of membership, donors, activists, and credibility. To be sure, the party cannot go anywhere without activism. But gathering signatures for ballot access in a booth at a county fair is one thing; running a national party office, filing FEC returns, and working the national media are quite another. The false dichotomy that it must be all top-down or all bottom-up is another expression of the party's culture problem. Knowing which things require professionals and which require activists takes judgment.

The hiring of the LP's current executive director, Joe Seehusen, is representative of the important changes taking place within the party. Until recently, when hiring national party staff, the National Committee looked within the party for "a good, deserving activist." When we hired Seehusen, an executive search committee was formed and operated on the basis of finding a competent professional with the right credentials and qualifications. The search turned down many applicants and took many months. We were not hiring some-

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sionately. But only-children tend to feel the responsibility of being available for their parents, and are less free to pursue their own interests.

Loyalty. Children of large families may squabble among themselves, but they are fiercely loyal when someone else tries to criticize or harm a sibling. In *Cheaper by the Dozen*, when the family reaches a crisis over the disappearance of the neglected child, the entire family rallies to find him. That's the kind of experience I observe in large families. They may

one to be a Libertarian; we were hiring someone to be an executive director. Hopefully, this cultural change is something that the LNC now understands, as only one member questioned what Joe's political leanings were. They were, and are, irrelevant.

In a few short months, Seehusen has brought the party out of debt and regained the confidence of many major donors. Similar changes in the national staff reflect the same cultural change: the long term health and viability of the party demand that we recognize the limits of activism, and hire the professionals necessary to get the job done. James Carville and Karl Rove are not emotional about freedom, but they know what to do to win an election and to be an effective force in politics. Where we have had good candidates, good campaign managers, and competitive amounts of money, we have won.

Success also demands that Libertarians plan realistically to gain and hold incrementally higher elected offices. We are not going to win a presidential or congressional race in the near future. If we ever want to win these races, we must elect people to lesser offices. When those successful candidates finally run in presidential or congressional races, they will have the kind of track record that the electorate looks for. We must also teach our candidates how to govern as Libertarians once they are elected, a topic we have never even considered. In the meantime, LP candidates for those higher offices can have the most impact by seeking to influence and control the debate, something they haven't done very well.

The fringe will scream that the LP leadership is selling out. But the LP leaders have done no such thing. Their actions are already showing this. They are Libertarians who are not interested in running a social club or a debating society, but who are determined to give America a libertarian form of government. The platform-reformatting project has shown that being principled and winning elections are not mutually exclusive propositions. The cultural shift away

The Libertarian National Committee now understands that a potential staffer's political leanings are irrelevant.

from a parochial mentality of volunteer activism and purity tests is long overdue.

The minority that has marginalized the mainstream of the Libertarian Party must accept the necessity of change or accept irrelevance. □

be angry with one another from time to time, and they may waste a lot of time with hurt feelings, but when crisis hits, they rally.

I know that not all families turn out this way; large families sometimes drift apart. I've painted a rosy picture of large families, true of the families I've observed, because I think family relationships are worth the effort it takes to patch, repair, and nurture them. To me it's sad that the large family has become almost extinct, a dinosaur from a bygone era, so unusual that it can only be perceived and portrayed today in caricature. □

Lysander Spooner, the Ninth Amendment, and Me

by Randy Barnett

With a nineteenth century anarchist as his guide, a legal philosopher dismisses, then reconsiders the Constitution.

Growing up, I was like most Americans in my reverence for the Constitution. Not until college was the first seed of doubt planted, in the form of an essay by a nineteenth-century abolitionist and radical named Lysander Spooner. In his best-known work, *No Treason: The Constitution of No Authority* (1870), Spooner argued that the Constitution of the United States was illegitimate because it was not and could never have been consented to by the people on whom it is imposed. Although as an undergraduate I found Spooner's argument unanswerable (and I must admit so it remained until I was in my forties), the problem was largely theoretical. My mind may have doubted, but my faith remained.

Until I took Constitutional Law at Harvard Law School. The experience was completely disillusioning, but not because of the professor, Laurence Tribe, who was an engaging and open-minded teacher. No, what disillusioned me was reading the opinions of the U.S. Supreme Court. Throughout the semester, as we covered one constitutional clause after another, passages that sounded great to me were drained by the Court of their obviously power-constraining meanings. First was the Necessary and Proper Clause in *McCulloch v. Maryland* (1819), then the Commerce Clause (a bit) in *Gibbons v. Ogden* (1824), then the Privileges or Immunities Clause of the Fourteenth Amendment in *The Slaughter-House Cases* (1873), then the Commerce Clause (this time in earnest) in *Wickard v. Filburn* (1942), and the Ninth Amendment in *United Public Workers v. Mitchell* (1947).

Nor were these landmark decisions isolated cases. In countless other opinions, the Supreme Court justices affirmed they meant it when they said the Constitution did

not mean what it apparently said. According to the Supreme Court, a majority in Congress could restrict the liberties of the people pretty much any way it wished unless a law violated an express prohibition of the Constitution — or some privileged but unenumerated right such as the right of privacy. Even an express right, such as the “right to keep and bear arms,” could effectively be read out of the Constitution when the Supreme Court disapproved. Were this not enough, the most famous decision in which the Supreme Court had once tried holding the line, *Lochner v. New York* (1905), was taught along with other cases from the Progressive Era precisely as examples of how courts were *not* supposed to act. That *Lochner* is among the worst decisions the Supreme Court ever made was the received and unquestioned wisdom then, and largely remains so to this day on both the left and right of the political spectrum.

By the time I was finished with Constitutional Law, I was finished with the Constitution as well. The idea of protecting liberty by imposing written constraints on the government was an experiment that obviously had failed. When Spooner's argument on legitimacy was combined with the practice of the Supreme Court, there was nothing left to take seriously. When I became a law professor and needed to decide what to write about or teach, I chose contracts, where

courts seemed to take both written law and writings in general more seriously. Constitutional law was last on my list and I avoided it successfully for many years.

Then Brian Brille, at the time a law student at Stanford Law School, invited me to speak at the Fifth Annual National Student Symposium of the Federalist Society to be held there in the winter of 1986. The Federalist Society had been founded, after I had graduated, by students at several law schools who had been disillusioned in their own way by their law school experience. Their means of fighting back was to form a student organization where they could meet and support each other. They would also invite dissenting speakers to their campuses to challenge the conventional wisdom of their professors and they would gather once a year to hear their champions debate the best of the opposition, the sort of intellectual discourse so sorely missing at their home schools.

The topic of the symposium was the First Amendment and I was asked to participate on a panel on "freedom of association." It was a distinguished group of speakers and, as a relatively unknown contracts professor, I sorely wanted to accept. Nevertheless, I declined. "Brian," I said, "I would really like to participate but you know what I think about the Constitution. I just do not do constitutional law" (or words to this effect). "Oh, come on," he replied. "You only need to talk for ten minutes. You can come up with ten minutes of something to say" (or words to that effect). Against my better judgment, I agreed.

As I painfully wrote my comments on freedom of association, I got to the part of the speech where I anticipated what I was sure would be the overwhelming sentiment of what I wrongly thought was a monolithically conservative group: the First Amendment specifies the right of freedom of speech, freedom of assembly and petition, and the free exercise of religion. It says nothing explicit about a freedom of association. "I know what you're thinking," I wrote, mimicking Dirty Harry, "what gives unelected, lifetime appointed federal judges the power to protect a right not mentioned in the Constitution?" In my speech, my answer

Lysander Spooner argued that the Constitution of the United States was illegitimate because it was not and could never have been consented to by the people on whom it is imposed. I found this argument unanswerable.

was to read the text of the Ninth Amendment: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the People."

At the conference, I so expected a hostile reaction that I began my talk by nervously joking about having bought only a one-way ticket. As I read my speech the audience was respectfully quiet, which I came to learn is a Federalist Society tradition. Also listening intently was my fellow panelist, Judge Frank Easterbrook, sitting at my side on the dais.

After hearing my Clint Eastwood-inspired challenge, Judge Easterbrook gestured toward me with both his palms up as if to say, "Well, punk, what's the answer?" intimating that no reasonable answer was possible. When I finished reading the words of the Ninth Amendment in reply, a roaring cheer came up from the students. I was startled to discover that, contrary to their detractors, the Federalist Society was indeed a robust coalition of both conservative and libertar-

By the time I was finished with Constitutional Law, I was finished with the Constitution as well.

ian students with a diversity of views among them. Even many years later I would still be approached by lawyers who told me they had been at Stanford when I "debated" Frank Easterbrook on the Ninth Amendment.

I was energized by the experience; contracts professors simply do not get invited to speak to five hundred bright and, yes, cheering law students about contract law. But my views on the Constitution had not changed, so now what? Well, for one thing, like every other law professor and judge, I knew nothing about the Ninth Amendment besides what it said. I also knew that it had been dismissed by the Supreme Court and received its only furtive and brief serious attention in a concurring opinion by Justice Goldberg in *Griswold v. Connecticut* (1965). I knew as well that the Ninth Amendment was considered a constitutional joke, as in, "what are you going to argue, the Ninth Amendment?" Do I divert my valuable time away from serious concerns to learn about this disparaged, if not denied, constitutional injunction?

After some time passed, I shifted my research agenda in this unexpected direction. I distinctly recall my mental calculation: I was about to be granted tenure. The Ninth Amendment had not been repealed. Once safely tenured, I should be able to write about any part of the Constitution that was still there. Given its marginal status in respectable quarters, however, was it worth the effort? At the time, judicial conservatives like Professor Robert Bork and Ronald Reagan's attorney general, Edwin Meese, were getting a lot of attention for their claims that the Constitution should be interpreted according to the original intent of the framers, and also that constitutional rights should be limited to those that were listed and certainly should not include an unenumerated right of privacy. It seemed only a matter of time before respectable academics would pit one of these tenets against the other by pointing to the Ninth Amendment, which seemed to suggest that the original intent of the framers supported rather than undermined the protection of unenumerated rights. When they did, what if I were there already with a body of scholarship on the meaning of the Ninth Amendment?

Upon initial investigation, I discovered that so little had

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God's Carpenter

by Dave Kopel

Minorities targeted for ethnic cleansing. Leaders of persecuted religious sects. Escaped slaves. Outlawed guns. Every age has something to hide, and also brave individuals who risk everything to hide it. Nicholas Owen was one of those brave men.

In some parts of the United States, as in most of the rest of the world, persons who wish to exercise the fundamental human right to keep and bear arms must sometimes resort to hiding their guns or knives. In China, as in many other countries, people must hide illegal Bibles. But suppose that instead of hiding a handgun or a Bible, you had to hide your religious leaders?

Several hundred years ago, a small man named Nicholas Owen made himself an expert in constructing hiding places for clergymen. Owen's story is the story of the great things that even the most wretched person can accomplish.

In the late 1500s and early 1600s in England, during the reigns of Queen Elizabeth I and then King James I, everyone was legally required to attend and participate in the church services of the Church of England. The head of the Church of England was the monarch. Even the possession of Catholic religious objects, such as rosaries, was illegal, and smuggling a Catholic priest into the country was punishable by death.

The vast majority of the English people sheepishly followed the government's religious laws, and practiced the Anglican religion, just as their parents had sheepishly followed the government's requirement to practice the Catholic religion, when Catholicism had been the state's monopoly religion a few decades earlier.

But history is made by determined minorities, rather than by docile majorities, and England was blessed with a good number of people for whom following God was more important than keeping out of trouble with the government.

During the reign of Queen Mary I (1553–58) England was officially Catholic, and Protestants were viciously suppressed. The great deeds of the Protestant English martyrs

resisting "Bloody Mary" are recounted in *Foxe's Book of Martyrs* which was, next to the Bible, the most influential book in the development of the Protestantism in the English-speaking world.

Mary was succeeded by her Protestant half-sister, Queen Elizabeth I. Elizabeth convinced Parliament to pass the Act of Supremacy and the Act of Uniformity in 1559, which turned England into an exclusively Anglican religious nation, by law.

Most English people went along with the change. Elizabeth, for her part, asked only for external shows of conformity, and rejected advice to persecute persons who remained secret Catholics. She had no desire to make "a window into men's souls," she explained.

Unfortunately, the Catholic powers of continental Europe, led by Spain and encouraged by the Pope, plotted to assassinate Elizabeth, and attempted to overthrow her by force. The defeat of the Spanish Armada in 1588 removed the military threat, but the Protestant majority turned intensely suspicious of the small Catholic minority. Persecution of the Catholics grew severe.

In 1603, King James I succeeded Elizabeth. In the years before taking power, he had dropped hints that he might tolerate Catholics. Indeed, his Danish wife, Queen Anne, was a

quiet Catholic. But upon becoming King of England, James made it clear that there would be no relaxation of the stringent anti-Catholic laws or their enforcement.

And this is where the hero Nicholas Owen enters the story.

Owen was born in approximately 1550 to a fervently Catholic family. When Anglicanism was established as the

The English jailers who took the bribe to let Owen go thought him just an insignificant friend of a priest — rather than the master builder of England's underground railroad for priests.

state religion, the Owen family became "recusants" — meaning that they paid hefty fines rather than attend Anglican church services.

Two of Owen's brothers became Jesuit priests. The third, Henry Owen, ran a covert Catholic printing press. When he was sent to prison for his continued recusancy, he managed a secret press from prison.

Nicholas Owen was only a little taller than a dwarf. But this was only one of his medical problems; because of a hernia, his stomach had to be held together by a metal plate. After a packhorse fell on him in 1599, he was further disfigured, and walked with a limp for the rest of his life.

Most Englishmen of Owen's time thought that a twisted body was an outer sign of a twisted character. But as Antonia Fraser observes in her book *Faith and Treason: The Story of the Gunpowder Plot*, Owen's "great soul and measureless courage" offered "the strongest possible refutation of the contemporary prejudice."

Trained as a carpenter and a mason, Owen became perhaps the greatest builder of hiding places in man's history.

The English Catholic community needed, both for spiritual leadership, and for administration of the sacraments. But harboring a priest was a capital offense.

So in the large country mansions owned by England's crypto-Catholics, Owen constructed ingenious hideouts for priests.

Mansions were built of stone in those days, making Owen's task especially difficult. The English government's priest-catchers (*poursuivants*) would carefully tap on walls, and a hollow sound would immediately betray a room that was hidden through mere use of an empty space.

Owen's hiding places were much more sophisticated. For example, at the Baddesley Clinton mansion, Owen contrived secret trapdoors in the turrets and stairways, connecting them with the mansion's sewer system. During a 1591 search, several priests stood up to their waists in water, hidden from searchers for four hours. In some cases, priests survived several searches of the same house.

Owen ran feeding tubes into the rooms, so that priests hidden therein could receive food for the days or weeks they might spend inside. Sometimes he built an easily-discovered outer hiding place which concealed an inner hiding place.

While Owen completed scores of hiding places, the exact

number is unknown; some remained undiscovered until the 20th century, and others still remain hidden. (Perhaps some of the hideouts that are still secret are being used to conceal guns these days.)

So that the mansion's servants would not know about the hidden chambers, Owen would do ordinary house carpentry work during the daytime. But at night, Owen would build his secret spaces, always working alone — thus minimizing the number of persons who would know about a given hiding place, and be susceptible to revealing it under torture. Breaking through heavy stone walls to build complex rooms would have been difficult for any construction crew, but it was difficult in the extreme for a small man working alone. He always worked for free, and received communion before starting a new project.

Nicholas Owen used a variety of names to conceal his identity as he traveled around England: Little John, Little Michael, Andrewes, and Draper.

Owen was chosen as one of the first laypersons to be inducted in the Jesuit Order. When his fellow Jesuit Edward Campion was arrested, Owen spoke openly about Campion's innocence, so Owen himself was then arrested. He was arrested again in 1594, tortured on the infamous Topcliffe rack, and hung for three hours from iron rings, with heavy weights on his feet. But he revealed nothing, and was released after a wealthy Catholic paid a ransom. The English jailers who took the bribe to let Owen go thought him just an insignificant friend of a priest — rather than the master builder of England's underground railroad for priests.

Three years later, Owen masterminded Father John Gerard's escape from the Tower of London.

In November 1605, Guy Fawkes and a small band of Catholic conspirators made plans to blow up Parliament, kill King James, and place James' Catholic daughter on the throne. The discovery of the Gunpowder Plot led to a massive crackdown on all suspected Catholics, which led to Owens' arrest in early 1606.

Owen had been secreted in one of his hiding places for two weeks, while *poursuivants* searched a Catholic home. But when he came out of hiding and attempted to sneak off the premises, he was captured. Immediately he claimed to be

Nicholas Owen was recaptured in 1606. He was racked day after day, six hours at a time, and an iron band was tightened around his hernia. Owen died from the torture on March 2. He had never revealed a single fact about any of his hiding places.

a priest — a claim which amounted to condemning himself to death, but which he hoped would throw the *poursuivants* off the trail of the priests who remained hidden in the building.

But this time, the English authorities knew that they had captured the one person who knew enough to bring down the entire network of covert Catholics in England.

At first, Owen was held under light confinement, with visitors allowed, in the hope that some secret priests would reveal themselves by coming to visit him. Owen, however, was too cautious to be tricked, and spent his time in solitary prayer.

Soon, Owen was transferred to the infamous Tower of London, so that he could be tortured. Yet he remained calm and fearless.

The English law of the time forbade torturing anyone to death. For this reason, any person who was already maimed (as Owen had been since the horse fell on him) was not supposed to be tortured at all, due to the risk of death. Nevertheless, Owen was tortured in a particularly gruesome manner, in light of his already-ruptured hernia.

Nicholas Owen was racked for day after day, six hours at a time, and an iron band was tightened around his hernia.

While the reliability of confessions obtained under torture was dubious, England's law-enforcement authorities never had a problem getting some kind of confession from a torture victim. Except for Nicholas Owen.

He refused to answer the interrogators' questions about anything important, and never revealed a single fact about any of his hiding places. Instead, he constantly invoked the aid of Jesus and Mary.

Perhaps all the physical suffering which Owen had endured since the birth of his deformed body helped him cope with tremendous levels of pain.

Owen died from the torture on March 2. Since Owen's treatment had been unconscionable even by the standards of the time, the government claimed that Owen had committed suicide by stabbing himself twice with a dinner knife. Actually, Owen's hands had been so disfigured by the torture that he could not even hold a pen or a knife, or feed himself.

In 1970, Nicholas Owen was canonized as a saint by the Catholic Church. His feast day is March 22, and he is counted

as one of the Forty Martyrs of England and Wales, from the time of the anti-Catholic persecutions.

Father John Gerard, one of England's leading secret priests, wrote that no one had accomplished more than Owen: "I verily think that no man can be said to have done more good for all those who laboured in the English vineyard. For, first, he was the immediate occasion of saving the lives of many hundreds of persons, both ecclesiastical and secular, and of the estates also of these seculars, which had been lost and forfeited many times over if the priests had been taken in their houses." (A hidden priest then, like illegal drugs or guns today, was cause for forfeiture of an entire home.) The modern edition of Butler's *Lives of the Saints* states, "Perhaps no single person contributed more to the preservation of the Catholic religion in England during penal times."

Regardless of whether one is Catholic, Protestant, or anything else, the decision of England's Catholics to maintain their faith, no matter how grave the threats from the government, was highly admirable. The Catholic who illegally received communion, or otherwise resisted the government's effort to stamp out his religion, affirmed that God and the individual were more important than the government. The survival of Catholicism in England, and the failure of the Church of England to establish a complete monopoly of faith, helped sow the seeds for the long-run development of religious toleration in England, and in the rest of the Western world.

Nicholas Owen was one of the pivotal figures of English history, and, indirectly, one of the fathers of modern religious freedom. He was not born to wealth or nobility or normality, and few people who stared at his small and twisted body would have predicted that he would be remembered as one of the greatest Englishmen of his time. □

Letters, from page 26

How does he explain the fact that people from different developed countries, who don't know each other, cooperate peacefully in high-energy trade every day, without a common state above them to enforce their property rights?

Larry Ruane
Parker, Colo.

Diversity of Tactics

In "Learning from the California Election" (January), R.W. Bradford concludes that the prospects for the LP are not good from the fact that facing no ballot access problems, and all candidates getting equal position on the ballot, Libertarian Party candidates captured a mere 0.07% of the vote. Indeed major party candidates captured 95.5% of the vote suggesting that Americans are happy with the two-party system.

I think R.W. Bradford "learned" the

wrong lessons.

Yes, there are still cultural, psychological, and social obstacles to third parties, and especially Libertarians, even if the ballot access problem is solved. That doesn't mean we should give up entirely. Nor does it mean that we should continue to waste resources foolishly in battles where winning is too unlikely or too costly.

The following article, "Time to Get Real," follows a similar theme: the Libertarian Party is useless and we idiots should wake up, smell the coffee, and join the Ds or Rs and try to work within these parties. I like to think of this as the defeat-the-enemy-by-joining-the-enemy strategy.

Don't get me wrong. We *should* work within these parties, when and where we can, to promote liberty. But, we should also use the third-party strategy to the extent that we can. We shouldn't give up entirely on the

Libertarian Party. We should just be a little smarter about how we use our resources.

We need to admit that Ron Paul is the exception, not the rule. Ron Paul has had little success in making the Republican Party, as a whole, more libertarian, and anyone who joins the Democrats or Republicans will likely be more influenced by their party than have an influence on their party.

Let's use more than one approach. Let's work within the major parties, *and* have a third party that wins the winnable races. Let's learn the right lessons. Let's not commit an attribution error by automatically assuming that voters are happy with their choices, even when they have lots of choices. And let's stop disparaging those of us who remain committed to a viable Libertarian Party. We're not idiots. We're not deluded,

continued on page 53

 Lysander Spooner, the Ninth Amendment, and Me, *from page 36*

been written about the Ninth Amendment that I could read it *all* and almost instantly become an expert in the field. The first thing I learned is that the Ninth Amendment had been devised by the father of the Constitution, James Madison himself. This might work out after all. So I put in motion several projects: a law review article, an anthology of previously published Ninth Amendment scholarship, and a law review symposium of politically diverse scholars offering their opinions on its meaning.

In 1987, while all these were in press but before any appeared, Judge Robert Bork was nominated by President Reagan to the Supreme Court. Perhaps his most famous comment at his televised confirmation hearings was this response to a question by Senator Dennis DeConcini, who asked him about the meaning of the Ninth Amendment:

I do not think you can use the ninth amendment unless you know something of what it means. For example, if you had an amendment that says "Congress shall make no" and then there is an ink blot and you cannot read the rest of it and that is the only copy you have, I do not think the court can make up what might be under the ink blot if you cannot read it.

This ink blot reference was like a red flag to constitutional scholars, and did not sit all that well with some conservative proponents of original intent. After all, the framers must have meant *something* by this amendment! But what?

Soon thereafter all my Ninth Amendment scholarship hit the fans and I was suddenly a "player" in a field I had dismissed just a year or so before. In the years since then, one article led to another as I discovered that the Ninth Amendment was inextricably linked to the other clauses the Supreme Court had redacted from the text: the Necessary and Proper Clause, the Commerce Clause, the Privileges or Immunities Clause, and the Tenth Amendment. They all had to go if Congress and state legislatures were going to be given the discretion to pass laws in the "public interest" unconstrained by any limits on their powers besides a few judicially favored rights.

Over these years, I developed a newfound respect for the Constitution, if not for the judges who had disregarded what they had sworn to preserve, protect, and defend. I also came to admire the genius of the founders, especially that of James

Spoooner's earlier argument opened for me an entirely new position: a defense of original meaning, rather than original intent, that could withstand the well-known critique of originalism.

Madison, and the importance of the contribution made by the Republicans in the Thirty-ninth Congress who substantially changed the constitutional structure by devising the Fourteenth Amendment.

Spending so much time reading about the origins of the Constitution and the Fourteenth Amendment raised a central question I had not yet confronted adequately: how exactly

should this document be interpreted? Early on, I had been persuaded that adhering to the original intent of the framers was not the way to go. I accepted the argument that we were not bound by the intentions of long-dead men, especially in light of Spooner's argument that the Constitution could not possibly be founded on original consent. Still, most of my constitutional scholarship consisted of parsing the statements of these same dead men and the historical meaning of the words they enshrined in the Constitution's text. I was definitely suffering from cognitive dissonance.

The resolution came from a completely unexpected and unlikely source: Lysander Spooner. Teaching my constitutional theory seminar, I ran across a reference in a footnote to Spooner's essay *The Unconstitutionality of Slavery* (1847). I was intrigued. How could Spooner possibly have argued that slavery was unconstitutional prior to the enactment of the Thirteenth Amendment, in light of the passages that everyone knows sanctioned it? Although I had admired Spooner since college, I had never read his other writings — indeed did not know what sort of writings even existed. Searching for this essay, I discovered it in a six-volume set of Spooner's works.

In his three-hundred-page monograph, Spooner responded to the Garrisonian argument that the Constitution was a "covenant with death and an agreement with hell" because it sanctioned slavery. As evidence for this contention, Garrison's legal colleague, Wendell Phillips, had seized upon the newly released, formerly secret records of the Constitutional Convention that clearly showed the framers' intentions to preserve slavery in those states where it was still practiced.

Spoooner replied that we are not bound by the secret intentions of the framers but only by those intentions they put in writing. Each word must be interpreted the way a normal speaker of English would have read it when it was enacted. Moreover, where the words admitted of more than one meaning, we should not impute to the document an intention to do something manifestly unjust. Spooner argued that, in each of the places where the Constitution supposedly sanctioned slavery, the framers had spoken euphemistically, refusing to name the thing to which they were referring. If they could not bring themselves to enshrine slavery into the text explicitly, we were not bound to adhere to their unexpressed intentions but should instead give each of the terms they used their normal innocent meaning.

Whether or not Spooner was right in this assessment of the constitutionality of slavery, his argument opened for me an entirely new position: a defense of original meaning, rather than original intent, that could withstand the well-known critique of originalism. The final missing ingredient was an answer to Spooner's later charge that the Constitution was without authority because it lacked actual consent.

It is that challenge I seek to answer in *Restoring the Lost Constitution*. □

This article is excerpted from the preface to *Restoring the Lost Constitution: The Presumption of Liberty*, published by Princeton University Press, February 2004.

The Trouble with Steinbeck

by Nicholas Varriano

More Americans learn about the depression of the 1930s from John Steinbeck's novels than from any other source. Too bad Steinbeck got it wrong.

John Steinbeck is a perennial favorite among American novelists. His most popular book is *The Grapes of Wrath*, a work that is usually studied, not just as a literary masterpiece, but as an accurate characterization of American life. In fact, the book is a textbook example of economic misunderstanding. Whatever its strictly literary value may be, its economic (and therefore, political) fallacies should lead educators who assign it to post a warning: "May be hazardous to your conceptual health."

The Grapes of Wrath tells the story of Oklahoma farmers losing their land to banks during the Great Depression of the 1930s. With no work, the dislocated farmers migrate to California in search of jobs. Once in California, large farm owners mercilessly take advantage of the migrant workers. Through the plight of the migrant workers, Steinbeck attempts to demonstrate the death of American capitalism, the system that promises individual opportunity and private property as the reward for taking risks and working hard. The new system to replace capitalism remains nameless, but it is certainly socialistic. Stephen Railton contends, "The goal of the novel is to suggest that a socialized democracy is as quintessentially American as the individualistic dream it will replace" (166). When the system fails, people rise up to demand change. Steinbeck writes, "Paine, Marx, Jefferson, Lenin were results, not causes" (159). At first glance, this list of historical names causes confusion, but it serves to reassure the reader by linking socialism with America's revolutionary tradition.

In *The Grapes of Wrath*, Steinbeck calls for a new national order based upon an economic philosophy that intentionally leads his reader down the path to socialism described by economist Friedrich Hayek in *The Road to Serfdom*. Socialism

refers to a social organization based on government ownership, management, or control of the means of production and the distribution and exchange of goods. Hayek states, "Socialism means slavery" (13). People cannot abandon freedom in economic affairs without also losing personal and political freedom.

Jim Casy provides the voice for Steinbeck's socialistic idealism. Steinbeck states through Casy, a former preacher:

I got thinkin' how we was holy when it was one thing. An' it on'y got unholy when one mis'able little fella got the bit in his teeth an' run off his own way, kickin' an draggin' an' fightin'. Fella like that bust the holiness. But when they're all workin' together, not one fella for another fella, but one fella kind of harnessed to the whole shebang — that's right, that's holy. (88)

The fella running off on his own symbolizes capitalism and everyone working together symbolizes socialism. Steinbeck inadvertently produces another symbol in this speech. When he describes one fella harnessed to the whole shebang, he describes the slavery of socialism. The tyranny of government serves as the driver providing direction for the harnessed people.

In order to help the downtrodden, Steinbeck proposes abandoning the individualist tradition. Dispensing with *laissez faire* policies producing unforeseen wealth and standard

of living, Steinbeck calls for the impersonal mechanisms of the free market to be replaced by a social democracy, but Hayek asserts, "Democracy as an essentially individualist institution stood in an irreconcilable conflict with socialism" (25). Democracy extends individual freedom while socialism restricts freedom. In 1848, Alexis De Tocqueville said, "Democracy attaches all possible value to each man; socialism makes each man a mere agent, a mere number. Democracy and socialism have nothing in common but one word: equality. But notice the difference: while democracy seeks equality in liberty, socialism seeks equality in restraint and servitude" (Hayek 25). Contrary to the myth projected by Steinbeck's novel, socialism leads to totalitarianism, a political regime based on subordination of the individual to the state and strict control of all aspects of life.

Such canonized literary works as *The Grapes of Wrath* perpetuate the myth that under free market capitalism the rich exploit the poor. As Milton Friedman has observed:

Wherever the free market has been permitted to operate, wherever anything approaching equality of opportunity has existed, the ordinary man has been able to attain levels of living never dreamed of before. Nowhere is the gap between rich and poor wider, nowhere are the rich richer and the poor poorer, than in those societies that do not permit the free market to operate. (137)

Steinbeck espouses the exploitation myth in order to generate sympathy for the migrant workers and portray the large landowners and businessmen as villains. But focusing solely on one group of people produces an economic philosophy that is fuzzy or worse. Long ago, economic writer Henry Hazlitt exposed the fallacy of this kind of thinking: "The art of economics consists in looking not merely at the immediate but at the longer effects of any act or policy; it consists in tracing the consequences of that policy not merely for one group but for all groups" (17).

Steinbeck calls for special help for migrant workers, but fails to consider the implications for society at large, although he realized that technology was changing the economic landscape of 1930s Oklahoma. A truck driver tells the novel's protagonist, Tom Joad, "Croppers going fast now. One cat' takes

Steinbeck's ideal is a government housing camp, humbly named "Weedpatch." Interestingly, individual charity is not permitted there.

and shoves ten families out. Cat's all over hell now" (Steinbeck 9). Cat refers to a Caterpillar tractor. One man driving a tractor produces the same results as ten families toiling over the land. The departure of small farmers made possible the consolidation of farmland. This, in turn, made possible the use of tractors, fertilization, and irrigation, with an accompanying boom in productivity and wealth. By 1945, Oklahoma ranked third in the nation in the production of wheat (Starr 124). The increase in productivity meant that marginal lands could be farmed at a profit.

Steinbeck mistakenly believes, however, that technology

causes the loss of employment for ten families, not realizing that although farming jobs are lost, other jobs are gained. Jobs increase in the production of tractors. Tractor production increases the need for more steel workers. The shipping of finished tractors requires truck drivers. An increase in the use of tractors requires more oil and rubber production. When farmers confront a tractor operator about earning \$3.00 a day at the expense of 15 or 20 families, the tractor operator replies, "Times are changing, minister, don't you know?"

The children exclude a girl from playing a game because she behaves as a rugged individual, permitting her to rejoin their game only when she conforms to the group.

Can't make a living on the land unless you've got two, five, ten thousand acres and a tractor. Cropland isn't for little guys like us anymore" (Steinbeck 39). Thus Steinbeck states the counterargument to his own socialist position. But the farmers fail to see the new opportunities available and instead try to cling to their old way of life.

To his credit, Steinbeck makes the farmers share the blame for the economic collapse in which they find themselves. Muley Graves admits, "I know this land ain't much good. Never was much good 'cept for grazin'. Never should have broke her up. An' now she's cottoned damn near to death" (Steinbeck 50). Farmers continue to work land not suitable for the plow. As they plow the land, the roots of wild grass that held the sod together eventually died and the wind eroded the soil, creating the Dust Bowl.

Rather than turn their anger inward, farmers lash out at the bank that they view as an insatiable monster determined to destroy their livelihood. When crops fail, farmers turn to the bank in order to obtain money to make ends meet and plant next year's crop. To obtain the loan, the farmer uses his land as collateral. After another poor year of crops, the farmer defaults on the loan. The bank owns the land and the farmer becomes a tenant, sharing a percentage of the crop. As the soil becomes more and more depleted, neither the bank nor the farmer can make ends meet. The bank has other options, but the farmer insists on doing things the old way.

From Steinbeck's point of view, however, the banking industry is "the monster [that] has to have profits all the time" (33). Yes, banks need to make decisions that lead to profits because they hold a responsibility to their depositors, who are often poor people like those that Steinbeck idealizes. People have entrusted their money to the bank for security and the opportunity to earn a fair interest rate. The Great Depression hit the banking industry hard. Banks do not possess an endless supply of money. During mid-1929 nearly 25,000 commercial banks were in operation in the United States. By 1933, 10,000 banks ceased to exist (Friedman 76). When the bank makes a loan on a farm that eventually blows away during the Dust Bowl, it fails to recoup its investment. There are no families back East waiting to purchase worn-out land as Steinbeck implies; there is only a loss that someone

must take.

Of course, one can view blame as a class phenomenon if one wishes to do so, and that is what Steinbeck does. Describing his business, a car dealer states, "We ain't selling cars — rolling junk. Goddamn it, I got to get jalopies. I don't want nothing for more'n twenty-five, thirty bucks. Sell 'em for fifty, seventy-five. That's a good profit" (Steinbeck 66). Behind the ugly words is an economic reality. The car dealer, like everyone else, including Steinbeck's heroic poor folk, is out to make a profit for the service that he provides. Being a good businessman, he tailors his inventory to the laws of supply and demand. His customers have little money, so he stocks affordable cars. He could choose to sell higher quality cars, but he would be forced to ask for a higher price and there is no demand for higher priced cars. The car dealer provides a service to low-income buyers. The buyer is not forced to make a purchase and is free to look elsewhere for a car of his choosing. A transaction Steinbeck describes as thievery, Adam Smith calls an example of the "invisible hand" at work. According to Smith, "People working for their own gain are led, as if 'by an invisible hand' to promote the public good" (260). Both parties have benefited one another. The auto dealer earns a profit and the buyer obtains a car in his price range. Such transactions, to Steinbeck, should be the cause of guilt.

When Tom Joad enters a private camping ground, he discovers that the proprietor charges fifty cents per day. The proprietor explains that he is just trying to make a living. And Tom replies, "Yeah. On'y I wisht they was some way to make her thout' takin her away from somebody else" (Steinbeck 206). But the proprietor is not taking from someone else. He provides a service that people are free to accept or reject.

Steinbeck proposes that people with limited financial means should be helped by the more affluent. Although the free market provides for the needy through charitable institutions toward which people willingly contribute, socialism takes money in the form of taxation in order to redistribute benefits to select groups; and this is what Steinbeck favors. His ideal is a government housing camp, humbly named "Weedpatch." Interestingly, individual charity is not permitted there.

Weedpatch appears at first glance to be a slice of heaven. It provides toilets with paper, hot water showers, clothes-washing facilities, good drinking water, and dances on Saturday night. But, as Hazlitt remarked, "Everything we get, outside of the free gifts of nature, must in some way be paid for" (31). All government expenditures must eventually be paid out of the proceeds of taxation. As tax rates increase, people have less money to invest in new businesses or purchase products that could in turn create jobs. None of this is visible in Steinbeck's account; only the benefits of government intervention appear.

According to Howard Levant, "The camp people are described as clean, friendly, joyful, and organized, while in the struck orchard they are dirty, suspicious, anxious, and disorganized by the police" (118). But someone must decide how these benefits are distributed.

A closer look at the government camp shows a benevolent tyranny that averages out the will of the people and excludes those unable or unwilling to accept the average, such as the small group of religious fanatics. The children exclude a girl

from playing a game because she behaves as a rugged individual, permitting her to rejoin their game only when she conforms to the group.

Leadership of the government camp falls upon Jim Rawley, the manager, who fills the allegorical role of God (Levant 121). He dresses all in white and the frayed seams on his coat suggest the human availability of God-in-Christ. Like God, the camp manager enjoys spending time with his people. When he hears that the religious fanatic woman has described him as the devil, he answers, "I know she does. That's because I won't let her make people miserable. . . . Don't you worry. She doesn't know" (Steinbeck 343). Only God — and, apparently in Steinbeck's world, the civil service — is all knowing and all powerful. But even Steinbeck allows that government programs, unlike God, may not benefit people in the long run.

The camp can provide only limited provisions. It remains stationary while migrant workers move to the next job. The Joad family leaves in search of work because they face the prospects of starvation after being unemployed for a month.

Three hundred thousand migrants poured into California during the 1930s. All of these people were looking for work. By 1933, dollar income was cut in half, total production output fell by a third, and unemployment reached 25 percent of the total work force (Friedman 62). In this economical landscape, the Joads fight for survival. Steinbeck correctly observes, "The more fellas he can get, an' the hungrier, less he's gonna pay" (209). The laws of supply and demand dictate the price paid for labor. The good thing about this is that every person has the choice to accept or reject the rate of pay. Steinbeck advocates government controlled wages, not inquiring about whether laws requiring employers to pay a minimum wage may hurt the people they are designed to help. When a law is passed stating that no person can be hired for less than \$10 per day, the first thing to happen is that anyone not worth \$10 per day to an employer will be unemployed. Hazlitt points out, "You cannot make a man worth a given amount by making it illegal for anyone to offer him anything less" (135). The minimum wage law prevents

Only God — and, apparently in Steinbeck's world, the civil service — is all knowing and all powerful.

the man from earning an amount that his abilities would permit him to earn. Unemployment is substituted for a low wage.

Migrant workers attempt to increase wages by forming a union and striking against the landowners. Steinbeck mistakenly believes that organizing the people will bring prosperity to all. As Hazlitt explains, "The belief that labor unions can substantially raise real wages over the long run and for the whole working population is one of the greatest delusions of the present age" (140). Labor productivity determines wages. The legitimate function of labor unions is to improve local working conditions and to assure that all of their members get the true market value for their services. When labor

unions seek to fix the wages of their members above their market value, the attempt brings unemployment. When employees call a strike, the picket lines are designed to prevent other workers from taking the job for the wage that the old employees have rejected. By preventing new workers from choosing the best job alternative open to them, the strik-

The changes Steinbeck had in mind, like many economic innovations of the literary imagination, untutored by serious economic thought, would never benefit the people as a whole, or even many of the individuals targeted directly.

ers are insisting on a position of privilege and are using force to maintain this privilege against other workers.

Remember the law of demand. The higher a price of anything, the less of it people are willing to buy. As the cost of labor increases, the number of jobs will decrease. According to Friedman, successful unions reduce the number of jobs available of the kind that it controls (225). Unions have two ways of increasing wages for their members: keep down the number of jobs available or keep down the number of people available for a class of jobs. As a result, people who would like to get such jobs at the union wage cannot do so. These people have to look elsewhere for a job, thus increasing an already overcrowded labor supply that drives down wages. Hayek states, "Every restriction on the freedom of entry into a trade reduces the security of all those outside it" (128). The gains that strong unions make for their members are primarily at the expense of other workers.

Steinbeck decries the treatment of the migrant workers, but fails to provide a better solution than the free market. Jules Chametzky points out that Steinbeck possesses a deep distrust of both organizations and technology (54). Like Thomas Jefferson, Steinbeck envisions America as an agrarian society of small, independent landowners.

An advocate of natural rights, Steinbeck believes, "Those who live and work on the land, who pay for it with their blood, sweat and toil, own the land" (McCarthy 76).

As one of his migrant worker excitedly suggests, "Whyn't twenty of us take a piece of lan'? We got guns. Take it an' say, 'Put us off if you can.' Whyn't we do that?" (Steinbeck 260).

In an article for *The Nation*, Steinbeck made two suggestions to improve the plight of migrant workers. He proposed that migrant workers be allotted small subsistence farms on which to live and work when there is no call for migrant labor, and he called for the creation of a Migrant Labor Board to help allocate labor where it is needed and to determine fair wages (Lisca 152). These suggestions might conceivably benefit the lives of migrant workers, but they would clearly do so only at the expense of all other citizens. Who is going to pay for the subsistence farms? Who will decide which lucky workers receive calls from the Migrant Labor Board? Increases in wages result in an increase in the cost of a product for all consumers. If consumers are not willing to pay the

increased price, production falls and jobs are lost. These are just a few of the problems resulting from a policy that looks only at the immediate needs of a single group rather than long-term effects for all groups.

The Grapes of Wrath can be read as a social document of the times, providing a record of drought conditions, economic problems, sharecropping, and migrant life. Steinbeck's main purpose for writing *The Grapes of Wrath* is to persuade his reader to reject conditions that bring suffering and misery to the poor. Railton maintains, "By illustrating the conversions that occur within the Joad family, Steinbeck clarifies the nature of change he wants enacted in his reader" (165). This change involves a concern and love for others and action on their behalf. But the changes that Steinbeck had in mind, like many other economic innovations resulting from the literary imagination, untutored by any serious economic thought, would never benefit the people as a whole, or even many of the individuals targeted directly.

Not all people decided to leave Oklahoma to journey to the Promised Land of California during the Dust Bowl years. One bankrupt store owner stayed in Oklahoma, taking a low-level job with a bank. Later, the man's son opened a store somewhat like his father's but emphasizing low prices. His business strategy proved successful, so he opened another store. His name was Sam Walton and his chain of stores became known as Wal-Mart. By giving people what they wanted, at a price they could afford, he became the wealthiest man in the world, in the process richly demonstrating the advantages of the free market.

As far as I know, there are no novels about the achievements of Sam Walton. □

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Reviews

Hayek's Challenge: An Intellectual Biography of F. A. Hayek, by Bruce Caldwell. University of Chicago Press, 2004, xii + 489 pages.

Hayek's Struggle

Leland Yeager

Friedrich A. Hayek first gained broad public attention with *The Road to Serfdom* (1944), which warned against a slide from the welfare state into actual socialism and the erosion of personal freedoms. His career then suffered in academic circles from his being pegged as a mere right-wing propagandist.

Even nowadays other circles condemn him. The website of a Czech Ayn Rand organization reviews a book whose title translates as *Hayek's Road to Serfdom* (<http://www.aynrand.cz/pages/aktuality/RecenzeHayek.html>). The reviewer applauds the book's main points: that by his attention to the spontaneous evolution of institutions through a kind of natural selection, Hayek depreciates reason; that by (allegedly) making benefit to society the standard for appraising institutions, he shows his altruism (which, of course, is a horror to Randians); and that by his willingness to condone some government interventions (such as a social safety net and protection of competition), he exposes himself as a statist. Several people associated with Alabama's Ludwig von Mises Institute scorn Hayek for his deviating from their purer (Rothbardian) doctrine. Hans-Hermann Hoppe even called Hayek's elaboration of the knowledge aspect of the socialist-calculation problem identified by Mises "fallacious from the outset," "false, confusing, and

irrelevant," "absurd," and "nonsensical." What is going on? The disciples of particular gurus are bashing supposed rival gurus.

Bruce Caldwell, general editor of *The Collected Works of F. A. Hayek*, expects his own new book to be accessible even to noneconomists. He does not go into technical details of Hayek's theories. He takes pains to explain concepts, and an attentive reader might be able to pick up the necessary economics as he goes along. However, profita-

An economist knows that demand curves slope downward, regardless of some contrary econometric result.

bly reading the book presupposes a lively interest in the sorts of issues and researchers discussed. A reader would probably lack that interest unless he already recognized at least several of the following names: David Hume, Adam Ferguson, Adam Smith, David Ricardo, John Stuart Mill, Gustav Schmoller, Carl Menger, Eugen von Böhm-Bawerk, Friedrich von Wieser, Léon Walras, Ernst Mach, Joseph Schumpeter, Ludwig von Mises, Oskar Lange, William Beveridge, Lionel Robbins, John Maynard Keynes, Gottfried Haberler, T. W. Hutchison,

Karl Popper, Frank Knight, and Milton Friedman.

Many of those names occur in some 130 pages of excellent background material — as on the 19th-century *Methodenstreit* between German and Austrian economists — that Caldwell offers before finally turning to Hayek and his work. As its subtitle indicates, the book is an *intellectual* biography. It scarcely mentions Hayek's rather scandalous divorce, which involved his temporarily residing in Arkansas.

No conservative ideologue, Hayek was a profound scholar and creative thinker. To recognize, as he did, that the useful methods of economics differ in some respects from the methods of the natural sciences and to criticize "scientism," carefully explaining what he meant by the term, do not add up to an anti-scientific attitude. Furthermore, his emphasis on differences between the natural and social sciences waned over time. He came to replace that distinction with a distinction between the sciences of relatively simple phenomena and those of complex phenomena. The latter cannot make dependable and precise numerical predictions. Too many changing details of life affect people's behavior. Hayek drew examples from fields outside the social sciences, like biology and psychology, to show that economics is in good company in studying complex phenomena. Such sciences can usually make only qualitative conditional predictions

based on explanations of the principles characterizing their subject matters. "Pattern predictions," as Hayek called them, are what basic economic reasoning can accomplish. It is fatuous to insist, as a criterion of scientific respectability, on what a discipline just cannot deliver.

Understandably, Caldwell could not review all of Hayek's work in a single volume. He hastens over his work of the 1920s and early 1930s on monetary theory and business cycles, and he acknowledges setting aside Hayek's later work on monetary economics, including his proposals for the denationalization of money. What might explain these omissions? As for Hayek's early (and in my opinion mostly forgettable) writings, I conjecture that Caldwell was being charitable. As for the monetary ideas of Hayek's old age (which I find stimulating), Caldwell may have considered them too nearly unrelated to the concerns in social and political philosophy that had come to dominate Hayek's thought. More broadly, Caldwell may have modestly doubted his own special competence to assess some of Hayek's technical contributions.

He does pay deserved attention to Hayek's scientific work in psychology. A book that is less widely known than his economic and philosophical contributions deserves mention here: *The Sensory Order*, published in 1952 but reflecting interests that Hayek had cultivated since his youth. The ideas developed there mesh well with his approach to economics. A sharp distinction between theory and fact or between theory and practice is not tenable. All of our observations, even all

of our supposedly irreducible sense perceptions, are shot through with at least rudimentary theory.

Perception always involves interpretation-ascribing impulses received by the sense organs to one or more classes. This classification is rudimentary theory. My nervous system selects certain aspects of reality impinging on my sense organs, classifies them, and organizes them into my perception — as of a sound or a red patch. My perceptions depend on the state of my sense organs, nervous system, and entire body. Unlike a dog, I cannot perceive certain smells or high-pitched sounds. Unlike me, the dog cannot recognize and so cannot perceive written words.

Natural selection has presumably shaped organisms so that their perceptions possess an order corresponding to whatever order may exist in their environments. Organisms that frequently misclassified impulses emanating from the external world would be at a disadvantage in surviving and reproducing. Among higher organisms, actions conforming to principles of logic have greater survival value than actions clashing with them. Through natural selection, experience obtained even by one's remote ancestors is embodied in the individual's genetic and physiological makeup. Humans thus possess knowledge with something like an *a priori* aspect — predispositions to recognize and articulate certain aspects of reality and behave accordingly. Not all that we believe about the external world at any moment is learned and subject to confirmation or contradiction by our current or future sense experience.

The individual human inherits the experience of his ancestors not only through biological but also through cultural processes, notably language. His cognitive apparatus and current perceptions are also shaped not only by his own direct current experience but also by how his own past experience has affected physical and chemical conditions within his body, such as nerve connections governing the

movement of impulses to and from and within the brain. One's mind-set, deriving from the past experience of one's species and oneself, affects not only one's interpretation but even one's perception of a cognitive situation. When a person tries to converse in a foreign language, what he hears — not just understands but even *hears* — depends on how well he knows the

For an economist with some interest in the history of thought and in methodology, Hayek's Challenge is magnificent.

language, that is, on his experience. A book reread after a long interval, during which further experience has accrued, may make an impression quite different from the first reading.

Like most scientists, Hayek was a mechanist as opposed to vitalist: he believed that all activities, including consciousness and thought, ultimately correspond to physical states and changes in them. But he was not a reductionist: he did not believe that the life sciences and social sciences can be "reduced" to physics and chemistry in such a way as to banish the language of seeing, hearing, thinking, consciousness, purposes, intentions, decisions, and actions and instead to require all propositions about such matters to be phrased exclusively in physical and chemical terms.

Caldwell considers whether and how Hayek came to reject Mises' *a priori* method of theorizing, if he ever did accept it. Mises made an unfortunate choice of words, in my view, in calling his methodological position apriorism. On a charitable interpretation, Mises did not really think that he could derive factual propositions about how the world works exclusively from mere logical truisms. The axioms on which he relied are actually *empirical* truths of such pervasive validity that we can scarcely imagine a world to which they did not apply. They are propositions such as that resources are scarce relative to human desires, that choices must be made, and that people act pur-



"I'm a *practical* nurse — I know better than to listen to *doctors!*"

posefully. Another issue is whether Mises was too dismissive of empirical evidence of kinds less accessible to armchair observation.

Caldwell regrets the current state of academic economics. "[T]he history of economics in the twentieth century lends support to Hayek's views about the *empirical* limits of the discipline. The positivist hope for continuous progress has not been achieved" (p. 371–372). "Positivism," as Caldwell uses the term, labels an array of empiricist doctrines that dominated the philosophy of science in the first half of the 20th century and filtered into the social sciences. They are related to "scientism," a naive yearning to ape the methods supposedly employed in the natural sciences. Their impact has been largely "malefic." One regrettable side effect is the apparently imminent elimination from graduate studies of the fields of methodology and the history of thought.

Despite immense effort, highly sophisticated techniques, and vast increases in computing power, econometrics has failed to produce the quantitative laws once expected of it (376, where Caldwell quotes Roger Backhouse). Estimated relationships repeatedly break down as new observations become available. Statistical or econometric studies do not always give "right" results and often contradict one another. Noise typically dominates the systematic component in most data of interest to economists. By

In Caldwell's judgment Hayek's most enduring legacy was his varied insights into the "knowledge problem" and its centrality not only to socialist economies but to general economic theory.

the very nature of its complex subject matter, economics has only limited prospects for progress along positivist lines.

"Such self-understanding is liberatory" (400). It turns us toward alternative ways of doing economics. It helps

us better appreciate the often very useful sorts of pattern prediction that basic economic reasoning can offer. Taking that reasoning seriously "is the first step in throwing off the shackles of the positivist vision of science. . . ." An economist *knows* that demand curves slope downward, regardless of some contrary econometric result (381–382).

Economics has made progress, says Caldwell, but largely because economists' practice has contradicted their positivist rhetoric (396). The dominant successful research strategy in economics in the twentieth century has been what Karl Popper called *situational analysis*: agents act appropriately to their situations. Examples of progress occur in the economics of information (adverse selection, moral hazard), the study of transaction costs, and game theory (389–390). In Caldwell's judgment Hayek's most enduring legacy was his varied insights into the "knowledge problem" and its centrality not only to socialist economies but

to general economic theory (338). (Several key essays on this theme are collected in *Individualism and Economic Order*, 1948.)

At least twice (2, 420) Caldwell mentions what he calls the "falsificationist methodology" of Karl Popper. I'll permit myself a reviewer's quibble. Popper described the scientific method as one of "conjectures and refutations." Falsification, rather than being a method, pertains to a demarcation of scientific from nonscientific propositions. Nonfalsifiable propositions — ones formulated with built-in immunity to being discredited by any conceivable evidence — are by that very token not scientific.

For an economist with some interest in the history of thought and in methodology, Caldwell's book is magnificent. I enjoyed it very much and would have enjoyed it even more if I had not been obliged to worry about what to say in a review for general readers. □

***Dude, Where's My Country?*, by Michael Moore. Warner Books, 2003, 249 pages.**

Bowling for Bush

Doug Casey

Not knowing much about Michael Moore except that he is rabidly anti-gun (as evidenced in his movie *Bowling for Columbine*), I approached his new book *Dude, Where's My Country?* gingerly. The main problem with the Second Amendment is that it doesn't go nearly far enough. If you're going to have any laws at all regarding guns (which you shouldn't) they ought to require everyone to have one.

Notwithstanding Moore's nutty

views on guns, I thought the book started out strongly, with Moore posing seven questions he wants to ask Bush. They're questions worthy of answers, because they address the Bush family's questionable relationships with the Saudi royals, the Taliban, the bin Laden family, and others. Few Americans question these things post 9/11 for fear of being deemed unpatriotic, not to mention a potential enemy combatant.

Chapter 2 is even better. Moore accuses Bush of being a chronic and

pathological liar, and cites ten of my favorite Bush Whoppers to make the case, including lies about Iraq having nuclear and bio-chemical weapons, Iraq having ties with Osama and al Qaeda, and the conveniently forgotten fact that Saddam was recently a U.S. ally. Moore cites literally hundreds of references proving that, at least when Bush is talking about the War on Terror, or the War on Iraq, or the vote count in Florida, and lots of other things, the best way to tell whether Bush is lying is to see whether he moves his lips.

Chapter 4, "The United States of Boo!", is my favorite. In the current environment of anti-terror hysteria, mostly generated by the Homeland Security Department, few are willing to say it's 99.9% a ridiculous charade. Despite the deaths of 9/11, and the hysteria encouraged by Terror Alerts vacillating pointlessly from mauve to chartreuse to magenta to whatever, the chances of any American being hurt in a terrorist incident are simply too small to calculate. Your chances are probably better of being hit by a meteorite. Although Bush didn't directly cause the 9/11 disaster the way Hitler caused the Reichstag fire, he's using it in exactly the same way: to get *Boobus americanus* worked up, and hot to support any law the government passes and any actions it takes. Moore understands that there actually wouldn't be any terrorist threat if the U.S. government didn't have troops in a hundred countries around the world, and reflexively align itself with a Jewish theocracy in what amounts to a religious war against Muslims. We're likely to be engaged in The Forever War until the U.S. government is too bankrupt to continue it. And, with technology being what it is, it's just a matter of time before a nuclear weapon is lit off in one or more American cities by some angry people with real or imagined grievances. Notwithstanding that point, Moore shows how the basically nonexistent terror threat is turning the U.S. into a paranoid police state.

I really liked the first half of the book, but Moore seems to have had a psychotic breakdown of sorts halfway through, starting with a chapter called

"Horatio Alger Must Die," where he debunks, as myth, the notion that anybody in America can get rich. Of course he's right when he observes the average guy is buried in debt, and will never dig out. Once the economy descends into The Greater Depression, I fully expect the normally complacent booboisie to do pretty much what Mike advocates: demand a socialist revolution (by whatever name) in the U.S.

Moore continues to rant, advocating that we eat the rich and use their assets to provide bread and circuses for the decent folks on welfare being held in bondage by anybody with a positive net worth. Although he

would prefer to see a Green elected president this year, he realizes that's just a pipe dream. So he suggests Oprah as a candidate that could beat Bush. He's probably right; name recognition and a winning smile is all you really need.

This is valuable book. It's surprising, and gratifying, to see something that makes a strong anti-war, pro personal freedom case, sit atop the best-seller list. Its first half will convince you that America is going to hell in a handbasket under the Republicans. The second half proves that America will go to hell in an even larger sized container, maybe a stolen shopping cart, should the Democrats get in. □

Human Accomplishment: The Pursuit of Excellence in the Arts and Sciences, 800 B.C. to 1950, by Charles Murray. HarperCollins, 2003, 668 pages.

Scorecard for Achievement

Andrew W. Jones

Only a few decades ago, the academy stood as the institutional embodiment of the Western pursuit of truth. Scholars researched, reasoned, theorized, debated, and, eventually, reached consensus. If an object of consensus stood the test of time and weathered attempts at its falsification, it could come to be understood as true. In the hard sciences, the scientific method and strict standards of replication have, for the most part, preserved this quest for truth; the social sciences and humanities have not fared so well. It is hard, after all, to maintain that the launching of the space shuttle is simply a manifestation of the ingrained bias of the scientists, and a fulfillment only of the arbitrary standards of the Western scientific canon. The social

sciences and the humanities, lacking such kick-the-rock-to-prove-its-existence demonstrations, demanded of scholars a self-conscious awareness of bias and fallibility.

Since the Second World War, this awareness of bias and fallibility has morphed into the denial of the existence of truth. To recent theorists, that individuals, and through them cultures, disagree on what is and is not true, is evidence that truth does not exist (ignoring, of course, that all involved agree that there exists something to disagree about). History is one of the more recent disciplines to tumble into this relativistic abyss; intellectual and art history, being culturally the heaviest, sunk the fastest. When truth is mentioned at all, it is in a mocking tone, with obligatory quotation marks.

In *Human Accomplishments*, Charles

Murray once again challenges this new consensus. He argues that accomplishments can be measured by evaluating the judgments, as opposed to the sentiments, of experts. As he and co-author Richard Herndon did in *The Bell Curve*, Murray compiles indexes of accomplishment. An artist's or scientist's position on the index is determined by the amount of attention given him in serious histories, from which Murray excludes postmodern analysis, which he considers "silly." He defends his selection of experts by asserting that he allies himself not with a particular school, but "with a view of the nature of inquiry that can without strain encompass everyone from Aristotle and Confucius to Hume, Kant and beyond."

Ever conscious of objections, Murray covers his rear, devoting sections to the possible effects of Eurocentrism, sexism, racism, chauvinism, and elitism. Ceding that a worldwide compilation for the arts poses problems, he creates separate inventories for Chinese, Japanese, Arab, and Western artists. For the sciences and mathematics, however, he argues that "a bamboo bridge over a Chinese canal and a stone bridge over a Dutch canal both carry their loads because of the same laws of physics," and groups all cultures together.

Murray's initial analysis of these inventories produces an interesting, if not all that surprising, result: European urban males occupy the majority of spots. Interestingly, the contribution of the Jews during the past century and a half is disproportionately significant. Prior to the mid-19th century it was almost nonexis-

Since the Second World War, an awareness of bias and fallibility has morphed into the denial of the existence of truth.

tent. After the revolutions of 1848 and the Jews' legal emancipation throughout much of Europe, accomplishments by Jews increased to a level well beyond what their percentage of the population would suggest. Murray

suspects that this poses a problem for those who solely blame cultural discrimination for other minorities' low numbers.

Murray argues that the nature of accomplishment in a given time and place can be accurately predicted given information about that culture's status with regard to four dimensions: purpose, autonomy, organizing structure, and transcendental goods. While he explains each dimension in great depth, his essential point is that people who believe their life has purpose, who acknowledge a difference between good and bad, whose culture allows them freedom and has organizing structures (e.g., symphonies and universities), tend to out-perform those who are stifled by cultures that put emphasis on familial obligations, duty, and consensus. Nothing too surprising.

What is surprising is Murray's contention that accomplishment is in sharp decline, and has been for at least a century. By using multiple regression analyses, he demonstrates that while the absolute number of significant individuals continues to rise, when adjusted for population increases, accomplishment is in decline. This decline is amplified when one takes into account how many more people are born into a family whose social status allows for the possibility of accomplishment (that is, non-peasant). In the sciences, he employs the metaphor of a jigsaw puzzle: most of the large pieces have already been laid, and all that remains is to fill in the spaces. In the arts, he blames the loss of purpose and transcendental goods, so exemplified in the creed of the postmodernists. Such "end of history" talk is rightfully viewed as dubious, and Murray makes a point to acknowledge how wrong he could be.

The problems that people are trying to solve vary with time, place, and culture. This makes it difficult to evaluate their success in solving those problems. But, to accept such difficulty does not entail denying the existence of truth. And the problems of physical suffering and the productivity of labor are universal questions of survival, shared with the animal kingdom, and it is manifest that objective

gains have been made toward solutions: the smallpox vaccine works as well on an African as it does on an Englishman, and a tractor outperforms an ox anytime, anyplace. The problem

Murray argues that accomplishments can be measured by evaluating the judgments, as opposed to the sentiments, of experts.

of discerning truth in other areas of human endeavor must be viewed as a problem in understanding, not as evidence that truth does not exist.

In the end, *Human Accomplishment* triumphs, not so much in its analysis, which often falls a little flat or seems tautological, but as a line in the sand. Murray challenges those who shout "white male bias!" to "specify the names and contributions of the large numbers of important Asian and Arabic scientists and mathematicians who have been left out, or to explain why some thousands of the European entries don't belong." He has compiled such a compelling amount of data and analysis that the only way to undermine his thesis is to renounce the concept of progress — not the 19th-century, "Great Exhibition" notion of progress, but the idea that mankind now knows more about the universe than it once did. Such an attack has to maintain that knowledge itself is an arbitrary human construct. Such an abandonment of the millennia-old search for truth can only escape its inherent paradoxes through capitulation to nihilism. And, as Murray puts it, "the same people who tell us there is no such thing as objective truth get on airplanes without a second thought." That is, of course, after theorizing themselves out of a job. □

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Passport, by Bruce Herschensohn. ibooks, 2003, 876 pages.

Keeping the Torch Lit

Timothy Sandefur

Students who entered high school this year were born the year the Berlin Wall fell. They have no personal recollection of the Cold War, and are doubtless taught very little about it in their history classes. To them, the decades-long conflict between the free world and Communism may fall into a historical blind spot: too old to be news, too recent to be history.

Bruce Herschensohn lived with the Cold War from 1960 to 1989, and he has written a novel that practically begs us not to forget it. It's hard to believe that Americans could forget it — yet every year, Hollywood produces more World War II films, and hardly a word commemorating the Cold War; Washington, D.C. still has no monument to it (although the Victims of Communism Memorial Foundation hopes to build a memorial); and university professors continue to paint the Cold War as a mass hallucination conjured up by a cabal of diabolical businessmen and yokel politicians.

If such ideological lingo sounds silly to us now, it is only because of the victory won on Dec. 24, 1991, when the Union of Soviet Socialist Republics ceased to exist — a victory fought for by countless men and women in every part of the globe, from infantrymen in Korea to spies in Russia to missile sub commanders in the Atlantic to aerospace engineers like my father. It was a victory every bit as colossal and honorable as the victory over Germany and Japan a generation before. Yet it remains only a partial victory, as Herschensohn — by centering the

events of *Passport* around the tiny island of Hong Kong — forces us to remember. One-fifth of all humanity remains enslaved today in communist China, Korea, or Cuba, or in hellish theocracies like Iran and Saudi Arabia, or mere brute dictatorships like Libya and Zimbabwe. *Passport* is shot through with a golden vein of idealism that has always been Herschensohn's guide: the idea that America's destiny is to set the world free.

That has not always been a popular notion; it remains controversial now. Such controversy is, to an extent, understandable: Americans have no *duty* to die for other nations, and it is a dangerous proposition to send soldiers to fight tyranny in other parts of the world. Such things must be handled with prudence, if, as Justice Frankfurter once said, freedom is the idea that is not too sure it is right. But, as Herschensohn dramatizes, those

The Berlin Wall did not fall to compromise. It fell to those who insisted on the moral superiority of liberty.

Americans who decried our role in the Cold War did not stop at arguments from prudence. They went further, and insisted on drawing a moral equivalence between America and her opponents. Using phrases like "the self-determination of peoples," this group claimed that capitalism and communism were equally valid "systems," and that we ought to let the "peoples'

revolutions" take their course. When Ronald Reagan urged Americans not to succumb to "the temptation of pride — blithely declaring yourselves above it all and label[ing] both sides equally at fault, to ignore the facts of history and the aggressive impulses of an evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil" — he was loudly booed in the press, which called itself neutral.

Herschensohn shows the gradual rise of such neutrality in the slow corruption of the Democratic Party, which started with John F. Kennedy's promise to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty," but grew through bombing pauses and capitulation in Vietnam, to the present day anti-Americanism of Noam Chomsky. Herschensohn puts much of this change in the words of his character Ted Murphy, a journalist who tells his audience that "communism is not an enemy, but an idea. . . . [W]e shouldn't perceive the Soviets or the East Germans as hostile forces. . . . [T]he United States, with our system, is here to stay, and the Soviet Union, with its system, is here to stay. Co-existence and mutual respect is the only path to keep the peace."

Murphy writes this after witnessing Kennedy's "*Ich bin ein Berliner*" speech, delivered from a wall which came to symbolize, as nothing else could, the horrors of Communism. "There had never been anything like it," recalls Herschensohn. "Never. Throughout the history of man, there had been many city walls constructed to keep invaders out, but never a city wall before this one, to keep people in." While Murphy's moral blindness metastasizes into outright contempt for America's part in the Cold War, others maintain a clarity that alone has the power to bring down that wall. The Berlin Wall did not fall to compromise. It fell to those who insisted on the moral superiority of liberty.

When I was in college, I was fortunate enough to study with the late Alexandras Shtromas, a Soviet refugee and professor of international politics. "Communism," he told us one day, in

his thick, unforgettable accent, “must always spread. It cannot create wealth, only redistribute it, so it must constantly expand. The way to kill it is to say ‘stop.’ But only three times in American history did one of your presidents say ‘stop.’ That was Truman during the Berlin Airlift, Kennedy during the Cuban Missile Crisis, and Reagan, when he said ‘tear down this wall.’ And we in the Soviet Union waited 20 years, from Kennedy to Reagan, for another president who would have the courage to say ‘stop.’” Saying “stop” requires a morally clear vision that refuses to equate evil with good, slavery with freedom — a vision which does not delude itself that treaties with dictators are a sign of high-mindedness or progress.

It was particularly absurd for Western intellectuals to ridicule those who warned of the threat posed by Communism, since Communists did not disguise their wish to conquer the rest of the world. “Every leader in the world should have read *Mein Kampf*,” says one of Herschensohn’s characters, “but they didn’t. The irony of totalitarians is that so often they publicly say what they plan — and no one who can do something to stop them reads their words until the plan is well on its way to enactment.”

Yet those who came to dominate the Democratic Party in the wake of the 1968 convention, and who now hold tenured faculty positions and endowed chairs in our universities, continue to ridicule the notion that the USSR posed a genuine threat to the United States or the rest of the world, and describe America’s part in the Cold War as “imperialism.” Chomsky, for instance, calls the Cold War a “pretext” for policies designed by the wealthy “to keep the poor nations in control.” Howard Zinn, whose *People’s History of the United States* is among the books most commonly assigned by college history professors, says the Cold War was a method for “solv[ing] problems of control,” by which American politicians

established a climate of fear — a hysteria about Communism — which would steeply escalate the military budget and stimulate the economy with war-related orders. This combination of policies would permit more aggressive actions abroad, more

repressive actions at home. Revolutionary movements in Europe and Asia were described to the American public as examples of Soviet expansionism — thus recalling the indignation against Hitler’s aggressions. . . . The United States . . . [thereby] created the kind of coalition that was needed to sustain a policy of intervention abroad, militarization of the economy at home. . . . [C]ountless Americans . . . may have been led by the failure of the capitalist system in the thirties to look favorably on Communism and Socialism. Thus, if the Establishment, after World War II, was to make capitalism more

secure in the country, and to build a consensus of support for the American Empire, it had to weaken and isolate the left.

It is revolting that these interpretations are received with respect even while more facts of Soviet tyranny are coming to light each day, while refugees continue to risk their lives to escape Cuba, and while starvation continues to plague North Korea. In 2003, the Australian newspaper *The Age* described a new innovation in China: mobile execution vans that can administer death for political crimes during

Notes on Contributors

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house calls. No doubt this story, too, was just capitalist propaganda.

Worse still is that the Left's "live-and-let-kill" stand toward political tyranny continues even after America has declared war against Islamofascism. The murder-suicides of Yasser Arafat's "martyr" brigades are spoken of in many circles in the same tones once reserved for Nathan Hale and the Boston Tea Party. The left's intentional moral blindness probably reached its nadir when Reuters decided not to use the word "terrorist" to describe terrorists. Apparently, those who were working peacefully at their wealth-creating jobs on the morning of Sept. 11, 2001, running the awesome engine of commerce by which America produces food and medicine and computers and pacemakers and airplanes, were morally indistinguishable from those who slashed the throats of pilots and rammed planes into the towers. Thomas Jefferson said on his deathbed that "all eyes are opened . . . to the palpable truth that the mass of mankind was not born with saddles upon their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God." But for too many, those eyes are full of ideological cataracts.

Why have 20th century academics and 21st century historians seen the Cold War as a "misunderstanding," and steadfastly refused to assign it moral significance? In large part, those academics were and remain sympathetic to the ideology of the Soviet lead-

The Left's "live-and-let-kill" stand toward political tyranny continues even after America has declared war against Islamofascism.

ers. But larger numbers of people who are not socialists nevertheless refuse to see a moral distinction between America and our present enemies, and insist that we ought not to "impose our values" on Middle Eastern nations. This habit of thinking reflects the prevalence of positivism, the prevailing trend in political philosophy for the past 80 years. College graduates are

taught that political legitimacy is produced by fiat — that any regime claiming to be lawful is so, because morality, like politics or clothing fads, is a "social construct." The Soviet Union or the Iranian theocracy cannot therefore be called "evil," because the standards by which we might call something evil are just a matter of collective taste. But since social consensus can be about absolutely anything, modern international politics has taken the concept of "self-determination" as its cornerstone without telling us what gives self-determination its legitimacy, or what the limits of such determination might be.

Stripped of moral foundations, "national self-determination" has become a slogan for denouncing America's efforts to influence any international political developments. As Michael J. Glennon writes in a recent issue of the *Fletcher Forum of World Affairs*, "In the independence movements, wars of liberation, rebellions and insurgencies that raged from one corner of the globe to the next, nary a 'freedom fighter' could be found who could not in some manner claim justification from this mystical concept." The concept is mystical because modern academics embraced it while simultaneously denying the principles from which it derives. The Declaration of Independence explains that government, based on the consent of the governed, is justified only insofar as it "secures these rights" of life, liberty, and the pursuit of happiness. Jefferson would have thought it absurd to say that democracy was being "imposed" on a nation: *freedom* is not imposed, he would have said; *tyranny* is. But the Declaration's principles also put boundaries on political legitimacy, so moderns have abandoned them. No longer believing that there are natural limits to the state, they can find no principled basis on which to deny the legitimacy of any group that calls itself a state, no matter what it does to its own people. As Glennon confesses, "Self-determination afforded to a community can actually serve to undermine the very values that the concept is thought to protect, since non-harmful individual choice is constricted rather than maximized, when an oppressive community is protected against outside interference that might be taken on

behalf of aggrieved individuals within it." Positivism ignores the connection between individual rights and national independence. So whatever a nation "chooses" (even if the choice is made by dictators like Lenin or armed thugs

Liberty is the birthright of all, and ought to be the primary consideration of American politics, both domestically and internationally.

like the Sandinistas) is considered legitimate.

Positivism thus let the air out of democracy even while simultaneously calling itself democratic. As Harry Jaffa has demonstrated, this political agnosticism also lay at the heart of Stephen Douglas' argument in 1858 that the federal government ought not to care if the people of Nebraska chose a pro-slavery constitution. Lincoln shattered this conceit when he replied that "no man is good enough to govern another man, *without that other's consent*." I say this is the leading principle — the sheet anchor of American republicanism. Our Declaration of Independence says: "We hold these truths to be self evident: that all men are created equal . . ." It is because 20th century professors, and the politicians who graduated from their classes, abandoned the principles of the Declaration, that they presumed to rise above principle, into detente. The Declaration is incompatible with detente for a simple reason: it holds that liberty is worth fighting for.

Herschensohn makes this particularly clear in a passage in which one character, Anne, debates a senator about the Strategic Defense Initiative:

"Peace is not surrender." The senator was shaking his head with a smile.

"That depends on whether you hold peace higher than liberty or liberty higher than peace." Anne was passionate. She was prepared to take him on. "President Lincoln could have had peace and spared the states the agony of war and the death of over one half million Americans on the battlefield. He could have done that by removing the Union's troops from Fort Sumter and allowing the

secession of South Carolina and allowing the other states that sought confederation to become independent of the Union. There would be two nations. One free, one slave. And there would have been peace. . . . President Roosevelt could have brought about peace for the United States by standing before that joint session of Congress on Monday, December the 8th of 1941 to request of the Congress, not a declaration of war to return fire for fire, but, instead, a declaration of accommodation. And there would have been peace. Surrender, Senator, brings about peace, and neutrality brings about peace — the peace of the palace for those in authority, the peace of subjugation for the many who are timid, and the peace of the prison cell for the rest. But there is peace. Peace without liberty is surrender."

Herschensohn does not lay the whole blame on intellectuals and politicians, however. Corporate America has much blood on its hands after the crimes of the 20th century. Near the

end of *Passport*, one character reflects on the willingness of American businessmen to continue doing business in Hong Kong despite Communist rule. They "were eager to meet and impress their new masters," he writes. "Their eagerness was part of their religion, because their religion was a wallet. They all had fat ones, and they wanted to increase their fatness. Good wallets made by Bally and Gold Pfeil and Kenneth Cole." Throughout the book, Herschensohn's perspective is consistent: liberty — not peace, not security, not prosperity — least of all a prosperity built on the backs of enslaved Chinese labor — only liberty is the birthright of all, and ought to be the primary consideration of American politics, both domestically and internationally. Fortunately for America, and for the free people of the world, many kept this faith in the last century. They were not blinded by detente or the alleged moral equivalence between communism, or Islamism, and liberty. The men

and women who fought back against their captors in the sky over Pennsylvania — or who threw stones at tanks in the Prague Spring of 1968 — and the anonymous man who stood before a tank in Tiananmen Square in 1989 — are the heroes of Bruce Herschensohn's novel, and of the Cold War.

In the midst of World War II, the libertarian writer Rose Wilder Lane wrote, "Win this war? Of course Americans will win this war. This is only a war; there is more than that. Five generations of Americans have led the Revolution, and the time is coming when Americans will set this whole world free." That is a dream shared by Bruce Herschensohn. It is not going to be easy, but it is possible. Who would have thought, on Dec. 24, 1979, that ten years later, there would be no Soviet Union? But such victories are possible only when a people insists on its right to be free. □

Letters, from page 39

irrational people who are unable to grasp the obvious. How about a little balance?

James E. Brentar
Euclid, Ohio

But What If He Hires Johnny Cochran?

In her Reflection "Give him a fair trial and hang him," Wendy McElroy wonders why Bush would mention the issue of execution in his interview with Diane Sawyer. Given the popularity of capital punishment in the Arab world, what else could he say? That he thought Saddam should live if convicted?

As to the issue of trying him before pronouncing sentence, is anyone seriously saying that Saddam is innocent of heinous crimes, or that it would even be difficult to prove them?

Rycke Brown
Grants Pass, Ore.

Cheerfulizing Actuality

I always enjoy reading Stephen Cox's "Word Watch," and I have a few comments on the January 2004 offering. One is that "word inflation" (usually accompanied by syllable inflation) is, first and foremost, a means of getting more money for doing less work, and secondly, a means of avoiding responsi-

bility and accountability. My first hint of this came back in high school, where "janitors" all of a sudden became "maintenance engineers," even though their job still was mostly cleaning barf off the hall floor with green sawdust. That was at about the same time the head cafeteria lady became a "dietician," "gym" became "physical education" (what was "educational" about getting smacked with a dodgeball, I never learned), "movies" became "audio-visual aids," and "civics" became "social studies." The trend continues up to the present day. Wal-Mart has no "employees," only "associates," and I suppose that guy with the lazy eye and funny-shaped head, who babbles at me when I walk into the store, attends all their directors' meetings. What this adds up to is that occupations that cannot be made into bona fide professions are "professionalized" through word magic.

I can almost guarantee that the word "utilize" came into its own in government labs, where it provides an extra layer of protection against accountability. A product of research can be "utilized" without actually being "used"; the latter word being much too crude and bottom-line for modern sensitivi-

ties. But I suppose that the pinnacle of word inflation has to be "cop speak," and anyone who's seen even one news-cast from a crime scene knows that police are now trained to use far more syllables and words than are necessary, in order to completely obscure the facts of an incident, and, above all, to keep everything in the passive tense, in order to avoid any implications of responsibility. They are saying less and less with more and more. This stodgy, constipated style of speech may be the ultimate use of abstraction to avoid the issue, and the reason cops sound so clumsy doing it is that they were not raised on a diet of dissimulation the way many of us were. I should mention that a classic work in this area is Paul Fussell's *Class*, in which, among many other delights, he points out that "syllable multiplication usually occurs also in the euphemisms by which the middle class softens hard facts or cheerfulness actuality." And, "the passive voice is a great help to the middle class in multiplying syllables." The book is wonderful, and every page contains many sharp barbed hooks upon which to hang the pseudo-literate.

Dave Witter
Sterling, Va.

Washington, DC

Advance in linguistics that enabled the president to maintain, sort of, that the enemy in his most recent war, in fact, possessed the weapons whose existence justified the war, when the enemy did not, in fact, possess any such weapons, from "The State of the Union Address," by George W. Bush:

"Already the Kay Report identified dozens of weapons of mass destruction-related program activities."

U.S.A.

A new and profound understanding of the range of specific issues facing presidential candidates, as described by Cynthia Guerrero, a Dick Gephardt supporter, on that presidential aspirant's website:

I support Congressman Gephardt because he has a consistent position on every issue from domestic to international.

Seattle

Curious legal news from the *King County Journal*:

The Washington State Ferry System has abolished its longtime rule prohibiting gas cans on ferries, on grounds that the cost of enforcing the rule was \$150,000 per year, and all cars on the ferry carry gasoline or other incendiary fuels in their tanks anyway.

U.S.A.

Good news for altruistic gourmet ice cream lovers who support the Second Amendment, from an advertisement for Star-Spangled Ice Cream:

Ted Nugent — celebrated rock legend, Second Amendment advocate and author of *Kill It & Grill It*, the new best-selling wild game cookbook — loves GUN NUT, Star Spangled's delicious new Coconut, Almond, and Chocolate Chip ice cream.

"This ice cream is awesome!" proclaims The Nuge. "After I kill and grill it, I top my wild game off with a bowl of GUN NUT!"

That's good news for gourmet ice cream fans, and for Gun Owners of America — because from now straight through to the start of the 2004 fall hunting season, Star Spangled Ice Cream will donate \$1 to the educational work of the Gun Owners Foundation Gun Safety Project every time a quart of our politically incorrect flavor GUN NUT is purchased over the Internet.

Gun Owners of America and Ted Nugent's United Sportsmen of America are staunch defenders of the Second Amendment and we are proud to support their patriotic work.

Iowa

Peculiar observation about Iowa Democrats, from the Hon. Richard Gephardt, M.C., and aspirant to the presidency of the United States, from his official website:

Tonight, you will stand in the shoes of every Democrat in this country.

Special thanks to Russell Garrard, William Walker, and Bryce Buchanan for contributions to *Terra Incognita*.

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

Caracas

From the "what if you were stranded on a life raft with . . ." file, Reuters gives us:

Venezuela, the poor, oil-rich nation, is considering decriminalizing the theft of food and medicine in cases where a thief is motivated by extreme hunger or need. Supreme Court Judge Alejandro Angulo Fontiveros told Reuters on Wednesday that the so-called "famine theft" clause should be part of a broad penal code reform measure for humanitarian reasons.

Madrid

How freedom of the press is protected by the European Community's constitution, from Reuters:

A court in Barcelona sentenced a Muslim cleric to 15 months in prison yesterday for writing a book on the role of women in Islam.

Zilwaukee, Mich.

Advance in funding government, from this southern Michigan city:

Effective Jan. 6, men who shave must pay \$10 for a permit.

Permits are available from Bohnsack and Jolin, or at City Hall, 319 Tittabawassee.

London

Advance in the science of cuisine, from a BBC dispatch: University of Surrey, England has appointed the first professor of airline food.

Oakland, Calif.

Progressive proposal for funding government, from the Hon. Jerry Brown, mayor:

Brown suggested a new tax, "a nickel or maybe a dime," on alcoholic drinks, and an "equally helpful tax based on the unhealthy quality of foods . . . we know excessive junk foods, salty or sugary foods, you could impose on the most egregiously unhealthy foods a tax."

Amsterdam

Hollander *haute couture*, from Reuters:

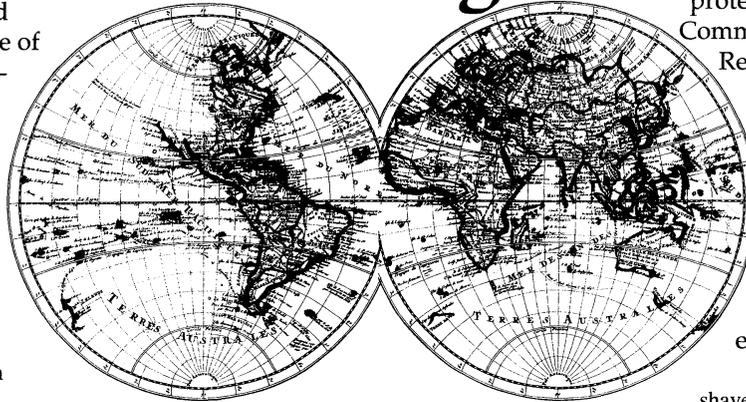
White socks have been declared indecent by the Dutch Finance Ministry. A ministry official on Tuesday confirmed a recent internal publication that proclaimed white sports socks "transgress the limits of decent dress behavior" for ministry employees.

United States

Interesting observation from the Hon. Dennis Kucinich, M.C., and aspirant to the U.S. presidency, from an article in *Resurgence*:

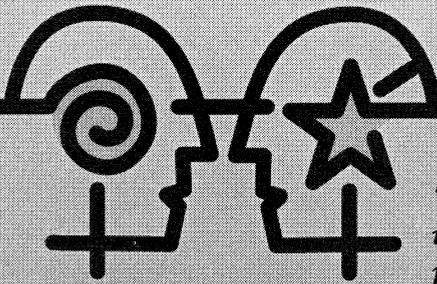
This is the time to conceive of peace as being not simply the absence of violence, but the active presence of the capacity for a higher evolution of human awareness. This is the time to take the infinite capabilities of humanity to transform consciousness which compels violence at a personal, group, national, or international level.

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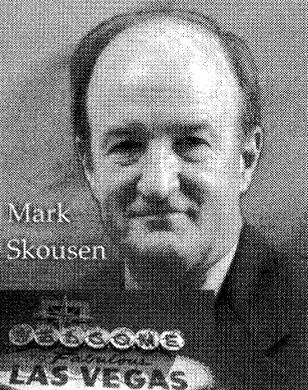
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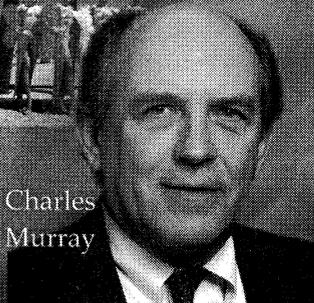
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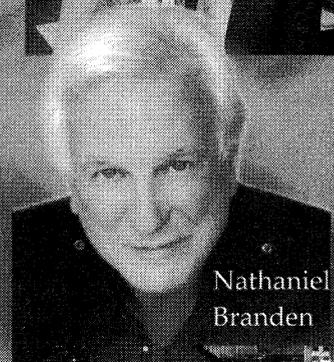


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Murray

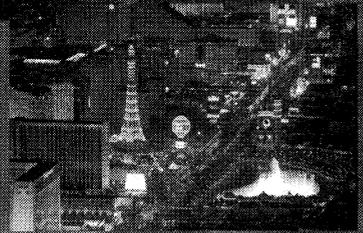
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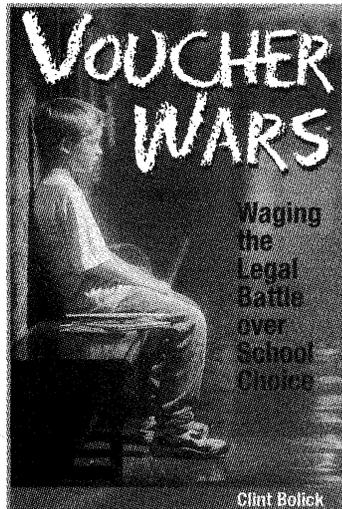
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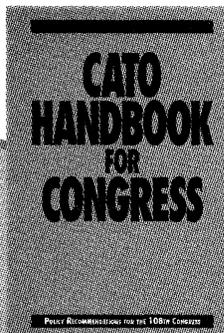
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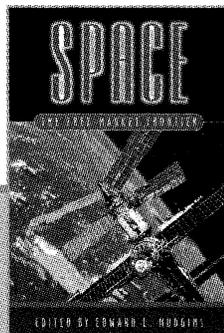
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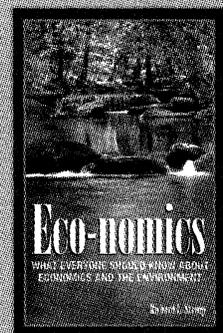
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